

Stricken language would be deleted from and underlined language would be added to law as it existed prior to the 82nd General Assembly.

1 State of Arkansas  
2 82nd General Assembly  
3 Regular Session, 1999  
4

As Engrossed: H2/10/99 H2/24/99

## A Bill

HOUSE BILL 1415

5 By: Representative T. Smith  
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7

### For An Act To Be Entitled

9 "AN ACT TO LOWER THE COMPULSORY SCHOOL ATTENDANCE AGE  
10 THROUGH SIXTEEN (16) YEARS OF AGE *FOR STUDENTS WHO*  
11 *HAVE NOT SUCCESSFULLY COMPLETED TWELVE (12) OR MORE*  
12 *UNITS OF CREDIT; AND FOR OTHER PURPOSES. "*  
13

### Subtitle

15 "AN ACT TO LOWER THE COMPULSORY SCHOOL  
16 ATTENDANCE AGE THROUGH SIXTEEN (16)  
17 YEARS OF AGE *FOR STUDENTS WHO HAVE NOT*  
18 *SUCCESSFULLY COMPLETED TWELVE (12) OR MORE*  
19 *UNITS OF CREDIT. "*  
20  
21

22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
23

24 SECTION 1. Arkansas Code 6-18-201(a) and (b) pertaining to compulsory  
25 school attendance is amended to read as follows:

26 "*(a) Under such penalty for noncompliance as shall be set by law, and*  
27 *providing an exception whereby, in any school district having fifty percent*  
28 *(50%) or more students eligible to receive free lunches or in any county*  
29 *having a majority of school districts with fifty percent (50%) or more*  
30 *students eligible to receive free lunches the board of directors of a local*  
31 *school district may elect to use any other date between September 1 and*  
32 *October 1, every parent, guardian, or other person residing within the State*  
33 *of Arkansas having custody or charge of any child age five (5) through*  
34 *seventeen (17) years on or before ~~September~~ October 1 of that year shall*  
35 *enroll and send the child to a public, private, or parochial school, or*  
36 *provide a home school for the child, as described in § 6-15-501 et seq., with*

1 the following exceptions:

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

5 (2) Any parent, guardian, or other person residing within the  
6 state and having custody or charge of any child may elect for the child not to  
7 attend kindergarten if the child or children will not be age ~~five (5) on~~  
8 ~~September 1~~ six (6) on October 1 of that particular school year. If such an  
9 election is made, the parent, guardian, or other person having custody or  
10 charge of the child must file a signed kindergarten waiver form with the local  
11 district administrative office. Such form shall be prescribed by regulation of  
12 the Department of Education. On filing the kindergarten waiver form, the child  
13 shall not be required to attend kindergarten in that school year.

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

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

22 ~~(ii)~~ (B) The requirements in subsection (b) of this section  
23 shall not apply to the National Guard Youth Challenge Program.

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

28 (6) Any child who has reached his or her seventeenth (17<sup>th</sup>)  
29 birthday and has not successfully passed twelve (12) or more units of credit  
30 is not subject to the attendance requirement.

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

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

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

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

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

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

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

22 (7) The adult education program shall require, for continued  
23 enrollment, a minimum of twenty (20) hours per week of class attendance and  
24 instruction; provided, however, that a minimum of ten (10) hours shall be  
25 required for any student who is employed for thirty (30) hours or more each  
26 week;

27 (8) The student, the student's parents, guardians, or persons in  
28 loco parentis, and the administrative head of the adult education program  
29 agree in writing that the student will attend the requisite number of hours  
30 per week and maintain appropriate conduct as outlined in the local adult  
31 education program student handbook;

32 (9) In the event a more appropriate assessment test or testing  
33 and assessment mechanism shall be developed to determine a reasonable level of  
34 competency for success at the adult education level, such test or mechanism  
35 shall be substituted, with the approval of the Adult Education Section of the  
36 ~~Vocational and Technical Education Division of the Department of~~ Workforce

1 *Education*, for the tests required in subdivision (b)(2) of this section; and  
2 (10) In the event a student does not attend class as mandated in  
3 this subsection or make reasonable progress toward the completion of the adult  
4 education curriculum, the student shall re-enroll in the public schools within  
5 five (5) days from the date the student is released from the adult education  
6 program."

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8 SECTION 2. Arkansas Code 6-18-222(a)(2) and (3) pertaining to  
9 excessive absences is amended to read as follows:

10 "(2) *The State Board of ~~Vocational~~ Workforce Education and Career*  
11 *Opportunities shall adopt a student attendance policy for sixteen-year-olds*  
12 *and seventeen-year-olds* enrolled in an adult education program, which shall  
13 require a minimum attendance of twenty (20) hours per week to remain in the  
14 program.

15 (3) A copy of the school district's student attendance policy or  
16 *the State Board of ~~Vocational~~ Workforce Education's and Career Opportunities'*  
17 *student attendance policy for sixteen (16) and seventeen (17) year olds*  
18 enrolled in adult education shall be provided to the student's parents,  
19 guardians, or persons in loco parentis at the beginning of the school year or  
20 upon enrollment, whichever event first occurs."

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22 SECTION 3. Arkansas Code 6-18-222(b)(2) and (3) pertaining to  
23 excessive absences is amended to read as follows:

24 "(2) Each adult education program shall notify the Department of  
25 Finance and Administration whenever a student sixteen (16) *or seventeen (17)*  
26 years of age has left the program without receiving a high school equivalency  
27 certificate.

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

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

36 (i) The licensee is *eighteen (18)* years of age;

1 (ii) The licensee is attending school or an adult  
2 education program; or

3 (iii) The licensee has obtained a high school diploma  
4 or its equivalent."

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6 SECTION 4. All provisions of this act of a general and permanent nature  
7 are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code  
8 Revision Commission shall incorporate the same in the Code.

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10 SECTION 5. If any provision of this act or the application thereof to  
11 any person or circumstance is held invalid, such invalidity shall not affect  
12 other provisions or applications of the act which can be given effect without  
13 the invalid provision or application, and to this end the provisions of this  
14 act are declared to be severable.

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16 SECTION 6. All laws and parts of laws in conflict with this act are  
17 hereby repealed.

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19 SECTION 7. EMERGENCY CLAUSE. It is hereby found and determined by the  
20 Eighty-second General Assembly, that immediate passage of this act is  
21 necessary to eliminate uncertainty for parents of children approaching the age  
22 for school enrollment and to alleviate hardship to local school districts in  
23 planning for the next school year. Therefore, an emergency is declared to  
24 exist and this act being immediately necessary for the preservation of the  
25 public peace, health and safety shall become effective on the date of its  
26 approval by the Governor. If the bill is neither approved nor vetoed by the  
27 Governor, it shall become effective on the expiration of the period of time  
28 during which the Governor may veto the bill. If the bill is vetoed by the  
29 Governor and the veto is overridden, it shall become effective on the date the  
30 last house overrides the veto.

31 /s/ T. Smith  
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