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2 92nd General Assembly
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4

A Bill

SENATE BILL 638

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

For An Act To Be Entitled

9 AN ACT CONCERNING THE INTERSTATE COMPACT ON
10 EDUCATIONAL OPPORTUNITY FOR CHILDREN OF MILITARY
11 FAMILIES; TO AMEND ASPECTS OF THE ARKANSAS CODE WITH
12 RESPECT TO CHILDREN OF MILITARY FAMILIES WHO ARE
13 ENROLLED IN A PUBLIC SCHOOL; AND FOR OTHER PURPOSES.
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Subtitle

16 CONCERNING THE INTERSTATE COMPACT ON
17 EDUCATIONAL OPPORTUNITY FOR CHILDREN OF
18 MILITARY FAMILIES; AND TO AMEND ASPECTS
19 OF THE ARKANSAS CODE WITH RESPECT TO
20 CHILDREN OF MILITARY FAMILIES WHO ARE
21 ENROLLED IN A PUBLIC SCHOOL.
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25 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
26

27 SECTION 1. Arkansas Code § 6-4-303 is amended to read as follows:

28 6-4-303. Compact Commissioner for Arkansas.

29 (a) Under the compact established under this subchapter, the Compact
30 Commissioner for Arkansas shall be the Commissioner of Education or his or
31 her designee.

32 (b) The Compact Commissioner for Arkansas is responsible for the
33 administration and management of the ~~state~~ state's participation in the
34 Interstate Compact on Educational Opportunity for Military Children adopted
35 under this subchapter.

36 (c) The Compact Commissioner for Arkansas shall cooperate with all



1 departments, agencies, and officers of and in government of this state as
 2 well as all school districts and political subdivisions of this state for the
 3 administration of this compact, ~~or~~ supplementary agreements entered into by
 4 the state, or as further directed by law or by the Department of Education or
 5 the State Board of Education.

6
 7 SECTION 2. Arkansas Code § 6-4-304(a)(2), concerning members of the
 8 State Council for the Interstate Compact on Educational Opportunity for
 9 Military Children, is amended to read as follows:

10 (2) The superintendent of the public school district with the
 11 greatest number of ~~military~~ children of military families from ~~a military~~
 12 ~~installation~~ each Arkansas congressional district as determined every four
 13 (4) years;

14
 15 SECTION 3. Arkansas Code § 6-4-304(a)(6) and (7), concerning members
 16 of the State Council for the Interstate Compact on Educational Opportunity
 17 for Military Children, are amended to read as follows:

18 (6) The charter school leader of the open-enrollment public
 19 charter school with the greatest number of ~~military~~ children ~~from a military~~
 20 ~~installation~~ of military families; and

21 (7)(A) A representative from ~~a~~ each federal and state military
 22 installation in Arkansas that employs uniformed service members as designated
 23 by each military installation commander. who will

24 (B) A representative from a federal military installation
 25 shall serve as a nonvoting, ex officio member-;

26 (8) The Executive Director of the Arkansas Activities
 27 Association, serving as a nonvoting, ex officio member;

28 (9) The Chair of the Senate Committee on Education and the Chair
 29 of the House Committee on Education or designees from each of the committees,
 30 serving as nonvoting, ex officio members; and

31 (10) The United States Department of Defense representative for
 32 Arkansas shall have duties and responsibilities as established by United
 33 States Department of Defense Instruction Number 1342.29, and shall not be a
 34 member of the State Council.

35
 36 SECTION 4. Arkansas Code § 6-4-304(c)(2), concerning meetings held by

1 the State Council for the Interstate Compact on Educational Opportunity for
 2 Military Children, is amended to read as follows:

3 (2) The Unless otherwise approved by the Commissioner of
 4 Education, the council State Council shall conduct its meetings in ~~Pulaski~~
 5 ~~County Central Arkansas~~ ~~or~~ and via teleconference or web conference ~~as~~
 6 ~~technology becomes available and as desired~~ to allow for scheduling
 7 flexibility for ~~its~~ council members.

8
 9 SECTION 5. Arkansas Code § 6-4-305(b), concerning duties of the State
 10 Council, is amended to read as follows:

11 (b) The council may promulgate rules for the administration of this
 12 subchapter and provide recommendations to the Department of Education
 13 regarding the promulgation of rules applicable to the department and public
 14 school districts.

