

1 State of Arkansas  
2 92nd General Assembly  
3 Regular Session, 2019  
4

# A Bill

HOUSE BILL 1537

5 By: Representative Evans  
6 By: Senator J. English  
7

## For An Act To Be Entitled

9 AN ACT TO AMEND PROVISIONS OF THE ARKANSAS CODE  
10 CONCERNING STUDENT RESIDENCY, COMPULSORY ATTENDANCE,  
11 AND STUDENT MINIMUM ENROLLMENT AGE; AND FOR OTHER  
12 PURPOSES.  
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14

## Subtitle

15 TO AMEND PROVISIONS OF THE ARKANSAS CODE  
16 CONCERNING STUDENT RESIDENCY, COMPULSORY  
17 ATTENDANCE, AND MINIMUM ENROLLMENT AGE.  
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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23 SECTION 1. Arkansas Code § 6-18-201(a), concerning attendance  
24 requirements for children between ages five (5) and seventeen (17), is  
25 amended to read as follows:

26 (a) Under the penalty for noncompliance set by law, every parent,  
27 foster parent, legal guardian, person having lawful control of the child, or  
28 ~~other~~ person standing in loco parentis residing within the State of Arkansas  
29 and having custody or charge of a child five (5) years of age through  
30 seventeen (17) years of age on or before the date established in § 6-18-207  
31 for the minimum age for enrollment in public school shall enroll and send the  
32 child to a public, private, or parochial school or provide a home school for  
33 the child, as described in § 6-15-501 et seq., with the following exceptions:

34 (1)(A) A parent, foster parent, legal guardian, person having  
35 lawful control of a child, or ~~other~~ person standing in loco parentis residing  
36 within the state and having custody or charge of a the child may elect for



1 the child not to attend kindergarten if the child will not be six (6) years  
 2 of age on the date established in § 6-18-207 for the minimum age for  
 3 enrollment in public school of that school year.

4 (B)(i) If an election is made under subdivision (a)(1)(A)  
 5 of this section, the parent, foster parent, legal guardian, person having  
 6 lawful control of the child, or ~~other~~ person standing in loco parentis having  
 7 ~~custody or charge of the child~~ shall file a signed kindergarten waiver form  
 8 with the local school district administrative office.

9 (ii) The kindergarten waiver form shall be  
 10 prescribed by rule of the Department of Education.

11 (C) Upon the filing of the kindergarten waiver form, the  
 12 child shall not be required to attend kindergarten ~~in~~ during that school  
 13 year;

14 (2) ~~Any~~ A child who has received a high school diploma or its  
 15 equivalent as determined by the State Board of Education is not subject to  
 16 the attendance requirement under this section;

17 (3) ~~Any~~ A child sixteen (16) years of age or older who is  
 18 enrolled in a postsecondary vocational-technical institution, a community  
 19 college, or a two-year or four-year institution of higher education is not  
 20 subject to the attendance requirement under this section; and

21 (4)~~(A)~~ ~~Any~~ A child sixteen (16) years of age or older who is  
 22 enrolled in an adult education program under subsection (b) of this section  
 23 or in the Arkansas National Guard Youth Challenge Program is not subject to  
 24 the attendance requirement under this section.

25 ~~(B) The requirements in subsection (b) of this section do~~  
 26 ~~not apply to the Arkansas National Guard Youth Challenge Program.~~

27  
 28 SECTION 2. Arkansas Code § 6-18-201(b)(3), concerning alternative  
 29 options to compulsory attendance, is amended to read as follows:

30 (3) The student and the student's ~~parents, guardians, or persons~~  
 31 parent, foster parent, legal guardian, person having lawful control of the  
 32 child, or person standing in loco parentis meet with the school counselor to  
 33 discuss academic options open to the student;

34  
 35 SECTION 3. Arkansas Code § 6-18-201(b)(8), concerning exemptions to  
 36 compulsory attendance for students enrolled in an adult education program, is

1 amended to read as follows:

