

1 State of Arkansas
2 93rd General Assembly
3 Regular Session, 2021
4

A Bill

SENATE BILL 638

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

For An Act To Be Entitled

9 AN ACT TO CREATE THE ARKANSAS MILITARY CHILD SCHOOL
10 TRANSITIONS ACT OF 2021; TO ADVANCE ACHIEVEMENT OF
11 EDUCATIONAL SUCCESS ON BEHALF OF CHILDREN OF MILITARY
12 FAMILIES; AND FOR OTHER PURPOSES.
13
14

Subtitle

15 TO CREATE THE ARKANSAS MILITARY CHILD
16 SCHOOL TRANSITIONS ACT OF 2021; AND TO
17 ADVANCE ACHIEVEMENT OF EDUCATIONAL
18 SUCCESS ON BEHALF OF CHILDREN OF MILITARY
19 FAMILIES.
20
21
22

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

25 SECTION 1. DO NOT CODIFY. Legislative findings and intent.
26 The General Assembly finds that:

27 (1) The Arkansas Military Child School Transitions Act of 2021
28 will strengthen the state's direction for establishing and maintaining
29 effective school transition programs in support of dependents of uniformed
30 services families who may change states and school districts six (6) or more
31 times during their kindergarten through twelfth grade (K-12) years during
32 their parents' service;

33 (2) This legislation consolidates all relevant state and
34 interstate compact guidance relating to state and school district support for
35 smooth school transitions established by this act;

36 (3) While the changes are primarily structural, this act



1 provides an added provision to permit enrollment in distance and digital
2 education coursework for inbound transitioning students;

3 (4) Virtual enrollment is a United States Department of Defense
4 priority that enables seamless transitions to new curricula and prevents
5 untimely disruptions to high school graduations of children of military
6 families;

7 (5) This act extends eligibility to dependent children of dual
8 status military technicians who are required, as a condition of employment,
9 to serve in a military capacity in the reserve component units in which they
10 also serve in a civilian capacity;

11 (6) Dual status military technicians are liable for directed
12 reassignments similar to active duty service members, and may also be
13 mobilized and deployed similar to all active duty service members; and

14 (7) This act extends eligibility to dependent children of
15 traditional Guardsmen and reservists who are relocating to Arkansas to take
16 advantage of a civilian employment opportunity or to assume a position in an
17 Arkansas-based reserve component unit.

18
19 SECTION 2. Arkansas Code Title 6, Chapter 28, is amended to add an
20 additional chapter to read as follows:

21
22 CHAPTER 28

23 ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS ACT OF 2021

24
25 Subchapter 1 – Arkansas Military Child School Transitions

26
27 6-28-101. Title.

28 This chapter shall be known and may be cited as the "Arkansas Military
29 Child School Transitions Act of 2021".

30
31 6-28-102. Legislative findings.

32 The General Assembly finds that:

33 (1) Maintaining a positive education trajectory is challenging
34 for children of uniformed services families due to their parents' frequent
35 reassignments and deployments, which interrupt academic progress, social
36 growth, and achievement;

1 (2) Ensuring a quality, effective education for their children
2 is the top concern of military families, which translates to a personnel
3 readiness issue for the uniformed services when service members elect to
4 separate to ensure education stability for their children;

5 (3) Countering disruptions adversely impacting successful school
6 transitions are best led by advance notice of a child of a military family's
7 pending transition, swift transfer of education records, well-trained school
8 administrators assessing those records, and the collaborative building of an
9 effective future curriculum plan with military service families;

10 (4) Consistent application of qualification and eligibility
11 guidelines provide the basis for a child of a military family's effective
12 educational experience;

13 (5) Advanced access to interscholastic and club sports and other
14 extracurricular activities is essential to social development and reinforcing
15 a welcoming reception at new schools;

16 (6) The uniform collection and sharing of information regarding
17 the numbers of children of military families transitioning helps decision
18 makers craft programs and make the well-informed decisions that bolster broad
19 education success for children of military families;

20 (7) Cooperation and informed collaboration among the educational
21 system, parents and legal guardians, and children of military families are
22 essential to the academic success of a child of a military family;

23 (8) Coordination of state and public school district efforts to
24 serve the purposes and carry out the obligations of this chapter are best met
25 through a consolidated state coordinating body to orchestrate collaborative
26 efforts of the state, public school districts, installation commands, and
27 military service families;

28 (9) Arkansas is recognized for its establishment and exercise of
29 local programs that facilitate successful school transfers on behalf of
30 children of military families that provide public school districts with the
31 resources, methodologies, and personnel training to support effective
32 transitions by all children of military families;

33 (10) Consolidating guidance and administration of programs
34 established by the Division of Elementary and Secondary Education and public
35 school districts ensures smooth transitions for children of military
36 families; and

1 (11) To best meet the needs of children of military families
2 requires periodic needs assessment across the state and the potential
3 modification, expansion, or extension of programs.

4
5 6-28-103. Purpose.

6 (a) The purpose of this chapter is to:

7 (1) Maximize the potential for effective school transitions by
8 children of uniformed services families through provisions of this act
9 administered by the Division of Elementary and Secondary Education and
10 implemented by public school districts; and

11 (2) Consolidate state and Interstate Compact on Educational
12 Opportunity for Military Children guidance.

13 (b) The kindergarten through grade twelve (K-12) success of students
14 of military families is challenged by frequent relocations due to base
15 reassignments and deployments of their parents or legal guardians.

16 (c) To better meet the needs of children of Arkansas-based active and
17 reserve component uniformed services families, this act expands and extends
18 the application of the provisions of the Interstate Compact on Educational
19 Opportunity for Military Children, § 6-28-301 et seq., by:

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

24 (2) Facilitating the placement process for children of military
25 families so children of military families are not disadvantaged by variations
26 in attendance requirements, scheduling, lesson sequencing, grading, course
27 content, and assessment;

28 (3) Facilitating the qualification and eligibility for
29 enrollment, educational programs, and participation in extracurricular
30 activities;

31 (4) Facilitating the on-time graduation of children of military
32 families;

33 (5) Providing for the adoption and enforcement of administrative
34 rules to implement this chapter;

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

1 (7) Promoting flexibility and cooperation between the
2 educational system, military installation leaders and their commands, parents
3 and legal guardians, and children of military families to achieve educational
4 success for the children of military families.

5
6 6-28-104. Definitions.

7 As used in this chapter:

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

12 (2) "Active duty" means full-time duty status in the active,
13 uniformed services of the United States, including without limitation members
14 of the National Guard and reserve components of the uniformed services on
15 active duty orders under 10 U.S.C. §§ 1209 and 1210 or 42 U.S.C. § 204, as
16 they existed on January 1, 2021;

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

21 (4) "Dual status military technician" means a federal civilian
22 employee who is:

23 (A) Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);

24 (B) Required as a condition of his or her employment to
25 maintain membership in the Selected Reserve; and

26 (C) Assigned to a civilian position as a technician in the
27 organizing, administering, instructing, or training of the Selected Reserve
28 or in the maintenance and repair of supplies or equipment issued to the
29 Selected Reserve of the United States Armed Forces;

30 (5) "Education record" means an official record, file, or data
31 directly related to a student and maintained by a public school or public
32 school district, including without limitation a record encompassing all the
33 material kept in a student's cumulative folder such as:

34 (A) General identifying data;

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

36 (C) Records of achievement and results of evaluative

1 tests;

2 (D) Health data;

3 (E) Disciplinary status;

4 (F) Test protocols; and

5 (G) Individualized education programs;

6 (6)(A) "Extracurricular activity" means a voluntary activity
7 sponsored by a public school or public school district or an organization
8 sanctioned by a public school district.