15
 16 SECTION 6. Arkansas Code § 6-4-305, concerning duties of the State
 17 Council, is amended to add additional subsections to read as follows:

18 (c) Children of military families under this subchapter shall have
 19 equitable access to academic courses and programs and to extracurricular
 20 academic, athletic, and social programs.

21 (d)(1) The State Council shall meet at least annually to hold a public
 22 forum in a military community to hear direct feedback from military families
 23 regarding the effectiveness of the compact in this state.

24 (2) Under this subchapter, parents and legal guardians of
 25 military families may request the opportunity to:

26 (A) Speak at the public forum under subdivision (d)(1) of
 27 this section; or

28 (B) Make an online presentation to the State Council
 29 during the public forum under subdivision (d)(1) of this section.

30 (e) The State Council may seek input from the Department of Education
 31 regarding the outcome of a case that is brought to the State Council for
 32 resolution.

33 (f) The State Council shall provide annually a report to the Governor,
 34 the Senate Committee on Education, and the House Committee on Education that
 35 includes without limitation the following:

36 (1) Information regarding the achievements of the State Council

1 and public school districts regarding the support provided to military
 2 families under this subchapter;

3 (2) Details of the reports regarding the compact in this state
 4 that are provided to the Military Interstate Children’s Compact Council and
 5 actions taken by the Military Interstate Children’s Compact Council that
 6 impact the state;

7 (3) Details of cases and the outcomes of the cases brought to
 8 the State Council for resolution, in compliance with the Family Educational
 9 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January
 10 1, 2019, and state student privacy laws;

11 (4) Information regarding training that is provided to and
 12 completed by public school district personnel with respect to this
 13 subchapter;

14 (5) Details regarding plans for future engagement efforts with
 15 military families under this subchapter; and

16 (6) Any other information requested by parents and legal
 17 guardians of military families.

18
 19 SECTION 7. Arkansas Code Title 6, Chapter 4, Subchapter 3, is amended
 20 to add an additional section to read as follows:

21 6-4-309. Children of military families – Student enrollment procedures
 22 and coordinator.

23 (a) A public school with twenty (20) or more children of military
 24 families enrolled as students or a public school with a total of three
 25 thousand (3,000) or more students enrolled shall:

26 (1) Incorporate into the policies of the public school specific
 27 procedures that outline actions to take in support of students who are the
 28 children of military families who transition to and from the public school.

29 (2)(A) Designate each public school district a military
 30 education coordinator to serve as the primary point of contact for each child
 31 of a military family and his or her parent or legal guardian.

32 (B) The public school military education coordinator shall
 33 have specialized knowledge regarding the educational needs of children of
 34 military families and the obstacles that children of military families face
 35 in obtaining an education.

36 (b) The department shall supply relevant resources for the orientation

1 and training of public school military education coordinators under this
2 section.

3
4 SECTION 8. Arkansas Code § 6-18-107 is amended to read as follows:

5 6-18-107. Enrollment of ~~military dependents~~ children of military
6 families – Definitions.

7 (a) The purpose of this section is to extend laws related to children
8 of active duty members of the uniformed forces under the Interstate Compact
9 on Educational Opportunity for Military Children, § 6-4-301 et seq., to
10 children of all components of the uniformed services in order to remove
11 barriers to educational success that may be experienced by children of
12 military families due to frequent moves and deployment of their parents by:

13 (1) Facilitating the timely enrollment of children of military
14 families and ensuring the children are not placed at a disadvantage due to
15 difficulty in the transfer of education records from a previous public
16 school, including a public school in another state;

17 (2) Facilitating the student placement process so children of
18 military families are not disadvantaged by variations in attendance
19 requirements, scheduling, lesson sequencing, grading, course content, and
20 assessment;

21 (3) Facilitating the qualification and eligibility for
22 enrollment, educational programs, and participation in extracurricular
23 activities;

24 (4) Facilitating the on-time graduation of children of military
25 families;

26 (5) Providing for the adoption and enforcement of administrative
27 rules to implement this section;

28 (6) Providing for the uniform collection and sharing of
29 information between and among public school districts; and

30 (7) Promoting flexibility and cooperation between the
31 educational system, parents and legal guardians, and students in order to
32 achieve educational success for the student.

