

Stricken language would be deleted from present law. Underlined language would be added to present law.

1 State of Arkansas

As Engrossed: H3/5/97 H3/12/97

2 81st General Assembly

A Bill

3 Regular Session, 1997

HOUSE BILL 1067

4 By: Representative Young

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For An Act To Be Entitled

8 "AN ACT TO AMEND VARIOUS SECTIONS OF THE ARKANSAS CODE
9 ANNOTATED TO REDUCE THE AGE FOR COMPULSORY SCHOOL
10 ATTENDANCE FROM SEVENTEEN (17) TO SIXTEEN (16) YEARS; AND
11 FOR OTHER PURPOSES."

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Subtitle

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

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21 SECTION 1. Arkansas Code Annotated § 6-18-201 is amended to read as
22 follows:

23 "6-18-201. Compulsory attendance - Exceptions.

24 (a) Every parent, guardian, or other person residing within the State

25 of Arkansas having custody or charge of any child or children age five (5)

26 years on October 1 of that year through ~~seventeen (17)~~ sixteen (16) years on

27 ~~October 1 of that year, both inclusive,~~ shall enroll and send the child or

28 children to a public, private, or parochial school, or provide a home school

29 for the child or children, as described in § 6-15-501 et seq., under such

30 penalty for noncompliance as shall be set by law, with the following

31 exceptions:

32 (1) Any child who has received a high school diploma, or its

33 equivalent as determined by the State Board of Education, is not subject to

34 the attendance requirement.

35 (2) Any parent, guardian, or other person residing within the

36 state and having custody or charge of any child or children may elect for the

1 child or children not to attend kindergarten if the child or children will not
2 be age six (6) on October 1 of that particular school year. If such an
3 election is made, the parent, guardian, or other person having custody or
4 charge of the child must file a signed kindergarten waiver form with the local
5 district administrative office. Such form shall be prescribed by regulation
6 of the Department of Education. On filing the kindergarten waiver form, the
7 child or children shall not be required to attend kindergarten in that school
8 year.

9 ~~_____ (3) Any child age sixteen (16) or above enrolled in a
10 postsecondary vocational-technical institution, a community college, or a
11 two-year or four-year institution of higher education is not subject to the
12 attendance requirement.~~

13 ~~_____ (4)(A) Any child age sixteen (16) or above enrolled in an adult
14 education program as provided for in subsection (b) of this section or in the
15 National Guard Youth Challenge Program is not subject to the attendance
16 requirement.~~

17 ~~_____ (B) The requirements in subsection (b) of this section
18 shall not apply to the National Guard Youth Challenge Program.~~

19 ~~_____ (5) Any child age sixteen (16) or above enrolled in an adult education
20 program prior to June 13, 1994, under a waiver granted by the local school
21 district, and currently attending the program, is not subject to the
22 attendance requirement.~~

23 ~~_____ (b) A local school district may grant a waiver of the attendance
24 requirement to any student age sixteen (16) or seventeen (17) to enroll in an
25 adult education program only after all of the following requirements have been
26 met:~~

27 ~~_____ (1) The student makes formal application to the school district
28 for a waiver to enroll in an adult education program;~~

29 ~~_____ (2) After formal application, and prior to any further action on
30 such application, the student shall be administered either a test for adult
31 basic education or a general educational development pre-test, under
32 standardized testing conditions by a secondary school counselor, and shall
33 score 8.5 or above on the test for adult basic education, or a minimum score
34 of 45 on each section and a minimum composite score of 49 on the pre-general
35 educational development test; provided, however, that such minimum test scores
36 shall not be required of any student who is subject to the attendance~~

1 ~~requirement of this section but who was not enrolled in any school district~~
2 ~~during the previous school year;~~

3 ~~_____ (3) The student and the student's parents, guardians, or persons~~
4 ~~in loco parentis meet with the school counselor to discuss academic options~~
5 ~~open to the student;~~

6 ~~_____ (4) The school district determines that the student is a proper~~
7 ~~candidate for enrollment in adult education, contingent upon approval by the~~
8 ~~appropriate adult education program;~~

9 ~~_____ (5) The adult education program reviews the student's school and~~
10 ~~testing records and agrees to admit the student into the program;~~

11 ~~_____ (6) The adult education program shall report attendance of all~~
12 ~~sixteen-year-old and seventeen-year-old enrollees to the sending school~~
13 ~~district on at least a monthly basis;~~

14 ~~_____ (7) The adult education program shall require, for continued~~
15 ~~enrollment, a minimum of twenty (20) hours per week of class attendance and~~
16 ~~instruction;~~

17 ~~_____ (8) The student, the student's parents, guardians, or persons in~~
18 ~~loco parentis, and the administrative head of the adult education program~~
19 ~~agree in writing that the student will attend a minimum of twenty (20) hours~~
20 ~~per week and maintain appropriate conduct as outlined in the local adult~~
21 ~~education program student handbook;~~