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

12 (7) "Military installation" means, for purposes of this chapter:

13 (A) United States Department of Defense installations,
14 which shall include:

15 (i) Little Rock Air Force Base;

16 (ii) Pine Bluff Arsenal; and

17 (iii) Camp Pike Armed Forces Reserve Complex; and

18 (B) Arkansas installations, which shall include:

19 (i) Camp Joseph T. Robinson Maneuver Training
20 Center;

21 (ii) Ebbing Air National Guard Base; and

22 (iii) Fort Chaffee Joint Maneuver Training Center;

23 (8)(A) "Public school" means a state-supported school or open-
24 enrollment public charter school serving students in prekindergarten or
25 kindergarten through grade twelve (K-12) in Arkansas.

26 (B) "Public school" includes without limitation:

27 (i) Alternative learning environments;

28 (ii) The Arkansas School for the Blind;

29 (iii) The Arkansas School for the Deaf; and

30 (iv) The Arkansas School for Mathematics, Sciences,
31 and the Arts;

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

34 (10) "Rule" means:

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

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

5 (11) "Sending district" means the public school district from
6 which a child of a uniformed services member transitions;

7 (12) "Student" means the dependent child of a uniformed services
8 member for whom a public school or public school district receives public
9 funding and who is enrolled in a public school;

10 (13) "Traditional member of the National Guard or federal
11 reserves" means an active member of the Selected Reserve subject to
12 mobilization and deployment for which he or she attends monthly and annual
13 training periods;

14 (14) "Transition" means the:

15 (A) Formal and physical process of transitioning from
16 public school to public school; or

17 (B) Period of time in which a student moves from a sending
18 district to a receiving district;

19 (15) "Uniformed services" means the United States Army, United
20 States Navy, United States Air Force, United States Marine Corps, United
21 States Space Force, United States Coast Guard, the National Oceanic and
22 Atmospheric Administration Commissioned Officer Corps, the United States
23 Commissioned Corps of the Public Health Service, and the state and federal
24 reserve components of each of these bodies; and

25 (16) "Veteran" means an individual who served in the uniformed
26 services and who was discharged or released from the uniformed services under
27 conditions other than dishonorable.

28
29 6-28-105. Application.

30 (a) This chapter shall apply to dependent children of:

31 (1) Members of the active duty and activated reserve components
32 of the uniformed services;

33 (2) Members or veterans of the uniformed services who were
34 severely injured in the line of duty and are medically discharged or retired
35 for a period of one (1) year following the medical discharge or retirement;

36 (3) Members of the uniformed services who die while on active

1 duty or as a result of injuries sustained while on active duty for a period
2 of one (1) year following the death;

3 (4) Dual status military technicians; and

4 (5) Traditional members of the National Guard and reserve
5 components of the armed forces who are relocating to the state for employment
6 or to serve as a member of an Arkansas-based reserve component unit.

7 (b) This chapter shall not apply to the dependent children of:

8 (1) Inactive members of the National Guard and reserve
9 components of the armed forces;

10 (2) Retired members of the uniformed services, except as
11 provided under subdivision (a)(3) of this section; and

12 (3) Other United States Department of Defense personnel and
13 other federal or state agency civilian and contract employees who are not
14 considered members of the uniformed services.

15 (c)(1) This act includes provisions and extends application
16 eligibility beyond the scope of the interstate compact.

17 (2) In complying with this chapter, sending districts and
18 receiving districts may request the assistance of sending and receiving
19 districts outside of the state to provide services to uniformed services
20 families transferring to or from the state who are covered under this
21 subchapter but may not be covered under the interstate compact.

22
23 6-28-106. State direction and coordination.

24 (a) The Commissioner of Elementary and Secondary Education shall
25 administer:

26 (1) This act; and

27 (2) The state's participation in and compliance with the
28 Interstate Compact on Educational Opportunity for Military Children under §
29 6-28-301 et seq.

30 (b) There shall be created the Arkansas Council for Military Children,
31 whose purpose is to, in collaboration with local military commands, assist
32 state and local education agencies in the implementation of the provisions of
33 this act and the interstate compact in order to eliminate barriers to
34 educational success faced by children of military families.

35 (c) The State Board of Education shall promulgate rules to implement
36 this chapter.

1
2 6-28-107. Transfer of education records and enrollment.

3 (a)(1) Upon receipt of the unofficial copies of a student's education
4 records by a receiving district, and as soon as practicable, a receiving
5 district shall preregister and provisionally place a student based on the
6 information provided in the unofficial education records that is pending
7 validation by the official records.

8 (2) If official copies of a student's education records cannot
9 be released to a parent or legal guardian of a student for purposes of a
10 transition under this subchapter, then the custodian of the student's
11 education records at the sending district shall prepare and furnish to the
12 parent or legal guardian of the student and the receiving district a complete
13 set of unofficial copies of the student's education records, which shall
14 contain uniform information as determined by the Division of Elementary and
15 Secondary Education.

16 (b)(1) Simultaneous with the enrollment and provisional placement of a
17 student under this section, a receiving district shall request a student's
18 official education records from the sending district.

19 (2) Upon receipt of a request under subdivision (b)(1) of this
20 section, a sending district, if it is a district within the state, shall
21 process and furnish a student's official education records within:

22 (A) Ten (10) days; or

23 (B) A reasonable time frame as established by division
24 rules.

25
26 6-28-108. Advance enrollment.

27 (a)(1) Members of the uniformed services shall, as soon as possible,
28 provide advance notice to public schools regarding the enrollment of a
29 student under this subchapter.

30 (2) When a public school receives notice from a military family
31 under subdivision (a)(1) of this section, the public school shall treat the
32 notice as a provisional enrollment and provide the student with materials
33 regarding:

34 (A) Academic courses;

35 (B) Electives;

36 (C) Sports; and

1 (D) Other relevant information regarding the public
2 school.

3 (3) A public school:

4 (A) Shall consider the anticipated date of enrollment of a
5 student under subdivision (a)(1) of this section in light of:

6 (i) Class sizes;

7 (ii) Course conflicts; and

8 (iii) The availability of elective courses;

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

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

14 (b)(1) A student under this section shall receive equitable access to
15 academic courses.

16 (2)(A) A receiving district may enter academic course requests
17 on behalf of an incoming student under this section based on the student's
18 transcript of information sent by the student's family or the student's
19 sending district.

20 (B) Special power of attorney relative to the guardianship
21 of a student is sufficient for purposes of enrollment and all other actions
22 requiring parental participation and consent.

23 (c)(1) A receiving district shall not charge local tuition to a
24 student who transitions to the receiving district under this section and who
25 has been placed in the care of a noncustodial parent or other person standing
26 in loco parentis who lives in a jurisdiction other than that of the custodial
27 parent.

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

32 (d) A receiving district shall ensure a student who transitions under
33 this section has the opportunity to participate in extracurricular
34 activities, regardless of application deadlines, and to the extent that the
35 student is otherwise qualified.

36

1 6-28-109. Virtual course enrollment.

2 At the request of a military family, a receiving district may enroll an
3 inbound transitioning child of a military family in virtual distance-learning
4 or digital coursework, if available, to facilitate a smooth transition
5 between the student's previous coursework and the curriculum best suited to
6 ensure educational success in his or her new school.

7
8 6-28-110. Immunizations.

9 (a)(1) A student shall furnish his or her required immunization
10 records to a receiving district within thirty (30) days of enrolling in the
11 receiving district or within such time as is reasonably determined under
12 Division of Elementary and Secondary Education rules.

13 (2) For a series of immunizations, initial vaccinations shall be
14 obtained within thirty (30) days or within such time as is reasonably
15 determined under division rules.

16
17 6-28-111. Grade placement.

18 (a) A student shall enroll in a receiving district in the same grade
19 level in which he or she was enrolled at the sending district, regardless of
20 the student's age.

