

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 314 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S3/2/09

A Bill

HOUSE BILL 1400

5 By: Representative English
6 By: Senator *J. Jeffress*
7

For An Act To Be Entitled

10 AN ACT TO REMOVE BARRIERS TO EDUCATIONAL SUCCESS
11 FOR MILITARY CHILDREN; AND FOR OTHER PURPOSES.
12

Subtitle

14 TO REMOVE BARRIERS TO EDUCATIONAL
15 SUCCESS FOR MILITARY CHILDREN.
16
17

18 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
19

20 SECTION 1. Arkansas Code Title 6 is amended to add an additional
21 chapter to read as follows:

22 SUBCHAPTER 1 - EDUCATIONAL ACCESS FOR MILITARY CHILDREN

23 6-27-101. Findings.

24 The General Assembly finds that:

25 (1) Access to education is challenging for a child of a military
26 family due to frequent moves and deployment of his or her parents;

27 (2) A child of a military family encounters difficulties due to
28 the transfer of education records and variations in entrance and age
29 requirements;

30 (3) The student placement process should aid a child of a
31 military family in attendance requirements, scheduling, sequencing, grading,
32 course content, and assessment;

33 (4) Qualification and eligibility guidelines should be
34 consistent so that a child of a military family may continue his or her
35 educational experience;



1 (5) On-time graduation of a child of a military family is
2 necessary and possible;

3 (6) The uniform collection and sharing of information between
4 states, schools, and military families will enable a smooth transition and
5 successful matriculation for the student; and

6 (7) Flexibility and cooperation between the educational system,
7 the parent, and the student is essential to the academic success of a child
8 of a military family.

9
10 6-27-102. Definitions.

11 As used in this subchapter:

12 (1) "Active duty" means full-time duty status in the active
13 uniformed service of the United States, including members of the National
14 Guard and Reserve on active duty orders pursuant to 10 U.S.C. § 12301 et seq.
15 and 10 U.S.C. § 12401 et seq. as they existed on January 29, 2009;

16 (2) "Child of a military family" means a school-aged child in
17 the household of a person on active duty who is enrolled in kindergarten
18 through grade twelve (K-12);

19 (3) "Deployment" means the period one (1) month before departure
20 of the person on active duty from his or her home station on military orders
21 through six (6) months after return to his or her home station;

22 (4) "Education records" means the official records, files, and
23 data maintained by the local education agency and kept in the student's
24 cumulative folder, including general identifying data, records of attendance
25 and academic work completed, records of achievement, and results of
26 evaluative tests, health data, disciplinary status, test protocols, and
27 individualized education programs;

28 (5) "Extracurricular activities" means a voluntary activity
29 sponsored by the school, local education agency, or an organization
30 sanctioned by the local education agency, including preparation for and
31 involvement in public performances, contests, athletic competitions,
32 demonstrations, displays, and club activities;

33 (6) "Local education agency" means a public authority legally
34 recognized by the state as an administrative agency to provide control and
35 direction for kindergarten through grade twelve (K-12) public education;

36 (7) "Receiving school" means the school in a state to which a

1 child of a military family is sent, brought, or caused to be sent or brought;

2 (8) "Sending school" means the school in a state from which a
3 child of a military family is sent, brought, or caused to be sent or brought;

4 (9) "State" means a state of the United States, the District of
5 Columbia, the Commonwealth of Puerto Rico, the United States Virgin Islands,
6 Guam, American Samoa, the Commonwealth of Northern Marianas Islands, and any
7 other United States territory;

8 (10) "Student" means the child of a military family enrolled in
9 kindergarten through grade twelve (K-12);

10 (11) "Transition" means:

11 (A) The formal and physical process of transferring from
12 the sending school to the receiving school; or

13 (B) The period of time in which a student moves from the
14 sending school in a state to a receiving school in a state;

15 (12) "Uniformed services" means the United States Army, Navy,
16 Air Force, Marine Corps, and Coast Guard; and

17 (13) "Veteran" means a person who served in the uniformed
18 services and who was discharged or released under conditions other than
19 dishonorable.

20
21 6-27-103. Applicability.

22 (a)(1) This chapter shall apply to a child of:

23 (A) An active duty member of the uniformed services,
24 including a member of the National Guard and Reserve;

25 (B) A member of the uniformed services who is severely
26 injured and medically discharged;

27 (C) A member of the uniformed services who is severely
28 injured and retired; and

29 (D) A member of the uniformed services who dies on active
30 duty or as a result of injuries sustained on active duty.

31 (2) This chapter shall apply to a child under subdivisions
32 (a)(1)(B)-(D) of this section for a period of one (1) year after the medical
33 discharge, retirement, or death of the member of the uniformed services.

34 (b) This subchapter shall not apply to a child of:

35 (1) An inactive member of the National Guard and Reserve;

36 (2) A retired member of the uniformed services, except as

1 provided in subsection (a) of this section;

2 (3) A veterans of the uniformed services, except as provided in
3 subsection (a) of this section; and

4 (4) Any other United States Department of Defense personnel or
5 any other federal agency civilian and contract employee not defined as an
6 active duty member of the uniformed services.

7 (c) This subchapter shall apply only to local education agencies as
8 defined in this subchapter.

9
10 6-27-104. Receiving school – Education records.

11 (a) To satisfy records requirements upon a student's enrollment at a
12 receiving school, a receiving school shall accept a student's:

13 (1) Official education record; or

14 (2) Unofficial education record, if the official education
15 record is unavailable at the time of enrollment.

16 (b) Upon receipt of the unofficial education record by a receiving
17 school, the receiving school shall enroll and appropriately place the student
18 based on the information provided in the unofficial record pending validation
19 by the official education records.

