

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

1 State of Arkansas
2 81st General Assembly
3 Regular Session, 1997

As Engrossed: H1/24/97

A Bill

HOUSE BILL 1152

4 By: Representatives Thicksten, Lancaster, and Wood

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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

14 "TO AMEND VARIOUS SECTIONS OF THE
15 ARKANSAS CODE ANNOTATED TO REDUCE THE
16 AGE FOR COMPULSORY SCHOOL ATTENDANCE
17 FROM 17 TO 16 YEARS."

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

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21 SECTION 1. Legislative Findings and Public Policy. The General
22 Assembly finds that, while Art. 14, § 1 of the Arkansas Constitution requires
23 the State to ever maintain a general, suitable, and efficient system of free
24 public schools, it is also in the best interests of the people of Arkansas
25 that parents and their children who are sixteen (16) years of age or older be
26 free to make their own educational decisions with minimal interference by the
27 State.

28

29 SECTION 2. Arkansas Code Annotated § 6-18-201 is amended to read as
30 follows:

31 "6-18-201. Compulsory attendance - Exceptions.

32 (a) Every parent, guardian, or other person residing within the State
33 of Arkansas having custody or charge of any child or children age five (5)
34 through ~~seventeen (17)~~ sixteen (16) years on October 1 of that year, both
35 inclusive, shall enroll and send the child or children to a public, private,
36 or parochial school, or provide a home school for the child or children, as

1 described in § 6-15-501 et seq., under such penalty for noncompliance as shall
2 be set by law, with the following exceptions:

3 (1) Any child who has received a high school diploma, or its
4 equivalent as determined by the State Board of Education, is not subject to
5 the attendance requirement.

6 (2) Any parent, guardian, or other person residing within the
7 state and having custody or charge of any child or children may elect for the
8 child or children not to attend kindergarten if the child or children will not
9 be age six (6) on October 1 of that particular school year. If such an
10 election is made, the parent, guardian, or other person having custody or
11 charge of the child must file a signed kindergarten waiver form with the local
12 district administrative office. Such form shall be prescribed by regulation
13 of the Department of Education. On filing the kindergarten waiver form, the
14 child or children shall not be required to attend kindergarten in that school
15 year.

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

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

24 (B) The requirements in subsection (b) of this section
25 shall not apply to the National Guard Youth Challenge Program.

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

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

34 (1) The student makes formal application to the school district
35 for a waiver to enroll in an adult education program;

36 (2) After formal application, and prior to any further action on

1 such application, the student shall be administered either a test for adult
2 basic education or a general educational development pre-test, under
3 standardized testing conditions by a secondary school counselor, and shall
4 score 8.5 or above on the test for adult basic education, or a minimum score
5 of 45 on each section and a minimum composite score of 49 on the pre-general
6 educational development test; provided, however, that such minimum test scores
7 shall not be required of any student who is subject to the attendance
8 requirement of this section but who was not enrolled in any school district
9 during the previous school year;

10 (3) The student and the student's parents, guardians, or persons
11 in loco parentis meet with the school counselor to discuss academic options
12 open to the student;

13 (4) The school district determines that the student is a proper
14 candidate for enrollment in adult education, contingent upon approval by the
15 appropriate adult education program;

16 (5) The adult education program reviews the student's school and
17 testing records and agrees to admit the student into the program;

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

21 (7) The adult education program shall require, for continued
22 enrollment, a minimum of twenty (20) hours per week of class attendance and
23 instruction;

24 (8) The student, the student's parents, guardians, or persons in
25 loco parentis, and the administrative head of the adult education program
26 agree in writing that the student will attend a minimum of twenty (20) hours
27 per week and maintain appropriate conduct as outlined in the local adult
28 education program student handbook;

29 (9) In the event a more appropriate assessment test or testing
30 and assessment mechanism shall be developed to determine a reasonable level of
31 competency for success at the adult education level, such test or mechanism
32 shall be substituted, with the approval of the Adult Education Section of the
33 Vocational and Technical Education Division of the Department of Education,
34 for the tests required in subdivision (b)(2) of this section; and

35 (10) In the event a student does not attend class as mandated in
36 this subsection or make reasonable progress toward the completion of the adult

1 education curriculum, the student shall re-enroll in the public schools within
2 five (5) days from the date the student is released from the adult education
3 program.

4 (c) Any child who will be six (6) years of age on or before October 1
5 of the school year of enrollment and who has not completed a state-accredited
6 kindergarten program shall be evaluated by the district and placed either in
7 the first grade or kindergarten depending upon the results of the evaluation."
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9 SECTION 3. Arkansas Code Annotated § 6-18-222 is amended to read as
10 follows:

11 "6-18-222. Penalty for excessive unexcused absences - Revocation of
12 driving privilege.