21 (b) A student who has completed a grade level in the sending district
22 shall be eligible for enrollment in the next highest grade level at the
23 receiving district, regardless of the student's age.

24
25 6-28-112. Course and education program placement.

26 (a) If the academic courses are offered and there is space available,
27 when a student transitions under this subchapter before or during a school
28 year, the receiving district shall provisionally honor the placement of the
29 student in academic courses based on the student's enrollment at the sending
30 district and on educational assessments conducted at the sending district.

31 (b) Academic course placement includes without limitation enrollment
32 in:

33 (1) Honors courses;

34 (2) The International Baccalaureate Diploma Programme;

35 (3) Advanced Placement courses; and

36 (4) Academic, technical, and career pathway courses.

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

4 (d)(1) If the educational programs are offered and there is space
5 available, when a student transitions under this section before or during a
6 school year, the receiving district shall provisionally honor the placement
7 of the student in educational programs based on the student's participation
8 in educational programs at the sending district and on educational
9 assessments conducted at the sending district.

10 (2) Educational programs include without limitation:

11 (A) Gifted and talented programs; and

12 (B) English as a second language courses.

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

16 (e) A public school district may waive academic course or educational
17 program requirements for students who transition to a receiving district
18 under this subchapter.

19
20 6-28-113. Special education services.

21 (a) A receiving district shall provisionally provide services to a
22 student with disabilities under the Individuals with Disabilities Education
23 Act, 20 U.S.C. § 1400 et seq., according to the student's existing
24 individualized education program.

25 (b) A receiving district:

26 (1) Shall make reasonable accommodations and modifications to
27 address the needs of incoming students with disabilities under this section;
28 and

29 (2) May perform subsequent evaluations to ensure a student who
30 transitions under this subchapter has been appropriately placed in the
31 receiving district.

32
33 6-28-114. Student excused absence.

34 If a student whose parent or legal guardian has been called to duty
35 for, is on leave from, or has immediately returned from deployment, the
36 student may be granted additional excused absences at the discretion of the

1 public school in which he or she is enrolled.

2
3 6-28-115. Graduation – Testing.

4 (a) In order to ensure the on-time graduation of a student under this
5 subchapter, a receiving district shall:

6 (1) Waive specific courses that are required for graduation if
7 similar coursework has been satisfactorily completed by a student under the
8 control of another public school or public school district; and

9 (2) If a waiver for a specific course under subdivision (a)(1)
10 of this section is denied, the receiving district shall provide:

11 (A) Justification for the denial; and

12 (B) An alternative means by which the student can complete
13 the required coursework so that the student can graduate on time.

14 (b)(1) A receiving district shall accept results from:

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

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

18 (C) Alternative testing.

19 (2) A sending district shall award and a receiving district
20 shall accept a diploma for a student under this subchapter if the student:

21 (A) Meets the graduation requirements of the sending
22 district;

23 (B) Transitions to the receiving district at the beginning
24 of or during his or her senior year of high school; and

25 (C) Is deemed by the receiving district to be ineligible
26 for graduation after all reasonable alternatives under this section have been
27 considered.

28
29 6-28-116. New student reception programs – Military family education
30 coordinators.

31 A public school with twenty (20) or more children of military families
32 enrolled as students under this subchapter or a public school district with
33 at least three thousand (3,000) enrolled public school students shall:

34 (1) Incorporate into the policies of the public school district
35 specific procedures that outline actions to take in support of students who
36 are the children of military families who transition to and from the public

1 school district; and

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

5 (B) The public school military family education
6 coordinator shall have specialized knowledge regarding the educational needs
7 of children of military families and the obstacles that children of military
8 families face in obtaining an education.

9 (C) The Division of Elementary and Secondary Education
10 shall supply relevant resources for the orientation and training of public
11 school military family education coordinators under this section.

12
13 6-28-117. Reporting enrollment of children of members of the uniformed
14 services.

15 The Division of Elementary and Secondary Education shall require a
16 public school to report the enrollment of a student who is a child of a
17 uniformed services family:

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

19 (2) As established by rule if the public school or public school
20 district does not report information through the Arkansas Public School
21 Computer Network.

22
23 Subchapter 2 – State Coordination

24
25 6-28-201. State direction and coordination requirement.

26 The requirement for state coordination is established under § 6-28-106
27 and under § 6-28-302 Article VIII.

28
29 6-28-202. Chair of the Arkansas Council for Military Children and
30 Compact Commissioner for Arkansas.

31 (a) Under this act, the Commissioner of Elementary and Secondary
32 Education or his or her designee shall serve as both the:

33 (1) Chair of the Arkansas Council for Military Children; and

34 (2) Compact Commissioner for Arkansas.

35 (b) The chair shall lead the Arkansas Council for Military Children’s
36 collaborative support of state and public school district programs that carry

1 out the provisions of this act.

2 (c) The Compact Commissioner for Arkansas is responsible for the
 3 administration and management of the state’s participation in the interstate
 4 compact.

5 (d) In order to administer this chapter and supplementary agreements
 6 entered into by the state, or as further directed by law, the Division of
 7 Elementary and Secondary Education, or the State Board of Education and the
 8 Chair of the Arkansas Council for Military Children and the Compact
 9 Commissioner for Arkansas, shall cooperate with all:

10 (1) Departments, agencies, and officers of and in the government
 11 of this state; and

12 (2) School districts and political subdivisions of this state.

13
 14 6-28-203. Arkansas Council for Military Children – Membership.

15 (a) The Arkansas Council for Military Children created by § 6-28-106
 16 shall be composed of the following members:

17 (1) The Commissioner of Elementary and Secondary Education or
 18 his or her designee, serving as Chair of the Arkansas Council for Military
 19 Children as established by § 6-28-202;

20 (2) The superintendent or his or her designee of the public
 21 school district with the greatest number of children of military families
 22 from each Arkansas congressional district as determined every four (4) years;

23 (3) Three (3) appointed at-large members, of which:

24 (A) One (1) member shall be appointed by the President Pro
 25 Tempore of the Senate;

26 (B) One (1) member shall be appointed by the Speaker of
 27 the House of Representatives; and

28 (C) One (1) member shall be appointed by the Governor;

29 (4) The charter school leader or his or her designee of the
 30 open-enrollment public charter school with the greatest number of children of
 31 military families as determined every four (4) years;

32 (5) A representative from each of the six (6) federal or state
 33 military installation as designated by the federal military installation
 34 commander or the Secretary of the Department of the Military, whichever is
 35 applicable;

36 (6) The Executive Director of the Arkansas Activities

1 Association;

2 (7) The Chair of the Senate Committee on Education and the Chair
 3 of the House Committee on Education or designees from each of the committees;
 4 and

5 (8) The military education liaison as established by § 6-28-205.

6 (b) Each appointed member under subdivision (a)(3) of this section
 7 shall:

8 (1) Have a background or interest in the education of military
 9 children;

10 (2) Be drawn from applicants that are from the Center for
 11 Exceptional Families, Arkansas Advocates for Children and Families, the
 12 Arkansas School Counselor Association, the Arkansas Parent and Teachers
 13 Association, or other organizations with purposes that include the following:

14 (A) Child welfare;

15 (B) Child and family advocacy; and

16 (C) Special education;

17 (3)(A) Be appointed for a term of four (4) years.

18 (B) The terms for the initial appointees under subsection
 19 (a) of this section shall be staggered as determined by lot with:

20 (i) One (1) member serving a term of three (3)
 21 years;

22 (ii) One (1) member serving a term of four (4)
 23 years; and

24 (iii) One (1) member serving a term of five (5)
 25 years.