33 ~~(a)~~(b) As used in this section:

34 ~~(1) “Branch of the United States armed forces” means:~~

35 ~~(A) United States Army;~~

36 ~~(B) United States Air Force;~~

1 ~~(C) United States Marine Corps;~~

2 ~~(D) United States Navy;~~

3 ~~(E) Army, National Guard, or Air National Guard; or~~

4 ~~(F) United States Coast Guard;~~

5 ~~(2) "Military dependent" means a child who:~~

6 ~~(A) Is enrolled in kindergarten through grade twelve (K-~~
7 ~~12) in a public school; and~~

8 ~~(B) Resides in the household of a person who is on active~~
9 ~~duty in or serving in the reserve component of a branch of the United States~~
10 ~~armed forces; and~~

11 (1) "Activated reserve components" means members of the reserve
12 component of the uniformed services who have received a notice of intent to
13 deploy or mobilize under Title 10 of the United States Code, Title 32 of the
14 United States Code, or state mobilization to active duty;

15 (2) "Active duty" means full-time duty status in the active,
16 uniformed services of the United States, including without limitation members
17 of the National Guard and Reserve on active duty orders under 10 U.S.C. §§
18 1209 and 1210, as they existed on January 1, 2019;

19 (3) "Deployment" means the period of time six (6) months before
20 a member of the uniformed services' departure from their home station on
21 military orders through six (6) months after return to his or her home
22 station;

23 (4) "Education records" means an official record, file, or data
24 directly related to a student and maintained by a public school or local
25 education agency, including without limitation a record encompassing all the
26 material kept in a student's cumulative folder such as:

27 (A) General identifying data;

28 (B) Records of attendance and of academic work completed;

29 (C) Records of achievement and results of evaluative
30 tests;

31 (D) Health data;

32 (E) Disciplinary status;

33 (F) Test protocols; and

34 (G) Individualized education programs;

35 (5)(A) "Extracurricular activity" means a voluntary activity
36 sponsored by a school or local education agency or an organization sanctioned

1 by the local education agency.

2 (B) "Extracurricular activity" includes without limitation
3 preparation for and involvement in public performances, contests, athletic
4 competitions, demonstrations, displays, and club activities;

5 (6) "Local education agency" means a public authority legally
6 constituted by the state as an administrative agency to provide control of
7 and direction for kindergarten through grade twelve (K-12) public schools;

8 (7) "Military installation" means a base, camp, post, station,
9 yard, center, homeport facility for any ship, or other activity under the
10 jurisdiction of the United States Department of Defense or the State of
11 Arkansas;

12 ~~(3)(A)(8)(A)~~ "Public school" means a state-supported school or
13 public charter school serving students in prekindergarten, kindergarten,
14 elementary, middle, or secondary grades or kindergarten through grade twelve
15 (K-12) in Arkansas.

16 (B) "Public school" includes without limitation:
17 (i) Alternative learning environments;
18 (ii) The Arkansas School for the Blind;
19 (iii) The Arkansas School for the Deaf; and
20 (iv) The Arkansas School for Mathematics, Sciences,
21 and the Arts;

22 (9) "Receiving district" means a public school district to which
23 a child of a uniformed services member transitions;

24 (10) "Rule" means:

25 (A) A written statement that is of general applicability
26 that implements, interprets, or prescribes a policy; or

27 (B) An organizational, procedural, or practice requirement
28 promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et
29 seq., or any successor law, and includes the amendment, repeal, or suspension
30 of an existing rule;

31 (11) "Sending district" means the public school district from
32 which a child of uniformed services member transfers;

33 (12) "Student" means the dependent minor child of a uniformed
34 services member for whom the local education agency receives public funding
35 and who is enrolled in a public school;

36 (13) "Transition" means the:

1 (A) Formal and physical process of transitioning from
 2 public school to public school; or

3 (B) Period of time in which a student moves from a sending
 4 district to a receiving district

5 (14) "Uniformed services" means the United States Army, United
 6 States Navy, United States Air Force, United States Marine Corps, United
 7 States Coast Guard, the National Oceanic and Atmospheric Administration
 8 Commissioned Officer Corps, the United States Commissioned Corps of the
 9 Public Health Services, and the state and federal reserve components of each
 10 of these bodies; and

11 (15) "Veteran" means an individual who served in the uniformed
 12 services and who was discharged or released from the uniformed services under
 13 conditions other than dishonorable.

