

State of Arkansas

76th General Assembly

Regular Session, 1987

SENATE BILL 406

By: Senator Bradford

"AN ACT TO AMEND ACT 42 OF 1985 (FIRST EXTRAORDINARY SESSION) TO PROVIDE FOR QUALIFIED HOME SCHOOL INSTRUCTION; AND FOR OTHER PURPOSES."

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

SECTION 1. Section 2 of Act 42 of 1985 First Extraordinary Session, same being Ark. Stat. Ann. 80-1503.5 is hereby amended to read as follows:

"Section 2. (a) For purposes of this Act, a home school shall be defined as a school primarily conducted by parents or legal guardians for their own children.

(b) A parent/teacher wishing to conduct a home school must have a high school diploma or its equivalent; must also take a functional academic skills test designated by the State Board of Education and achieve the expected level of performance set by the State Board of Education. Failure to take such test or achieve the expected level of performance on such test disqualifies the parent/teacher from conducting a home school."

SECTION 2. Section 3 of Act 42 of 1985 First Extraordinary Session, the same being Ark. Stat. Ann. 80-1503.6, is hereby amended to read as follows:

"Section 3. Parents or guardians desiring to provide a home school for their children must comply with the following requirements:

(1) Give written notice to the superintendent of their local school district by August 15 before the commencement of each school year of their intent to provide a home school for their child(ren). Such notice must include the name, date of birth, grade level and the name and address of the school last attended, if any, of each student involved; the location of the home school; the basic core curriculum to be offered; the proposed schedule of instruction; and the qualifications of the parent/teacher(s). This information

may be used only for statistical purposes.

(2) Agree for students enrolled in home school who are six (6) years old or older on October 1 of the current year to be tested as outlined in Section 4, with the public school students in the public school in which the student would be enrolled if he or she was enrolled in public school. Agreement to test with a private school will not fulfill this requirement.

(3) Agree to provide information about any student to be enrolled in the home school which might indicate the need for special education services."

SECTION 3. Section 4 of Act 42 of 1985 First Extraordinary Session, the same being Ark. Stat. Ann. 80-1503.7 is hereby amended to read as follows:

"Section 4. (a) Each student enrolled in home school aged six (6) years through sixteen (16) years shall be tested with the public school students in the school in which the home school student would be enrolled if he or she were enrolled in public school. The home school student will be tested using a nationally recognized standardized achievement test and state Minimum Performance Tests. The home school students will be tested at the grade levels at which the public school students are tested in the public schools in which the home school student would be enrolled if he or she were enrolled in public school. The cost of testing home school students will be reimbursed to the school by the home school parent/teacher at a rate set by the State Department of Education.

(b) A parent/teacher may observe a test administration in which his or her own child is being tested as long as it does not interfere with the orderly administration of the test. Public schools shall accommodate parent/teacher requests to observe where feasible, but are under no obligation to change times or places of administration or to make any other special arrangements or observation.

(c) Failure of a parent/teacher conducting a home school to have his/her own children tested as provided in section 4(a) disqualifies the parent/teacher from conducting a home school.

(d) Local school districts are required to file with the Department of Education a report describing the compliance or non-compliance of home school parent/teachers with the student testing provisions of this act at the end of each school semester."

SECTION 4. Section 5 of Act 42 of 1985 First Extraordinary Session, the same being Ark. Stat. Ann. 80-1503.8, is hereby amended to read as follows:

"Section 5. (a) Test results shall be reported to the parent/teacher of the home school and the State Department of Education. Personally identifiable test scores shall be confidential and shall not be released without the consent of the parent. When test results of the home school student are unsatisfactory, a program of remediation should be planned and implemented by the parent/teacher. At the end of the school year, any student eight years of age or older whose test results indicate unsatisfactory achievement during the school year must be enrolled in a public, private or parochial school for the following school year.

(b) Unsatisfactory achievement results are defined as follows:

(1) For all grades, achievement of a composite score on reading, mathematics, and language arts that is more than eight (8) months below expected grade level plus, for grades six (6) and above, scores in science and social studies tests which are more than eight (8) months below expected grade levels.

(2) Failure on the Minimum Performance Tests to achieve the standard of mastery established by the State Board of Education.

(c) A waiver for unsatisfactory test results may be granted by the Department of Education upon written application by the parent/teacher when a child's test results indicate unsatisfactory achievement by the definition in section 4(b), but the child's achievement for the school year when compared to his or her level of achievement when the school year began indicates substantial progress during the school year and the best educational interest of the child is unlikely to be served by sending the child to public, private or parochial school.

(d) Parents/teachers of home school students who fail to achieve satisfactorily during the school year will be notified by the State Department of Education during June and July if their child(ren) must be enrolled in public, private or parochial school for the following school year. Any student required to return to public, private or parochial school will not be eligible to return to a home school program until the student has achieved satisfactory results on a nationally recognized standardized achievement test and State Minimum Performance Tests. A former home school student making application to return to home school must file a test result report with his or her home

school ;ntent form in order to have his or her application for home school considered."

SECTION 5. Section 6 of Act 42 of 1985, the same being Ark. Stat. Ann. 80-1503.9, is hereby amended as follows:

"Section 6. Any student who has been identified pursuant to the provisions of Public Law 94-142, the Education of All Handicapped Children Act, and Act 102 of 1973, as amended, Ark. Stat. Ann. 80-2115, et. seq., as needing special education services shall not be eligible to meet the requirements of compulsory attendance by participating in a home school program unless the parent/teacher of such child holds a valid certification from the State of Arkansas to teach special education courses in a public or private school.

Any student participating in a home school program whose performance on the tests required by this Act indicates the student may be in need of special education service shall be referred for evaluation in accordance with the provisions of P.L. 94-142 and Act 102 and the regulations promulgated thereunder. If such student is identified as needing special education service, the student shall be enrolled in a public, private or parochial school unless: (1) the parent/teacher of such student holds a valid certification from the State of Arkansas to teach special education in a public, private or parochial school; (2) the home school can meet the least restrictive environment requirements; and (3) the parent/teacher submits procedures for implementing an Individualized Education Plan (IEP) which includes specific goals and objections."

SECTION 6. A parent/teacher failing to comply with the provisions of this Act will be notified by the State Department of Education that they have been disqualified from conducting a home school. On such notification, the parent/teacher must enroll and send his or her student(s) to public, private or parochial school within seven days of such notification if school is in session or at the next following school term if school is not in session. The State Department of Education will notify the local school district of any disqualifications.

SECTION 7. All laws and parts of laws in conflict with this Act are hereby repealed.