26 (C) Each succeeding appointment to the council shall be
 27 for a term of four (4) years, but the member appointed shall serve until the
 28 member's successor is appointed; and

29 (4)(A) If a vacancy occurs in an appointed position for any
 30 reason, the vacancy shall be filled by appointment by the official that made
 31 the appointment.

32 (B) The new appointee under subdivision (b)(4)(A) of this
 33 section shall serve for the remainder of the unexpired term.

34
 35 6-28-204. Purpose and duties of Arkansas Council for Military
 36 Children.

1 (a) The purpose of the Arkansas Council for Military Children is to
2 assist state and local education agencies, in collaboration with local
3 military commands, in the promotion of the provisions of this act and the
4 interstate compact in order to eliminate barriers to educational success
5 faced by children of military families.

6 (b) The duties of the council are to:

7 (1) Assist state and local education agencies in the promotion
8 and communication of the provisions of this act to inform public school
9 district officials and uniformed services families;

10 (2) Assist state and local education agencies with the
11 orientation and training of district military education coordinators on
12 provisions of this act;

13 (3) Assist in the development and delivery of programs that
14 inform uniformed services families of the need for self-identification in
15 order to assure accurate accounting of children of uniformed services
16 families enrolled in public school districts; and

17 (4) Assist in the development and administration of programs
18 recognizing education agencies, public schools, and leaders who have
19 established or contributed to programs facilitating successful school
20 transitions of children of uniformed services families.

21 (c)(1) The Arkansas Council for Military Children shall meet at least
22 quarterly or more frequently as decided upon by a majority of its members.

23 (2) The council chair may call special meetings.

24 (d) The Arkansas Council for Military Children may:

25 (A) Form committees to carry out its purpose; and

26 (B) Enlist volunteer participation by knowledgeable individuals
27 and organizations to assist in development and execution of programs.

28 (e) A majority of all Arkansas Council for Military Children members
29 shall constitute a quorum at council meetings.

30 (f) At least annually, the Arkansas Council for Military Children
31 shall hold a virtual or in-person public forum in a military community to
32 receive feedback from Arkansas uniformed services families regarding the
33 effectiveness of the provisions of this chapter.

34 (g) The council may provide recommendations to the Division of
35 Elementary and Secondary Education regarding without limitation suggested:

36 (1) Legislative initiatives amending this chapter; and

1 (2) Rules applicable to the division and public school districts
2 under this chapter.

3 (h) The council shall provide annually a report to the Governor, the
4 State Board of Education, the Senate Committee on Education, and the House
5 Committee on Education that includes without limitation the following:

6 (1) Information regarding the achievements of the council and
7 public school districts regarding the support provided to uniformed services
8 families under this chapter;

9 (2) Details of the reports provided to the Military Interstate
10 Children's Compact Commission;

11 (3) The number of children of military families in each public
12 school district transferring to or from another state or federal education
13 agency in the previous year;

14 (4)(A) Summaries of cases elevated to the Chair of the Arkansas
15 Council for Military Children for counsel and assistance in resolving cases
16 involving:

17 (i) The transition of children of military families
18 that were elevated by military families;

19 (ii) United States Department of Defense officials;
20 or

21 (iii) Public school districts.

22 (B) Information provided under subdivision (h)(4)(A) of
23 this section shall be provided in compliance with the Family Educational
24 Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January
25 1, 2021, and state student privacy laws;

26 (5) Information regarding training that is provided to public
27 school district personnel with respect to this chapter;

28 (6) Details regarding plans for future engagement efforts with
29 uniformed services families under this chapter; and

30 (7) Any other information deemed relevant by the Arkansas
31 Council for Military Children.

32 (i) The division shall provide administrative staff support to the
33 Chair of the Arkansas Council for Military Children to assist with the
34 achievement of the purpose and the administration of duties of the Arkansas
35 Council for Military Children.

36

1 6-28-205. Military family education liaison.

2 (a) The Commissioner of Elementary and Secondary Education shall
3 designate a military family education liaison.

4 (b) The military family education liaison shall:

5 (1) Have specialized knowledge related to the:

6 (A) Educational needs of children of military families;

7 and

8 (B) Obstacles that children of military families face in
9 obtaining an education;

10 (2) Serve as a member of the Arkansas Council for Military
11 Children; and

12 (3) Have duties as defined by the Chair of the Arkansas Council
13 for Military Children, which shall include without limitation:

14 (A) Assisting the chair and the council in the
15 administration of this chapter;

16 (B) Facilitating school transitions of children of
17 military families; and

18 (C) Assisting in the orientation and training of public
19 school district military family education coordinators.

20
21 6-28-206. Immunity not affected.

22 (a) This subchapter shall not affect the immunity from suit granted to
23 state officials and state employees under § 19-10-305 or to the state and its
24 official agencies under Arkansas Constitution, Article 5, § 20.

25 (b) The exercise of the powers and performance of duties provided for
26 in this subchapter by the Chair of the Arkansas Council for Military Children
27 or the Compact Commissioner for Arkansas to the Interstate Compact on
28 Educational Opportunity for Military Children, § 6-28-301 et seq., and the
29 military family education liaison for Arkansas and its officers, agents, and
30 employees are declared to be public and governmental functions, exercised for
31 a public purpose and matters of public necessity, conferring upon each
32 authority governmental immunity from suit in tort.

33
34 Subchapter 3 – Interstate Compact on Educational Opportunity for Military
35 Children

1 other compacts affecting military children.

2 H. Promoting flexibility and cooperation between the
3 educational system, parents and the student in order to achieve educational
4 success for the student.

5
6 ARTICLE II

7 DEFINITIONS

8
9 As used in this compact, unless the context clearly requires a
10 different construction:

11 A. "Active duty" means: full-time duty status in the
12 active uniformed service of the United States, including members of the
13 National Guard and Reserve on active duty orders pursuant to 10 U.S.C.
14 Section 1209 and 1211.

15 B. "Children of military families" means: a school-
16 aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, in
17 the household of an active duty member.

18 C. "Compact commissioner" means: the voting
19 representative of each compacting state appointed pursuant to Article VIII of
20 this compact.

21 D. "Deployment" means: the period one (1) month
22 prior to the service members' departure from their home station on military
23 orders though six (6) months after return to their home station.

24 E. "Education(al) records" means: those official
25 records, files, and data directly related to a student and maintained by the
26 school or local education agency, including but not limited to records
27 encompassing all the material kept in the student's cumulative folder such as
28 general identifying data, records of attendance and of academic work
29 completed, records of achievement and results of evaluative tests, health
30 data, disciplinary status, test protocols, and individualized education
31 programs.

32 F. "Extracurricular activities" means: a voluntary
33 activity sponsored by the school or local education agency or an organization
34 sanctioned by the local education agency. Extracurricular activities include,
35 but are not limited to, preparation for and involvement in public
36 performances, contests, athletic competitions, demonstrations, displays, and

1 club activities.

2 G. "Interstate Commission on Educational Opportunity
3 for Military Children" means: the commission that is created under Article IX
4 of this compact, which is generally referred to as Interstate Commission.

5 H. "Local education agency" means: a public
6 authority legally constituted by the state as an administrative agency to
7 provide control of and direction for Kindergarten through Twelfth (12th)
8 grade public educational institutions.

9 I. "Member state" means: a state that has enacted
10 this compact.

11 J. "Military installation" means: a base, camp,
12 post, station, yard, center, homeport facility for any ship, or other
13 activity under the jurisdiction of the Department of Defense, including any
14 leased facility, which is located within any of the several States, the
15 District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
16 Islands, Guam, American Samoa, the Northern Marianas Islands and any other
17 U.S. Territory. Such term does not include any facility used primarily for
18 civil works, rivers and harbors projects, or flood control projects.