20 (c) Simultaneous with the enrollment and conditional placement of the
21 student submitting an unofficial education record, the receiving school shall
22 request and work to obtain the student's official education record from the
23 sending school.

24
25 6-27-105. Receiving school – Required immunizations.

26 The receiving school shall allow thirty (30) days from the date of
27 enrollment or within such time as is reasonably determined under the rules
28 promulgated by the Department of Education, for the student to:

29 (1) Obtain required immunizations; or

30 (2)(A) Receive an initial required immunization in a series of
31 required immunizations.

32 (B) However, the student shall obtain the entirety of his
33 or her required immunizations within twelve (12) months from the date of
34 enrollment.

35
36 6-27-106. Receiving school – Course or program placement.

1 (a) A receiving school shall initially place the student in the
2 equivalent grade, course, or program, including special education, until
3 appropriate evaluations are performed by the receiving school to ensure
4 appropriate placement based on education assessments conducted at the sending
5 school including:

6 (1) Gifted and talented;

7 (2) English as a second language;

8 (3) Honors;

9 (4) International baccalaureate;

10 (5) Advanced placement; and

11 (6) Vocational, technical, and career pathways courses.

12 (b) A home-schooled student shall be placed according to the process
13 outlined in § 6-15-501 et seq. for placement of a home-schooled student in a
14 public school.

15 (c) The local education agency may wave course and program
16 prerequisites or other preconditions for placement in courses or programs
17 offered in the jurisdiction of the local education agency.

18
19 6-27-107. Receiving school – Grade placement.

20 A receiving school shall allow a student, regardless of age, to:

21 (1) Continue enrollment at the grade level in the receiving
22 school commensurate with the grade level, including kindergarten, in the
23 sending school at the time of transition; or

24 (2) Enroll in the next highest grade if the student
25 satisfactorily completed the prerequisite grade level at the sending school.

26
27 6-27-108. Receiving school – Special education services.

28 (a) A receiving school shall initially provide comparable services to
29 a student with disabilities based on his or her current individualized
30 education plan as required by the Individuals with Disabilities Education Act
31 (IDEA), 20 U.S.C. § 1400 et seq. as it existed on February 1, 2009.

32 (b) A receiving school shall make reasonable accommodations and
33 modifications to address the needs of incoming students with disabilities,
34 subject to an existing 504 or Title II plan, to provide the student with
35 equal access to education as required by Section 504 of the Rehabilitation
36 Act of 1973, 20 U.S.C. § 794 and Title II of the Americans with Disabilities

1 Act, 42 U.S.C. §§ 12131-12165, as they existed on February 1, 2009.

2
3 6-27-109. Receiving school – Student transfer in grade twelve.

4 To facilitate the on-time graduation of a child of a military family
5 transferring in grade twelve (12), a receiving school shall:

6 (1)(A) Waive specific courses required for graduation if similar
7 course work has been satisfactorily completed at a sending school or shall
8 provide reasonable justification for denial.

9 (B) If a waiver is not granted to a student who would
10 qualify to graduate from the sending school, the local education agency shall
11 provide an alternative means of completing required coursework so that
12 graduation may occur on time;

13 (2) Accept exit exams, end-of-course exams, or alternative
14 testing required for graduation from the sending school in lieu of testing
15 requirements for graduation in the receiving school; and

16 (3)(A) Work with the sending school if the student transferring
17 at the beginning or during grade twelve (12) is ineligible to graduate from
18 the receiving school after all alternatives have been considered to ensure
19 the receipt of a diploma from the sending school if the student meets the
20 graduation requirements of the sending school.

21 (B) If the sending school fails to issue a diploma,
22 the receiving school shall use best efforts to facilitate the on-time
23 graduation of the student in accordance with subdivisions (1) and (2) of this
24 section.

25
26 6-27-110. Sending school – Education records.

27 (a) The sending school shall prepare and furnish to the parent of a
28 student leaving the school:

29 (1) Official education records; or

30 (2) Unofficial education records, if official records cannot be
31 released to the parent for the purpose of transfer.

32 (b) The sending school shall process and furnish the official
33 education records to the receiving school within ten (10) days of receiving a
34 request from the receiving school.

35
36 6-27-111. Sending school – Student transfer in grade twelve.

1 A sending school shall work with the receiving school to facilitate the
2 on-time graduation of the student transferring at the beginning or during
3 grade twelve (12) if the student is ineligible to graduate from the receiving
4 school and ensure the receipt of a diploma from the sending school if the
5 student meets the graduation requirements of the sending school.

6
7 6-27-112. Authorization for enrollment.

8 (a) A special power of attorney, relative to the guardianship of a
9 child of a military family and executed under applicable law, shall be
10 sufficient for enrollment and for all other actions requiring parental
11 participation and consent if the parent is not available.

12 (b)(1) A student placed in the care of a noncustodial parent or other
13 person standing in loco parentis who lives in a jurisdiction other than that
14 of the custodial parent may continue to attend the school in which he or she
15 was enrolled while residing with the custodial parent.

16 (2) The cost of transporting the student to and from school
17 shall be the responsibility of the student if the student resides outside the
18 school district in which he or she attends.

19 (c) State and local education agencies shall facilitate the
20 opportunity for student inclusion in extracurricular activities, regardless
21 of application deadlines, to the extent the student is otherwise qualified.

22
23 6-27-113. Absence due to military deployment.

24 A student shall be granted additional excused absences at the
25 discretion of the local educational agency superintendent to visit with his
26 or her parent or legal guardian if the parent or legal guardian is member of
27 the uniformed services and has:

28 (1) Been called to active duty or is on leave from active duty;
29 or

30 (2) Returned from deployment to a combat zone or combat support
31 posting.

32
33 */s/ English*

34
35 **APPROVED: 3/06/2009**