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

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

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

26 (3) A copy of the school district's student attendance policy or
27 the State Board of Vocational Education's student attendance policy for
28 sixteen (16) ~~and seventeen (17)~~ year olds enrolled in adult education shall be
29 provided to the student's parents, guardians, or persons in loco parentis at
30 the beginning of the school year or upon enrollment, whichever event first
31 occurs.

32 (4) The student's parents, guardians, or persons in loco parentis
33 shall be notified when the student has accumulated excessive unexcused
34 absences equal to one-half (1/2) the total number of absences permitted under
35 the school district's or the State Board of Vocational Education's student
36 attendance policy per semester. Notice shall be by telephonic contact with the

1 student's parents, guardians, or persons in loco parentis by the end of the
2 school day in which such absence occurred or by regular mail with a return
3 address on the envelope sent no later than the following school day.

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

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

20 (B) The failure of the prosecuting authority to timely file
21 an action or pursue collection on a case, once notified, shall be considered
22 neglect of duty, subjecting the prosecuting attorney to the provisions of
23 § 16-21-116.

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

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

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

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

36 (8) In cases where the court determines the student's unexcused

1 absences cannot be attributed to the parents, guardians, or persons in loco
2 parentis, the action may be suspended or dismissed conditioned on a petition's
3 being filed in juvenile court to seek services on behalf of the student.

4 (9) As used in this section, prosecuting authority means the
5 elected district prosecuting attorney, or his appointed deputy, for schools
6 located in unincorporated areas of the county or within cities not having a
7 police or municipal court and means the prosecuting attorney of the city for
8 schools located within the city limits of cities having either a police court
9 or a municipal court in which a city prosecutor represents the city for
10 violations of city ordinances or traffic violations.

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

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

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

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

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

30 (i) The licensee is ~~eighteen (18)~~ seventeen (17)
31 years of age;

32 (ii) The licensee is attending school or an adult
33 education program; or

34 (iii) The licensee has obtained a high school diploma
35 or its equivalent.

36 (C)(i) In cases where demonstrable financial hardship would

1 result from the suspension of the learner's permit or driver's license, the
2 Department of Finance and Administration may grant exceptions only to the
3 extent necessary to ameliorate the hardship.

4 (ii) If it can be demonstrated that the conditions
5 for granting a hardship were fraudulent, the parent, guardian, or person in
6 loco parentis shall be subject to all applicable perjury statutes.

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

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13 SECTION 4. Arkansas Code Annotated § 6-15-504(a) is amended to read as
14 follows:

15 "(a) Each student enrolled in a home school program who is seven (7)
16 years of age through ~~seventeen (17)~~ sixteen (16) years of age on October 1 of
17 each school year shall be tested annually by May 1 using a nationally
18 recognized standardized achievement test chosen by the parents from a list of
19 such tests provided by the State Board of Education."

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21 SECTION 5. Arkansas Code Annotated § 27-16-701(d)(1) pertaining to
22 application for a driver's license or an instruction permit is amended to read
23 as follows:

24 "(d) Every application for an instruction permit or for a driver's
25 license by a person less than ~~eighteen (18)~~ seventeen (17) years old on
26 October 1 of any year shall be accompanied by:

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

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

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

1 (B) _Regular attendance_ in a school shall be attendance in
2 compliance with the established written policy of the school district or
3 school concerning truancy.

4 (C) _Regular attendance_ in an adult education program
5 shall be attendance in compliance with the policy for sixteen (16) ~~and~~
6 ~~seventeen (17)~~ year olds established by the State Board of Vocational
7 Education as provided for in § 6-18-222;"

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9 SECTION 6. Arkansas Code Annotated § 27-16-701(f)(1) pertaining to
10 application for a driver's license or an instruction permit is amended to read
11 as follows:

12 "(f)(1) Any person less than ~~eighteen (18)~~ seventeen (17) years old who
13 is unable to meet the requirements of subsection (d) of this section may
14 petition the Office of Driver Services that he or she be issued a restricted
15 permit for employment-related purposes."

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

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21 SECTION 8. If any provision of this act or the application thereof to
22 any person or circumstance is held invalid, such invalidity shall not affect
23 other provisions or applications of the act which can be given effect without
24 the invalid provision or application, and to this end the provisions of this
25 act are declared to be severable.

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27 SECTION 9. All laws and parts of laws in conflict with this act are
28 hereby repealed.

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/s/Rep. Thicksten et al

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