19 K. "Non-member state" means: a state that has not
20 enacted this compact.

21 L. "Receiving state" means: the state to which a
22 child of a military family is sent, brought, or caused to be sent or brought.

23 M. "Rule" means: a written statement by the
24 Interstate Commission promulgated pursuant to Article XII of this compact
25 that is of general applicability, implements, interprets or prescribes a
26 policy or provision of the Compact, or an organizational, procedural, or
27 practice requirement of the Interstate Commission, and has the force and
28 effect of rules promulgated under the Arkansas Administrative Procedure Act,
29 § 25-15-201 et seq., or any successor law, and includes the amendment,
30 repeal, or suspension of an existing rule.

31 N. "Sending state" means: the state from which a
32 child of a military family is sent, brought, or caused to be sent or brought.

33 O. "State" means: a state of the United States, the
34 District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin
35 Islands, Guam, American Samoa, the Northern Marianas Islands and any other
36 U.S. Territory.

1 P. "Student" means: the child of a military family
2 for whom the local education agency receives public funding and who is
3 formally enrolled in Kindergarten through Twelfth (12th) grade.

4 Q. "Transition" means: 1) the formal and physical
5 process of transferring from school to school or 2) the period of time in
6 which a student moves from one school in the sending state to another school
7 in the receiving state.

8 R. "Uniformed service(s)" means: the Army, Navy, Air
9 Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the
10 National Oceanic and Atmospheric Administration, and Public Health Services.

11 S. "Veteran" means: a person who served in the
12 uniformed services and who was discharged or released there from under
13 conditions other than dishonorable.

14
15 ARTICLE III
16 APPLICABILITY
17

18 A. Except as otherwise provided in Section B, this compact
19 shall apply to the children of:

20 1. active duty members of the uniformed services as
21 defined in this compact, including members of the National Guard and Reserve
22 on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;

23 2. members or veterans of the uniformed services who
24 are severely injured and medically discharged or retired for a period of one
25 (1) year after medical discharge or retirement; and

26 3. members of the uniformed services who die on
27 active duty or as a result of injuries sustained on active duty for a period
28 of one (1) year after death.

29 B. The provisions of this interstate compact shall only
30 apply to local education agencies as defined in this compact.

31 C. The provisions of this compact shall not apply to the
32 children of:

33 1. inactive members of the national guard and
34 military reserves;

35 2. members of the uniformed services now retired,
36 except as provided in Section A;

1 3. veterans of the uniformed services, except as
2 provided in Section A; and

3 4. other U.S. Dept. of Defense personnel and other
4 federal agency civilian and contract employees not defined as active duty
5 members of the uniformed services.

6
7 ARTICLE IV

8 EDUCATIONAL RECORDS & ENROLLMENT

9
10 A. Unofficial or "hand-carried" education records – In the
11 event that official education records cannot be released to the parents for
12 the purpose of transfer, the custodian of the records in the sending state
13 shall prepare and furnish to the parent a complete set of unofficial
14 educational records containing uniform information as determined by the
15 Interstate Commission. Upon receipt of the unofficial education records by a
16 school in the receiving state, the school shall enroll and appropriately
17 place the student based on the information provided in the unofficial records
18 pending validation by the official records, as quickly as possible to the
19 extent feasible.

20 B. Official education records/transcripts – Simultaneous
21 with the enrollment and conditional placement of the student, the school in
22 the receiving state shall request the student's official education record
23 from the school in the sending state. Upon receipt of this request, the
24 school in the sending state will process and furnish the official education
25 records to the school in the receiving state within ten (10) days or within
26 such time as is reasonably determined under the rules promulgated by the
27 Interstate Commission.

28 C. Immunizations – Compacting states shall give thirty
29 (30) days from the date of enrollment or within such time as is reasonably
30 determined under the rules promulgated by the Interstate Commission, for
31 students to obtain any immunization(s) required by the receiving state. For a
32 series of immunizations, initial vaccinations must be obtained within thirty
33 (30) days or within such time as is reasonably determined under the rules
34 promulgated by the Interstate Commission.

35 D. Kindergarten and First grade entrance age – Students
36 shall be allowed to continue their enrollment at grade level in the receiving

1 state commensurate with their grade level (including Kindergarten) from a
2 local education agency in the sending state at the time of transition,
3 regardless of age. A student that has satisfactorily completed the
4 prerequisite grade level in the local education agency in the sending state
5 shall be eligible for enrollment in the next highest grade level in the
6 receiving state, regardless of age. A student transferring after the start of
7 the school year in the receiving state shall enter the school in the
8 receiving state on their validated level from an accredited school in the
9 sending state.

10
11 ARTICLE V

12 PLACEMENT & ATTENDANCE

13
14 A. Course placement – When the student transfers before or
15 during the school year, the receiving state school shall initially honor
16 placement of the student in educational courses based on the student’s
17 enrollment in the sending state school and/or educational assessments
18 conducted at the school in the sending state if the courses are offered and
19 there is space available, as determined by the school district. Course
20 placement includes but is not limited to Honors, International Baccalaureate,
21 Advanced Placement, vocational, technical and career pathways courses.
22 Continuing the student’s academic program from the previous school and
23 promoting placement in academically and career challenging courses should be
24 paramount when considering placement. This does not preclude the school in
25 the receiving state from performing subsequent evaluations to ensure
26 appropriate placement and continued enrollment of the student in the
27 course(s).

28 B. Educational program placement – The receiving state
29 school shall initially honor placement of the student in educational programs
30 based on current educational assessments conducted at the school in the
31 sending state or participation/placement in like programs in the sending
32 state provided that the program exists in the school and there is space
33 available, as determined by the school district. Such programs include, but
34 are not limited to: 1) gifted and talented programs; and 2) English as a
35 second language (ESL). This does not preclude the school in the receiving
36 state from performing subsequent evaluations to ensure appropriate placement

1 of the student.

2 C. Special education services.

3 1) In compliance with the federal requirements of
4 the Individuals with Disabilities Education Act (IDEA), 20 U.S.C. Section
5 1400 et seq, the receiving state shall initially provide comparable services
6 to a student with disabilities based on his/her current Individualized
7 Education Program (IEP); and

8 2) In compliance with the requirements of Section
9 504 of the Rehabilitation Act, 29 U.S.C. Section 794, and with Title II of
10 the Americans with Disabilities Act, 42 U.S.C. Sections 12131-12165, the
11 receiving state shall make reasonable accommodations and modifications to
12 address the needs of incoming students with disabilities, subject to an
13 existing 504 or Title II Plan, to provide the student with equal access to
14 education. This does not preclude the school in the receiving state from
15 performing subsequent evaluations to ensure appropriate placement of the
16 student.

17 D. Placement flexibility – Local education agency
18 administrative officials shall have flexibility in waiving course/program
19 prerequisites, or other preconditions for placement in courses/programs
20 offered under the jurisdiction of the local education agency.

21 E. Absence as related to deployment activities – A student
22 whose parent or legal guardian is an active duty member of the uniformed
23 services, as defined by the compact, and has been called to duty for, is on
24 leave from, or immediately returned from deployment to a combat zone or
25 combat support posting, shall be granted additional excused absences at the
26 discretion of the local education agency superintendent to visit with his or
27 her parent or legal guardian relative to such leave or deployment of the
28 parent or guardian.

29

30 ARTICLE VI

31 ELIGIBILITY

32

33 A. Eligibility for enrollment

34 1. Special power of attorney, relative to the
35 guardianship of a child of a military family and executed under applicable
36 law shall be sufficient for the purposes of enrollment and all other actions

1 requiring parental participation and consent.

2 2. A local education agency shall be prohibited from
3 charging local tuition to a transitioning military child placed in the care
4 of a non-custodial parent or other person standing in loco parentis who lives
5 in a jurisdiction other than that of the custodial parent.