14 (c)(1) This subchapter shall apply to minor dependent children of:

15 (A) Members of the active and activated reserve components
 16 of the uniformed services;

17 (B) Members or veterans of the uniformed services who are
 18 severely injured in the line of duty and are medically discharged or retired,
 19 for a period of one (1) year following the medical discharge or retirement;
 20 and

21 (C) Members of the uniformed services who die while on
 22 active duty or as a result of injuries sustained while on active duty, for a
 23 period of one (1) year following the death.

24 (2) This subchapter shall not apply to the minor dependent
 25 children of:

26 (A) Inactive members of the National Guard and military
 27 reserves;

28 (B) Retired members of the uniformed services, except as
 29 provided under subdivision (c)(1)(B) of this section; and

30 (C) Other United States Department of Defense personnel
 31 and other federal or state agency civilian and contract employees who are not
 32 considered members of the uniformed services.

33 (d)(1) The Interstate Compact on Educational Opportunity for Military
 34 Children under § 6-4-301 et seq.:

35 (A) Is limited to providing transition services for
 36 children of active duty members of the uniformed services; and

1 (B) Excludes provision of services to children of members
2 of the reserve components.

3 (2)(A) In complying with this section, sending districts and
4 receiving districts shall not require sending and receiving districts outside
5 of the state to provide services to uniformed services families transferring
6 to or from the state.

7 (B) Sending districts and receiving districts in the state
8 shall make an attempt to coordinate on behalf of children of reserve
9 component members with sending and receiving districts outside of the state
10 under subdivision (d)(2)(A) of this section.

11 (e)(1) If official copies of a student's education records cannot be
12 released to a parent of a student for purposes of a transition under this
13 section, then the custodian of the student's education records at the sending
14 district shall prepare and furnish to the parent of the student and the
15 receiving district a complete set of unofficial copies of the student's
16 education records, which shall contain uniform information as determined by
17 the Department of Education.

18 (2) Upon receipt of the unofficial copies of a student's
19 education records by a receiving district under subdivision (e)(1) of this
20 section, and as soon as practicable, a receiving district shall pre-register
21 and place a student based on the information provided in the unofficial
22 education records that is pending validation by the official records.

23 (3)(A) Simultaneous with the enrollment and provisional
24 placement of a student under subdivision (e)(2) of this section, a receiving
25 district shall request a student's official education records from the
26 sending district.

27 (B) Upon receipt of this request, the sending district, if
28 it is a district within this state, shall process and furnish the official
29 education records to the receiving district within ten (10) days or within
30 such time as is reasonably determined under department rules.

31 (f)(1) A student shall furnish his or her required immunization
32 records to a receiving district within thirty (30) days of enrolling in the
33 receiving district or within such time as is reasonably determined under
34 department rules.

35 (2) For a series of immunizations, initial vaccinations shall be
36 obtained within thirty (30) days or within such time as is reasonably

1 determined under department rules.

2 (g)(1) A student shall enroll in a receiving district in the same
3 grade level in which he or she is was enrolled at the sending district,
4 regardless of the student's age.

5 (2) A student who has completed a grade level in the sending
6 district shall be eligible for enrollment in the next highest grade level at
7 the receiving district, regardless of the student's age.

8 (h)(1) If the academic courses are offered and there is space
9 available, when a student transitions under this section before or during a
10 school year, the receiving district shall provisionally honor the placement
11 of the student in academic courses based on the student's enrollment at the
12 sending district and on educational assessments conducted at the sending
13 district.

14 (2) Academic course placement includes without limitation
15 enrollment in:

16 (A) Honors courses;

17 (B) The International Baccalaureate Diploma Programme;

18 (C) Advanced Placement courses; and

19 (D) Academic, technical, and career pathway courses.

20 (3) A receiving district may perform subsequent evaluations to
21 ensure a student who transitions under this section has been appropriately
22 placed in an academic course.

23 (i)(1) If the educational programs are offered and there is space
24 available, when a student transitions under this section before or during a
25 school year, the receiving district shall provisionally honor the placement
26 of the student in educational programs based on the student's participation
27 in educational programs at the sending district and on educational
28 assessments conducted at the sending district.

29 (2) Educational programs include without limitation:

30 (A) Gifted and talented programs; and

31 (B) English as a second language courses;

32 (3) A receiving district may perform subsequent evaluations to
33 ensure a student who transitions under this section has been appropriately
34 placed in an educational program.