22 ~~_____ (9) In the event a more appropriate assessment test or testing~~
23 ~~and assessment mechanism shall be developed to determine a reasonable level of~~
24 ~~competency for success at the adult education level, such test or mechanism~~
25 ~~shall be substituted, with the approval of the Adult Education Section of the~~
26 ~~Vocational and Technical Education Division of the Department of Education,~~
27 ~~for the tests required in subdivision (b)(2) of this section; and~~

28 ~~_____ (10) In the event a student does not attend class as mandated in~~
29 ~~this subsection or make reasonable progress toward the completion of the adult~~
30 ~~education curriculum, the student shall re-enroll in the public schools within~~
31 ~~five (5) days from the date the student is released from the adult education~~
32 ~~program.~~

33 ~~_____ (e)(b) Any child who will be six (6) years of age on or before October~~
34 ~~1 of the school year of enrollment and who has not completed a~~
35 ~~state-accredited kindergarten program shall be evaluated by the district and~~
36 ~~placed either in the first grade or kindergarten depending upon the results of~~

1 the evaluation."

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3 SECTION 2. Arkansas Code Annotated § 6-18-222 is amended to read as
4 follows:

5 "6-18-222. Penalty for excessive unexcused absences - Revocation of
6 driving privilege.

7 (a)(1)(A) The board of directors of each school district in this state
8 shall adopt a student attendance policy as provided for in § 6-18-209, which
9 shall include a certain number of excessive absences which may be used as a
10 basis for denial of course credit, promotion, or graduation. However,
11 excessive absences shall not be a basis for expulsion or dismissal of a
12 student.

13 (B) The legislative intent is that a student having
14 excessive absences because of illness, accident, or other unavoidable reasons
15 should be given assistance in obtaining credit for the courses.

16 ~~_____ (2) The State Board of Vocational Education shall adopt a student
17 attendance policy for sixteen-year-olds and seventeen-year-olds enrolled in an
18 adult education program, which shall require a minimum attendance of twenty
19 (20) hours per week to remain in the program.~~

20 ~~_____ (3)(2) A copy of the school district's student attendance policy
21 or the State Board of Vocational Education's student attendance policy for
22 sixteen (16) and seventeen (17) year olds enrolled in adult education shall be
23 provided to the student's parents, guardians, or persons in loco parentis at
24 the beginning of the school year or upon enrollment, whichever event first
25 occurs.~~

26 ~~_____ (4)(3) The student's parents, guardians, or persons in loco
27 parentis shall be notified when the student has accumulated excessive
28 unexcused absences equal to one-half (1/2) the total number of absences
29 permitted under the school district's or the State Board of Vocational
30 Education's student attendance policy per semester. Notice shall be by
31 telephonic contact with the student's parents, guardians, or persons in loco
32 parentis by the end of the school day in which such absence occurred or by
33 regular mail with a return address on the envelope sent no later than the
34 following school day.~~

35 ~~_____ (5)(4) Whenever a student exceeds the number of excessive
36 unexcused absences provided for in the district's or the State Board of~~

1 ~~Vocational Education's~~ student attendance policy, the school district ~~or the~~
2 ~~adult education program~~ shall notify the prosecuting authority, and the
3 student's parents, guardians, or persons in loco parentis shall be subject to
4 a civil penalty in such an amount as a court of competent jurisdiction,
5 presiding in the presence of a representative of the school district, may
6 prescribe, but not to exceed five hundred dollars (\$500) plus costs of court
7 and any reasonable fees assessed by the court. The penalty shall be forwarded
8 by the court to the school ~~or the adult education program~~ attended by the
9 student.

10 (6)(A) Upon notification by the school district ~~or the adult~~
11 ~~education program~~ to the prosecuting authority, the prosecuting authority
12 shall file an action which shall be exempt from all filing fees for civil
13 cases in the appropriate court to impose the civil penalty set forth in
14 subdivision (a)(5) of this section and shall take whatever action is necessary
15 to collect the penalty provided for therein.

16 (B) The failure of the prosecuting authority to timely file
17 an action or pursue collection on a case, once notified, shall be considered
18 neglect of duty, subjecting the prosecuting attorney to the provisions of
19 § 16-21-116.

20 (C) Actions under this section shall be filed in an
21 appropriate municipal court as a matter of preference.

22 (7)(A) The purpose of the penalty set forth in this section is to
23 impress upon the parents, guardians, or persons in loco parentis the
24 importance of school ~~or adult education attendance~~, and the penalty is not to
25 be used primarily as a source of revenue.

26 (B) When assessing penalties, the court shall be aware of
27 any available programs designed to improve the parent-child relationship or
28 parenting skills.

29 (C) When practicable and appropriate, the court may utilize
30 mandatory attendance to such programs as well as community service
31 requirements in lieu of monetary penalties.