6 3. A transitioning military child, placed in the
7 care of a non-custodial parent or other person standing in loco parentis who
8 lives in a jurisdiction other than that of the custodial parent, may continue
9 to attend the school in which he/she was enrolled while residing with the
10 custodial parent.

11 B. Eligibility for extracurricular participation – State
12 and local education agencies shall facilitate the opportunity for
13 transitioning military children’s inclusion in extracurricular activities,
14 regardless of application deadlines, to the extent they are otherwise
15 qualified.

16
17 ARTICLE VII

18 GRADUATION

19
20 In order to facilitate the on-time graduation of children of military
21 families states and local education agencies shall incorporate the following
22 procedures:

23 A. Waiver requirements – Local education agency
24 administrative officials shall waive specific courses required for graduation
25 if similar course work has been satisfactorily completed in another local
26 education agency or shall provide reasonable justification for denial. Should
27 a waiver not be granted to a student who would qualify to graduate from the
28 sending school, the local education agency shall provide an alternative means
29 of acquiring required coursework so that graduation may occur on time.

30 B. Exit exams – States shall accept: 1) Exit or end-
31 of-course exams required for graduation from the sending state; or 2)
32 National norm-referenced achievement tests; or 3) Alternative testing, in
33 lieu of testing requirements for graduation in the receiving state. In the
34 event the above alternatives cannot be accommodated by the receiving state
35 for a student transferring in his or her Senior year, then the provisions of
36 Article VII, Section C shall apply.

1 C. Transfers during Senior year – Should a military
2 student transferring at the beginning or during his or her Senior year be
3 ineligible to graduate from the receiving local education agency after all
4 alternatives have been considered, the sending and receiving local education
5 agencies shall ensure the receipt of a diploma from the sending local
6 education agency, if the student meets the graduation requirements of the
7 sending local education agency. In the event that one of the states in
8 question is not a member of this compact, the member state shall use best
9 efforts to facilitate the on-time graduation of the student in accordance
10 with Sections A and B of this Article.

11
12 ARTICLE VIII
13 STATE COORDINATION
14

15 A. Each member state shall, through the creation of a
16 State Council or use of an existing body or board, provide for the
17 coordination among its agencies of government, local education agencies and
18 military installations concerning the state’s participation in, and
19 compliance with, this compact and Interstate Commission activities. While
20 each member state may determine the membership of its own State Council, its
21 membership must include at least: the state superintendent of education or
22 his or her designee, superintendent of a school district with a high
23 concentration of military children, representative from a military
24 installation, one representative each from the legislative and executive
25 branches of government, and other offices and stakeholder groups the State
26 Council deems appropriate. A member state that does not have a school
27 district deemed to contain a high concentration of military children may
28 appoint a superintendent from another school district to represent local
29 education agencies on the State Council.

30 B. The State Council of each member state shall appoint or
31 designate a military family education liaison to assist military families and
32 the state in facilitating the implementation of this compact.

33 C. The compact commissioner responsible for the
34 administration and management of the state’s participation in the compact
35 shall be appointed by the Governor or as otherwise determined by each member
36 state.

1 D. The compact commissioner and the military family
2 education liaison designated herein shall be ex-officio members of the State
3 Council, unless either is already a full voting member of the State Council.

4
5 ARTICLE IX

6 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN

7
8 The member states hereby create the “Interstate Commission on
9 Educational Opportunity for Military Children.” The activities of the
10 Interstate Commission are the formation of public policy and are a
11 discretionary state function. The Interstate Commission shall:

12 A. Be a body corporate and joint agency of the
13 member states and shall have all the responsibilities, powers and duties set
14 forth herein, and such additional powers as may be conferred upon it by a
15 subsequent concurrent action of the respective legislatures of the member
16 states in accordance with the terms of this compact.

17 B. Consist of one Interstate Commission voting
18 representative from each member state who shall be that state’s compact
19 commissioner.

20 1. Each member state represented at a meeting
21 of the Interstate Commission is entitled to one vote.

22 2. A majority of the total member states shall
23 constitute a quorum for the transaction of business, unless a larger quorum
24 is required by the bylaws of the Interstate Commission.

25 3. A representative shall not delegate a vote
26 to another member state. In the event the compact commissioner is unable to
27 attend a meeting of the Interstate Commission, the Governor or State Council
28 may delegate voting authority to another person from their state for a
29 specified meeting.

30 4. The bylaws may provide for meetings of the
31 Interstate Commission to be conducted by telecommunication or electronic
32 communication.

33 C. Consist of ex-officio, non-voting representatives
34 who are members of interested organizations. Such ex-officio members, as
35 defined in the bylaws, may include but not be limited to, members of the
36 representative organizations of military family advocates, local education

1 agency officials, parent and teacher groups, the U.S. Department of Defense,
2 the Education Commission of the States, the Interstate Agreement on the
3 Qualification of Educational Personnel and other interstate compacts
4 affecting the education of children of military members.

5 D. Meet at least once each calendar year. The
6 chairperson may call additional meetings and, upon the request of a simple
7 majority of the member states, shall call additional meetings.

8 E. Establish an executive committee, whose members
9 shall include the officers of the Interstate Commission and such other
10 members of the Interstate Commission as determined by the bylaws. Members of
11 the executive committee shall serve a one year term. Members of the executive
12 committee shall be entitled to one vote each. The executive committee shall
13 have the power to act on behalf of the Interstate Commission, with the
14 exception of rulemaking, during periods when the Interstate Commission is not
15 in session. The executive committee shall oversee the day-to-day activities
16 of the administration of the compact including enforcement and compliance
17 with the provisions of the compact, its bylaws and rules, and other such
18 duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-
19 officio, nonvoting member of the executive committee.

20 F. Establish bylaws and rules that provide for
21 conditions and procedures under which the Interstate Commission shall make
22 its information and official records available to the public for inspection
23 or copying. The Interstate Commission may exempt from disclosure information
24 or official records to the extent they would adversely affect personal
25 privacy rights or proprietary interests.

26 G. Public notice shall be given by the Interstate
27 Commission of all meetings and all meetings shall be open to the public,
28 except as set forth in the rules or as otherwise provided in the compact. The
29 Interstate Commission and its committees may close a meeting, or portion
30 thereof, where it determines by two-thirds vote that an open meeting would be
31 likely to:

32 1. Relate solely to the Interstate
33 Commission's internal personnel practices and procedures;

34 2. Disclose matters specifically exempted from
35 disclosure by federal and state statute;

36 3. Disclose trade secrets or commercial or

1 financial information that is privileged or confidential;

2 4. Involve accusing a person of a crime, or
3 formally censuring a person;

4 5. Disclose information of a personal nature
5 where disclosure would constitute a clearly unwarranted invasion of personal
6 privacy;

7 6. Disclose investigative records compiled for
8 law enforcement purposes; or

9 7. Specifically relate to the Interstate
10 Commission's participation in a civil action or other legal proceeding.

11 H. For a meeting, or portion of a meeting, closed
12 pursuant to this provision, the Interstate Commission's legal counsel or
13 designee shall certify that the meeting may be closed and shall reference
14 each relevant exemptible provision. The Interstate Commission shall keep
15 minutes that shall fully and clearly describe all matters discussed in a
16 meeting and shall provide a full and accurate summary of actions taken, and
17 the reasons therefore, including a description of the views expressed and the
18 record of a roll call vote. All documents considered in connection with an
19 action shall be identified in such minutes. All minutes and documents of a
20 closed meeting shall remain under seal, subject to release by a majority vote
21 of the Interstate Commission.