2 (8) The student, the student's ~~parents, guardians, or persons~~  
3 parent, foster parent, legal guardian, person having lawful control of the  
4 child, or person standing in loco parentis, and the administrative head of  
5 the adult education program agree in writing that the student will attend the  
6 requisite number of hours per week and maintain appropriate conduct as  
7 outlined in the local adult education program student handbook;

8

9 SECTION 4. Arkansas Code § 6-18-201(c)(2), concerning requirements of  
10 students of a certain age who are enrolled in a private, parochial, or home  
11 school who desire to enroll in an adult education program, is amended to read  
12 as follows:

13 (2) The student and the student's ~~parents, guardians, or persons~~  
14 parent, foster parent, legal guardian, person having lawful control of the  
15 child, or person standing in loco parentis shall meet with the appropriate  
16 staff of the adult education program to discuss academic options open to the  
17 student;

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19 SECTION 5. Arkansas Code § 6-18-201(c)(5), concerning requirements of  
20 students of a certain age who are enrolled in a private, parochial, or home  
21 school who desire to enroll in an adult education program, is amended to read  
22 as follows:

23 (5) The student, the student's ~~parents, guardians, or persons~~  
24 parent, foster parent, legal guardian, person having lawful control of the  
25 child, or person standing in loco parentis, and the administrative head of  
26 the adult education program agree in writing that the student will attend the  
27 requisite number of hours per week and maintain appropriate conduct as  
28 outlined in the local adult education program student handbook;

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30 SECTION 6. Arkansas Code § 6-18-201(c)(7), concerning requirements of  
31 students of a certain age who are enrolled in a private, parochial, or home  
32 school who desire to enroll in an adult education program, is amended to read  
33 as follows:

34 (7) If a home school student is accepted into the adult  
35 education program, the student's parent, foster parent, legal guardian,  
36 person having lawful control of the child, or person standing in loco

1 parentis shall send written notification to the local public school  
 2 superintendent of his or her intent to participate in the adult education  
 3 program.

4  
 5 SECTION 7. Arkansas Code § 6-18-202(a), concerning definitions with  
 6 respect to attendance requirements, is amended add an additional subdivision  
 7 to read as follows:

8 (4) "In loco parentis" means relating to the responsibility to  
 9 undertake the care and control of another person in the absence of:

10 (A) Supervision by the person's parent or legal guardian;

11 and

12 (B) Formal legal approval.

13  
 14 SECTION 8. Arkansas Code § 6-18-202(b)(1), concerning the availability  
 15 of public schools in any school district in the state to certain persons, is  
 16 amended to read as follows:

17 (b)(1) The public schools of any school district in this state shall  
 18 be open and free through completion of the secondary program to all persons  
 19 in this state between five (5) and twenty-one (21) years of age whose  
 20 ~~parents, foster parents, legal guardians, or other persons having lawful~~  
 21 ~~control of the person under an order of a court reside~~ parent, foster parent,  
 22 legal guardian, person having lawful control of the person, or person  
 23 standing in loco parentis, reside within the school district and to all  
 24 persons between those ages who have been legally transferred to the district  
 25 for education purposes.

26  
 27 SECTION 9. Arkansas Code § 6-18-202(b)(3), concerning proof of  
 28 residency, is amended to read as follows:

29 (3) ~~Any~~ A school district may require a parent, foster parent,  
 30 legal guardian, ~~or other person having lawful control of the student, or~~  
 31 person standing in loco parentis who enrolls a student in a school district  
 32 to sign a statement under oath attesting to his or her residential address or  
 33 to provide other proof that a student is a resident of the school district as  
 34 defined by this section.

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 36 SECTION 10. Arkansas Code § 6-18-202(c), concerning an adult student

1 establishing a separate residence, is amended to read as follows:

2 (c) Any person eighteen (18) years of age or older may establish a  
3 residence separate and apart from his or her ~~parents or guardians~~ parent,  
4 legal guardian, person having lawful control of the person, or a person  
5 standing in loco parentis for school attendance purposes.