35 (j)(1) A receiving district shall provisionally provide services to a
36 student with disabilities under the Individuals with Disabilities Education

1 Act, 20 U.S.C. § 1400 et seq., according to the student's existing
2 individualized education program.

3 (2) A receiving district:

4 (A) Shall make reasonable accommodations and modifications
5 to address the needs of incoming students with disabilities under this
6 section; and

7 (B) May perform subsequent evaluations to ensure a student
8 who transitions under this section has been appropriately placed in the
9 receiving district.

10 (k) A public school may waive academic course or educational program
11 requirements for students who transition to a receiving district under this
12 section.

13 (l) If a student whose parent or legal guardian has been called to
14 duty for, is on leave from, or has immediately returned from deployment, the
15 student may be granted additional excused absences at the discretion of the
16 public school in which he or she is enrolled.

17 (m)(1) Members of the uniformed services shall, if possible, provide
18 advance notice to public schools regarding the enrollment of a student under
19 this section.

20 (2) When a public school receives notice from a military family
21 under subdivision (m)(1) of this section, the public school shall treat the
22 notice as a provisional enrollment and provide the student with materials
23 regarding academic courses, electives, sports, and other relevant information
24 regarding the public school.

25 (3) A public school:

26 (A) Shall consider the anticipated date of enrollment of a
27 student under this subdivision (m)(1) in light of class sizes, course
28 conflicts, and the availability of elective courses;

29 (B) May preregister a student in anticipation of the
30 student's enrollment under subdivision (m)(1) of this section; and

31 (C) May seek waivers from the State Board of Education to
32 accommodate a student under this section, including without limitation
33 required class ratios.

34 (n)(1) A student under this section shall receive equitable access to
35 academic courses.

36 (2)(A) A receiving district may enter academic course requests

1 on behalf of an incoming student under this section based on the student's
2 transcript of information sent by the student's family or the student's
3 sending district.

4 (B) Special power of attorney relative to the guardianship
5 of a child of a military family is sufficient for purposes of enrollment and
6 all other actions requiring parental participation and consent.

7 (o)(1) A receiving district shall not charge local tuition to a
8 student who transitions to the receiving district under this section and who
9 has been placed in the care of a noncustodial parent or other person standing
10 in loco parentis who lives in a jurisdiction other than that of the custodial
11 parent.

12 (2) A student who has been placed in the care of a noncustodial
13 parent or other person standing in loco parentis who lives in a jurisdiction
14 other than that of the custodial parent may continue to attend the school in
15 which he or she was enrolled while residing with the custodial parent.

16 (p) A receiving district shall ensure a student who transitions under
17 this section has the opportunity to participate in extracurricular
18 activities, regardless of application deadlines, and to the extent that the
19 student is otherwise qualified.

20 (q) In order to ensure the on-time graduation of military students
21 under this section, state and local education agencies shall:

22 (1) Waive specific courses that are required for graduation if
23 similar coursework has been satisfactorily completed by a transitioning
24 student under the control of another local education agency.

25 (2) If a waiver for a specific course under subdivision
26 (q)(1)(A) of this section is denied, the state or local education agency
27 shall provide:

28 (A) Justification for the denial; and

29 (B) An alternative means by which the transitioning
30 student can complete the required coursework so that the student can graduate
31 on time.

32 (r)(1) Public schools shall accept results from:

33 (A) Exit or end-of-course exams that are required for
34 graduation from the sending district;

35 (B) National norm-referenced achievement tests; or

36 (C) Alternative testing.

1 (2) If a student transitions under this section at the beginning
2 of or during his or her senior year of high school and the student is deemed
3 by the receiving district to be ineligible for graduation after all
4 reasonable alternatives under this section have been considered, the sending
5 district shall award and the receiving district shall accept a diploma for
6 the student if the student meets the graduation requirements of the sending
7 district.

8 (s) The Commissioner of Education, the State Council, and the
9 Interstate Commission on Educational Opportunity for Military Children under
10 § 6-4-301 et seq., shall provide for coordination among state and local
11 education agencies and military installations under this section.

12 ~~(b)~~(t) The Department of Education shall require a public school to
13 report the enrollment of a student who is a ~~military dependent~~ child of a
14 military family:

15 (1) In the Arkansas Public School Computer Network; or

16 (2) If the public school does not report through the Arkansas
17 Public School Computer Network, as established by rule.

18 ~~(e)~~(u) The State Board of Education shall promulgate rules to
19 implement this section.

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