22 I. The Interstate Commission shall collect
23 standardized data concerning the educational transition of the children of
24 military families under this compact as directed through its rules that shall
25 specify the data to be collected, the means of collection and data exchange
26 and reporting requirements. Such methods of data collection, exchange and
27 reporting shall, in so far as is reasonably possible, conform to current
28 technology and coordinate its information functions with the appropriate
29 custodian of records as identified in the bylaws and rules.

30 J. The Interstate Commission shall create a process
31 that permits military officials, education officials and parents to inform
32 the Interstate Commission if and when there are alleged violations of the
33 compact or its rules or when issues subject to the jurisdiction of the
34 compact or its rules are not addressed by the state or local education
35 agency. This section shall not be construed to create a private right of
36 action against the Interstate Commission or any member state.

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ARTICLE X
POWERS AND DUTIES OF THE INTERSTATE COMMISSION

The Interstate Commission shall have the following powers:

A. To provide for dispute resolution among member states.

B. To promulgate rules and take all necessary actions to effect the goals, purposes and obligations as enumerated in this compact. The rules shall have the force and effect of rules promulgated under the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any successor law, and shall be binding in the compact states to the extent and in the manner provided in this compact.

C. To issue, upon request of a member state, advisory opinions concerning the meaning or interpretation of the interstate compact, its bylaws, rules and actions.

D. To enforce compliance with the compact provisions, the rules promulgated by the Interstate Commission, and the bylaws, using all necessary and proper means, including but not limited to the use of judicial process.

E. To establish and maintain offices that shall be located within one or more of the member states.

F. To purchase and maintain insurance and bonds.

G. To borrow, accept, hire or contract for services of personnel.

H. To establish and appoint committees including, but not limited to, an executive committee as required by Article IX, Section E, which shall have the power to act on behalf of the Interstate Commission in carrying out its powers and duties hereunder.

I. To elect or appoint such officers, attorneys, employees, agents, or consultants, and to fix their compensation, define their duties and determine their qualifications; and to establish the Interstate Commission’s personnel policies and programs relating to conflicts of interest, rates of compensation, and qualifications of personnel.

J. To accept any and all donations and grants of money, equipment, supplies, materials, and services, and to receive, utilize,

1 and dispose of it.

2 K. To lease, purchase, accept contributions or
3 donations of, or otherwise to own, hold, improve or use any property, real,
4 personal, or mixed.

5 L. To sell, convey, mortgage, pledge, lease,
6 exchange, abandon, or otherwise dispose of any property, real, personal or
7 mixed.

8 M. To establish a budget and make expenditures.

9 N. To adopt a seal and bylaws governing the
10 management and operation of the Interstate Commission.

11 O. To report annually to the legislatures,
12 governors, judiciary, and state councils of the member states concerning the
13 activities of the Interstate Commission during the preceding year. Such
14 reports shall also include any recommendations that may have been adopted by
15 the Interstate Commission.

16 P. To coordinate education, training and public
17 awareness regarding the compact, its implementation and operation for
18 officials and parents involved in such activity.

19 Q. To establish uniform standards for the reporting,
20 collecting and exchanging of data.

21 R. To maintain corporate books and records in
22 accordance with the bylaws.

23 S. To perform such functions as may be necessary or
24 appropriate to achieve the purposes of this compact.

25 T. To provide for the uniform collection and sharing
26 of information between and among member states, schools and military families
27 under this compact.

28
29 ARTICLE XI ORGANIZATION AND OPERATION OF THE INTERSTATE COMMISSION

30
31 A. The Interstate Commission shall, by a majority of the
32 members present and voting, within 12 months after the first Interstate
33 Commission meeting, adopt bylaws to govern its conduct as may be necessary or
34 appropriate to carry out the purposes of the compact, including, but not
35 limited to:

36 1. Establishing the fiscal year of the Interstate

1 Commission;

2 2. Establishing an executive committee, and such
3 other committees as may be necessary;

4 3. Providing for the establishment of committees and
5 for governing any general or specific delegation of authority or function of
6 the Interstate Commission;

7 4. Providing reasonable procedures for calling and
8 conducting meetings of the Interstate Commission, and ensuring reasonable
9 notice of each such meeting;

10 5. Establishing the titles and responsibilities of
11 the officers and staff of the Interstate Commission;

12 6. Providing a mechanism for concluding the
13 operations of the Interstate Commission and the return of surplus funds that
14 may exist upon the termination of the compact after the payment and reserving
15 of all of its debts and obligations.

16 7. Providing "start up" rules for initial
17 administration of the compact.

18 B. The Interstate Commission shall, by a majority of the
19 members, elect annually from among its members a chairperson, a vice-
20 chairperson, and a treasurer, each of whom shall have such authority and
21 duties as may be specified in the bylaws. The chairperson or, in the
22 chairperson's absence or disability, the vice-chairperson, shall preside at
23 all meetings of the Interstate Commission. The officers so elected shall
24 serve without compensation or remuneration from the Interstate Commission;
25 provided that, subject to the availability of budgeted funds, the officers
26 shall be reimbursed for ordinary and necessary costs and expenses incurred by
27 them in the performance of their responsibilities as officers of the
28 Interstate Commission.

29 C. Executive Committee, Officers and Personnel

30 1. The executive committee shall have such authority
31 and duties as may be set forth in the bylaws, including but not limited to:

32 a. Managing the affairs of the Interstate
33 Commission in a manner consistent with the bylaws and purposes of the
34 Interstate Commission;

35 b. Overseeing an organizational structure
36 within, and appropriate procedures for the Interstate Commission to provide

1 for the creation of rules, operating procedures, and administrative and
2 technical support functions; and

3 c. Planning, implementing, and coordinating
4 communications and activities with other state, federal and local government
5 organizations in order to advance the goals of the Interstate Commission.

6 2. The executive committee may, subject to the
7 approval of the Interstate Commission, appoint or retain an executive
8 director for such period, upon such terms and conditions and for such
9 compensation, as the Interstate Commission may deem appropriate. The
10 executive director shall serve as secretary to the Interstate Commission, but
11 shall not be a Member of the Interstate Commission. The executive director
12 shall hire and supervise such other persons as may be authorized by the
13 Interstate Commission.

14 D. The Interstate Commission's executive director and its
15 employees shall be immune from suit and liability, either personally or in
16 their official capacity, for a claim for damage to or loss of property or
17 personal injury or other civil liability caused or arising out of or relating
18 to an actual or alleged act, error, or omission that occurred, or that such
19 person had a reasonable basis for believing occurred, within the scope of
20 Interstate Commission employment, duties, or responsibilities; provided, that
21 such person shall not be protected from suit or liability for damage, loss,
22 injury, or liability caused by the intentional or willful and wanton
23 misconduct of such person.

24 1. The liability of the Interstate Commission's
25 executive director and employees or Interstate Commission representatives,
26 acting within the scope of such person's employment or duties for acts,
27 errors, or omissions occurring within such person's state may not exceed the
28 limits of liability set forth under the Constitution and laws of that state
29 for state officials, employees, and agents. The Interstate Commission is
30 considered to be an instrumentality of the states for the purposes of any
31 such action. Nothing in this subsection shall be construed to protect such
32 person from suit or liability for damage, loss, injury, or liability caused
33 by the intentional or willful and wanton misconduct of such person.

34 2. The Interstate Commission shall defend the
35 executive director and its employees and, subject to the approval of the
36 Attorney General or other appropriate legal counsel of the member state

1 represented by an Interstate Commission representative, shall defend such
2 Interstate Commission representative in any civil action seeking to impose
3 liability arising out of an actual or alleged act, error or omission that
4 occurred within the scope of Interstate Commission employment, duties or
5 responsibilities, or that the defendant had a reasonable basis for believing
6 occurred within the scope of Interstate Commission employment, duties, or
7 responsibilities, provided that the actual or alleged act, error, or omission
8 did not result from intentional or willful and wanton misconduct on the part
9 of such person.