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7 SECTION 11. Arkansas Code § 6-18-202(d), concerning a student who is  
8 not an adult establishing a separate residence, is amended to read as  
9 follows:

10 (d) In order for a person under eighteen (18) years of age to  
11 establish a residence for the purpose of attending the public schools  
12 separate and apart from his or her ~~parents, guardians, or other persons~~  
13 ~~having lawful control of him or her under an order of a court, the person~~  
14 ~~must actually~~ parent, legal guardian, person having lawful control of the  
15 person, or person standing in loco parentis, the person is required to reside  
16 in the district for a primary purpose other than that of school attendance.

17  
18 SECTION 12. Arkansas Code § 6-18-207(a), concerning the minimum age by  
19 which a student may enter kindergarten, is amended to add an additional  
20 subdivision to read as follows:

21 (3) A student who was enrolled in a state-accredited or state-  
22 approved kindergarten program in another state or in a kindergarten program  
23 equivalent in another country may be enrolled in kindergarten in this state  
24 upon a written request to the school district if the student:

25 (A) Becomes a resident of this state as a direct result of  
26 active military orders or a court-ordered change of custody;

27 (B) Will become five (5) years of age during the year in  
28 which he or she is enrolled in kindergarten; and

29 (C) Meets the basic residency requirement for school  
30 attendance.

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32 SECTION 13. Arkansas Code § 6-18-208 is amended to read as follows:

33 6-18-208. Requirements for enrollment in public school – Exceptions.

34 (a) Before a child's admission to an Arkansas public school, a school  
35 district shall request the parent, foster parent, legal guardian, person  
36 having lawful control, or ~~other responsible~~ person standing in loco parentis

1 to furnish the child's Social Security number and shall inform the parent,  
 2 ~~guardian, or other responsible person that, in the alternative, they may~~  
 3 foster parent, legal guardian, person having lawful control of the child, or  
 4 person standing in loco parentis that, in the alternative, the parent, foster  
 5 parent, legal guardian, person having lawful control of the child, or person  
 6 standing in loco parentis may request that the school district assign the  
 7 child a nine-digit number designated by the Department of Education.

8 (b) Before a child's admission to an Arkansas public school, the  
 9 parent, foster parent, legal guardian, person having lawful control of the  
 10 child, or ~~responsible~~ person standing in loco parentis shall provide the  
 11 school district with one (1) of the following documents indicating the  
 12 child's age:

13 (1) A birth certificate;

14 (2) A statement by the local registrar or a county recorder  
 15 certifying the child's date of birth;

16 (3) An attested baptismal certificate;

17 (4) A passport;

18 (5) An affidavit of the date and place of birth by the child's  
 19 parent ~~or guardian~~, foster parent, legal guardian, person having lawful  
 20 control of the child, or person standing in loco parentis;

21 (6) Previous school records; or

22 (7) A United States military identification.

23 (c) Before a child's admission to an Arkansas public school, the  
 24 parent, foster parent, legal guardian, person having lawful control of the  
 25 child, or ~~other responsible~~ person standing in loco parentis shall indicate  
 26 on school registration forms whether the child has been expelled from school  
 27 in any other school district or is a party to an expulsion proceeding.

28 (d)(1) ~~Beginning with the 2005-2006 school year, no~~ A school or school  
 29 district shall not:

30 (A) Use, display, release, or print a student's Social  
 31 Security number or any part of the Social Security number on any report,  
 32 identification card, identification badge, or any document that will be made  
 33 available or released to the public, to a student, or to a student's parent,  
 34 foster parent, ~~or~~ legal guardian, person having lawful control of the child,  
 35 or person standing in loco parentis without the express written consent of  
 36 the student's parent, foster parent, legal guardian, person having lawful

1 control of the child, or person standing in loco parentis if the student is a  
2 minor, or of the student if the student is eighteen (18) years of age or  
3 older; or

4 (B) Make a student's Social Security number available by  
5 reading the magnetic strip or other encoded information on the student's  
6 identification card.

7 (2) This section ~~shall~~ does not apply to educational records  
8 that are transferred to or between the department, other public schools or  
9 school districts, or other governmental agencies as allowed or required by  
10 federal law, state law, or State Board of Education rule.

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