32 (8) In cases where the court determines the student's unexcused
33 absences cannot be attributed to the parents, guardians, or persons in loco
34 parentis, the action may be suspended or dismissed conditioned on a petition's
35 being filed in juvenile court to seek services on behalf of the student.

36 (9) As used in this section, prosecuting authority means the

1 elected district prosecuting attorney, or his appointed deputy, for schools
2 located in unincorporated areas of the county or within cities not having a
3 police or municipal court and means the prosecuting attorney of the city for
4 schools located within the city limits of cities having either a police court
5 or a municipal court in which a city prosecutor represents the city for
6 violations of city ordinances or traffic violations.

7 (10) In any instance where it is found that the school district
8 ~~or the adult education program~~ or the prosecuting authority is not complying
9 with the provisions of this section, the State Board of Education may petition
10 the circuit court to issue a writ of mandamus.

11 (b)(1) Each public, private, or parochial school shall notify the
12 Department of Finance and Administration whenever a student fourteen (14) or
13 fifteen (15) years of age ~~or older~~ is no longer in school.

14 ~~_____ (2) Each adult education program shall notify the Department of~~
15 ~~Finance and Administration whenever a student sixteen (16) or seventeen (17)~~
16 ~~years of age has left the program without receiving a high school equivalency~~
17 ~~certificate.~~

18 ~~_____ (3)(2)(A)~~ Upon receipt of such notification, the Department of
19 Finance and Administration shall notify the licensee by certified mail, return
20 receipt requested, that his motor vehicle operator's license will be suspended
21 unless a hearing is requested in writing within thirty (30) days from the date
22 of notice.

23 (B) The licensee shall be entitled to retain or regain his
24 license by providing the Department of Finance and Administration with
25 adequate evidence that:

26 (i) The licensee is ~~eighteen (18)~~ sixteen (16) years
27 of age;

28 (ii) The licensee is attending school ~~or an adult~~
29 ~~education program;~~ or

30 (iii) The licensee has obtained a high school diploma
31 or its equivalent.

32 (C)(i) In cases where demonstrable financial hardship would
33 result from the suspension of the learner's permit or driver's license, the
34 Department of Finance and Administration may grant exceptions only to the
35 extent necessary to ameliorate the hardship.

36 (ii) If it can be demonstrated that the conditions

1 for granting a hardship were fraudulent, the parent, guardian, or person in
2 loco parentis shall be subject to all applicable perjury statutes.

3 (D) The Department of Finance and Administration shall have
4 the power to promulgate rules and regulations to carry out the intent of this
5 section and shall distribute to each public, private, and parochial school ~~and~~
6 ~~each adult education program~~ a copy of all rules and regulations adopted under
7 this section."

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9 SECTION 3. Arkansas Code Annotated § 27-16-701(d)(1) pertaining to
10 application for a driver's license or an instruction permit is amended to read
11 as follows:

12 "(d) Every application for an instruction permit or for a driver's
13 license by a person less than ~~eighteen (18)~~ sixteen (16) years old ~~on October~~
14 ~~1 of any year~~ shall be accompanied by:

15 (1)(A) Proof of receipt of a high school diploma or its
16 equivalent or enrollment ~~and regular attendance in an adult education program~~
17 or a public, private, or parochial school.

18 (i) A student enrolled in school shall present proof
19 of a C average for the previous semester or grading period in order to be
20 issued a license.

21 (ii) A student with disabilities receiving special
22 education or related services ~~or a student enrolled in an adult education~~
23 ~~program~~ shall present proof that the student is successfully completing his
24 individual education plan in order to be issued a license.

25 (B) Regular attendance in a school shall be attendance in
26 compliance with the established written policy of the school district or
27 school concerning truancy.

28 ~~Regular attendance in an adult education program shall~~
29 ~~be attendance in compliance with the policy for sixteen (16) and seventeen~~
30 ~~(17) year olds established by the State Board of Vocational Education as~~
31 ~~provided for in § 6-18-222;"~~

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33 SECTION 4. Arkansas Code Annotated § 27-16-701(f)(1) pertaining to
34 application for a driver's license or an instruction permit is amended to read
35 as follows:

36 "(f)(1) Any person less than ~~eighteen (18)~~ sixteen (16) years old who

1 is unable to meet the requirements of subsection (d) of this section may
2 petition the Office of Driver Services that he or she be issued a restricted
3 permit for employment-related purposes."

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5 SECTION 5. All provisions of this act of a general and permanent nature
6 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code
7 Revision Commission shall incorporate the same in the Code.

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9 SECTION 6. If any provision of this act or the application thereof to
10 any person or circumstance is held invalid, such invalidity shall not affect
11 other provisions or applications of the act which can be given effect without
12 the invalid provision or application, and to this end the provisions of this
13 act are declared to be severable.

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15 SECTION 7. All laws and parts of laws in conflict with this act are
16 hereby repealed.

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/s/Rep. Young

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