

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.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005
4

As Engrossed: H3/7/05
A Bill

HOUSE BILL 2439

5 By: Representatives Cook, Blount, Dunn, Everett, Kidd, Saunders
6 By: Senator Miller
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9 **For An Act To Be Entitled**

10 AN ACT TO PROHIBIT PARENTS AND STUDENTS FROM
11 MISUSING HOME SCHOOL NOTICES FOR THE PURPOSE OF
12 AVOIDING SCHOOL DISCIPLINARY ACTIONS AND TRUANCY
13 SANCTIONS; AND FOR OTHER PURPOSES.
14

15 **Subtitle**

16 AN ACT TO PROHIBIT PARENTS AND STUDENTS
17 FROM MISUSING HOME SCHOOL NOTICES FOR
18 THE PURPOSE OF AVOIDING SCHOOL
19 DISCIPLINARY ACTIONS AND TRUANCY
20 SANCTIONS.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 SECTION 1. Arkansas Code § 6-15-503 is amended to read as follows:
26 6-15-503. Prerequisites to home schooling.

27 (a)(1) Parents or guardians desiring to provide a home school for
28 their children must give written notice to the superintendent of their local
29 school district of their intent to provide a home school for their children
30 and sign a waiver acknowledging that the State of Arkansas is not liable for
31 the education of their children during the time that the parents choose to
32 home school:

33 (A) At the beginning of each school year but no later than
34 August 15; or

35 (B) ~~By~~ After December 1 and before December 15 for parents
36 who decide to start home schooling at the beginning of the spring semester;



1 ~~ex.~~

2 ~~(C) Subject to the provisions of subsection (d) of this~~
3 ~~section, fourteen (14) calendar days prior to withdrawing the children from~~
4 ~~the local school district and at the beginning of each school year~~
5 ~~thereafter. The superintendent or the local school board may waive the fourteen-~~
6 ~~day waiting period.~~

7 (2) Within thirty (30) calendar days of establishing residency
8 within the district, parents or guardians moving into the school district
9 during the school year must give written notice to the superintendent of
10 their local school district of their intent to provide a home school for
11 their children and sign a waiver acknowledging that the State of Arkansas is
12 not liable for the education of their children during the time that the
13 parents choose to home school.

14 (3) The notice must include:

15 (A) The name, date of birth, grade level, and name and
16 address of the school last attended, if any, of each student involved;

17 (B) The location of the home school;

18 (C) The basic core curriculum to be offered;

19 (D) The proposed schedule of instruction; and

20 (E) The qualifications of the parent-teacher.

21 (4) Parents or guardians shall deliver written notice in person
22 to the superintendent of their local school district the first time such
23 notice is given.

24 (b) This information may be used only for statistical purposes and
25 test administration.

26 (c) Each local school district shall report the statistical data
27 required by this section to the Department of Education each year.

28 (d)(1) No public school student shall be eligible for enrollment in a
29 home school if the student is currently under disciplinary action for
30 violation of any written school policy, including, but not limited to,
31 excessive unexcused absences.

32 (2) Public school students who are under disciplinary action by
33 the local school district shall be eligible for enrollment in a home school
34 if+

35 ~~(A) The superintendent or local school board chooses to~~
36 ~~allow the child to enroll in a home school;~~

1 ~~(B) The disciplinary action against the student has been~~
2 ~~completed or the school semester has ended, whichever occurs first; or~~

3 ~~(C) The the student has been expelled.~~

4
5 SECTION 2. Arkansas Code §§ 6-15-504(e) is amended to read as follows:

6 ~~(e)(1)(A) Any student who refuses to participate in the testing~~
7 ~~program or the alternate testing program required by this section at the time~~
8 ~~and place offered by the education service cooperative has not met the~~
9 ~~statutory prerequisites for home schooling and, as any other student, shall~~
10 ~~be subject to the applicable Arkansas laws regarding truancy.~~

11 ~~(B) After a student corrects any refusal to participate in~~
12 ~~the testing program or the alternate testing program as determined by the~~
13 ~~department and required by this subsection, the student shall be restored to~~
14 ~~home school status after his or her parent or guardian has complied with all~~
15 ~~requirements of § 6-15-503.~~

16 ~~(2)(A) Parents of a student failing to participate in the~~
17 ~~testing program shall provide written documentation to the Department of~~
18 ~~Education and the superintendent of the school district where the students~~
19 ~~resides verifying that the student has taken the mandated norm-referenced~~
20 ~~test before the parent may be allowed to file a written notice of intent to~~
21 ~~home school under § 6-15-503 for the following school year.~~

22 ~~(B) The independent testing allowed under subsection~~
23 ~~(e)(2)(A) of this section shall be conducted by an independent testing agency~~
24 ~~with the cost of the test paid by the student's parent, guardian or other~~
25 ~~person standing in loco parentis, and the test shall not be provided by~~
26 ~~education service cooperatives, school districts, or the Department of~~
27 ~~Education other than as provided under subsection (b) through (e) of this~~
28 ~~section.~~

29 ~~(3) Any student who fails to comply with the requirements of~~
30 ~~this subsection (b) shall enroll in a public, private, or parochial school or~~
31 ~~shall be subject to the applicable Arkansas laws regarding truancy if the~~
32 ~~student is not enrolled.~~

33 ~~(2)(4) This subsection shall not be applicable to any parent who~~
34 ~~can present written acknowledgement that the child has been enrolled in a~~
35 ~~public, private, or parochial school within thirty (30) days of the~~
36 ~~administration of the state-mandated achievement test.~~

/s/ Cook, et al

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