10 3. To the extent not covered by the state involved,
11 member state, or the Interstate Commission, the representatives or employees
12 of the Interstate Commission shall be held harmless in the amount of a
13 settlement or judgment, including attorney's fees and costs, obtained against
14 such persons arising out of an actual or alleged act, error, or omission that
15 occurred within the scope of Interstate Commission employment, duties, or
16 responsibilities, or that such persons had a reasonable basis for believing
17 occurred within the scope of Interstate Commission employment, duties, or
18 responsibilities, provided that the actual or alleged act, error, or omission
19 did not result from intentional or willful and wanton misconduct on the part
20 of such persons.

21 ARTICLE XII

22 RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION

23 A. Rulemaking Authority – The Interstate Commission shall
24 promulgate reasonable rules in order to effectively and efficiently achieve
25 the purposes of this Compact. Notwithstanding the foregoing, in the event the
26 Interstate Commission exercises its rulemaking authority in a manner that is
27 beyond the scope of the purposes of this Act, or the powers granted
28 hereunder, then such an action by the Interstate Commission shall be invalid
29 and have no force or effect.

30 B. Rulemaking Procedure – Rules shall be made pursuant to
31 a rulemaking process that substantially conforms to the “Model State
32 Administrative Procedure Act,” of 1981 Act, Uniform Laws Annotated, Vol. 15,
33 p.1 (2000) as amended, as may be appropriate to the operations of the
34 Interstate Commission.

1 1. Provide written notice to the defaulting state
2 and other member states, of the nature of the default, the means of curing
3 the default and any action taken by the Interstate Commission. The Interstate
4 Commission shall specify the conditions by which the defaulting state must
5 cure its default.

6 2. Provide remedial training and specific technical
7 assistance regarding the default.

8 3. If the defaulting state fails to cure the
9 default, the defaulting state shall be terminated from the compact upon an
10 affirmative vote of a majority of the member states and all rights,
11 privileges and benefits conferred by this compact shall be terminated from
12 the effective date of termination. A cure of the default does not relieve the
13 offending state of obligations or liabilities incurred during the period of
14 the default.

15 4. Suspension or termination of membership in the
16 compact shall be imposed only after all other means of securing compliance
17 have been exhausted. Notice of intent to suspend or terminate shall be given
18 by the Interstate Commission to the Governor, the majority and minority
19 leaders of the defaulting state's legislature, and each of the member states.

20 5. The state that has been suspended or terminated
21 is responsible for all assessments, obligations and liabilities incurred
22 through the effective date of suspension or termination including
23 obligations, the performance of which extends beyond the effective date of
24 suspension or termination.

25 6. The Interstate Commission shall not bear any
26 costs relating to any state that has been found to be in default or that has
27 been suspended or terminated from the compact, unless otherwise mutually
28 agreed upon in writing between the Interstate Commission and the defaulting
29 state.

30 7. The defaulting state may appeal the action of the
31 Interstate Commission by petitioning the U.S. District Court for the District
32 of Columbia or the federal district where the Interstate Commission has its
33 principal offices. The prevailing party shall be awarded all costs of such
34 litigation including reasonable attorney's fees.

35 C. Dispute Resolution

36 1. The Interstate Commission shall attempt, upon the

1 request of a member state, to resolve disputes that are subject to the
2 compact and that may arise among member states and between member and non-
3 member states.

4 2. The Interstate Commission shall promulgate a rule
5 providing for both mediation and binding dispute resolution for disputes as
6 appropriate.

7
8 ARTICLE XIV

9 FINANCING OF THE INTERSTATE COMMISSION

10
11 A. The Interstate Commission shall pay, or provide for the
12 payment of the reasonable expenses of its establishment, organization and
13 ongoing activities.

14 B. The Interstate Commission may levy on and collect an
15 annual assessment from each member state to cover the cost of the operations
16 and activities of the Interstate Commission and its staff that must be in a
17 total amount sufficient to cover the Interstate Commission’s annual budget as
18 approved each year. The aggregate annual assessment amount shall be allocated
19 based upon a formula to be determined by the Interstate Commission, which
20 shall promulgate a rule binding upon all member states.

21 C. The Interstate Commission shall not incur obligations
22 of any kind prior to securing the funds adequate to meet the same; nor shall
23 the Interstate Commission pledge the credit of any of the member states,
24 except by and with the authority of the member state.

25 D. The Interstate Commission shall keep accurate accounts
26 of all receipts and disbursements. The receipts and disbursements of the
27 Interstate Commission shall be subject to the audit and accounting procedures
28 established under its bylaws. However, all receipts and disbursements of
29 funds handled by the Interstate Commission shall be audited yearly by a
30 certified or licensed public accountant and the report of the audit shall be
31 included in and become part of the annual report of the Interstate
32 Commission.

33
34 ARTICLE XV

35 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

1 such later date as determined by the Interstate Commission.

2 B. Dissolution of Compact

3 1. This compact shall dissolve effective upon the
4 date of the withdrawal or default of the member state that reduces the
5 membership in the compact to one (1) member state.

6 2. Upon the dissolution of this compact, the compact
7 becomes null and void and shall be of no further force or effect, and the
8 business and affairs of the Interstate Commission shall be concluded and
9 surplus funds shall be distributed in accordance with the bylaws.

10
11 ARTICLE XVII

12 SEVERABILITY AND CONSTRUCTION

13
14 A. The provisions of this compact shall be severable, and
15 if any phrase, clause, sentence or provision is deemed unenforceable, the
16 remaining provisions of the compact shall be enforceable.

17 B. The provisions of this compact shall be liberally
18 construed to effectuate its purposes.

19 C. Nothing in this compact shall be construed to prohibit
20 the applicability of other interstate compacts to which the states are
21 members.

22
23 ARTICLE XVIII

24 BINDING EFFECT OF COMPACT AND OTHER LAWS

25
26 A. Other Laws

27 Nothing herein prevents the enforcement of any other law of a member state
28 that is not inconsistent with this compact.

29 B. Binding Effect of the Compact

30 1. All lawful actions of the Interstate Commission,
31 including all rules and bylaws promulgated by the Interstate Commission, are
32 binding upon the member states.

33 2. All agreements between the Interstate Commission
34 and the member states are binding in accordance with their terms.

35 3. In the event any provision of this compact
36 exceeds the constitutional limits imposed on the legislature of any member

1 state, such provision shall be ineffective to the extent of the conflict with
2 the constitutional provision in question in that member state.

3
4 6-28-303. Fees.

5 Under the Interstate Compact on Educational Opportunity for Military
6 Children established under this subchapter and using the definitions in the
7 compact:

8 (1) The minimum fee for a member state is two thousand dollars
9 (\$2,000);

10 (2) The maximum fee for each member state is two dollars (\$2.00)
11 per student who is a child of an active duty military family; and

12 (3) The fees paid or owed shall not exceed the amount
13 appropriated for the payment of fees under this compact for each fiscal year
14 by the General Assembly.

15
16 SECTION 3. Arkansas Code § 6-18-202(b), concerning residency of
17 students, is amended to add an additional subdivision to read as follows:

18 (5) For purposes of this section, a dependent of a member of the
19 uniformed services, as defined in § 6-28-104, who is transferred to the state
20 by official orders is considered a resident in a school district:

21 (A) Before the physical arrival of the dependent of a
22 member of the uniformed services in the school district; and

23 (B) When the member of the uniformed services enrolls the
24 dependent in the public school district as established under § 6-28-108.

25
26 SECTION 4. Arkansas Code § 6-20-2303(3)(C), concerning students that
27 count towards a public school’s average daily membership, is amended to add
28 an additional subdivision to read as follows:

29 (v) Students who are eligible to attend and who
30 reside within the boundaries of a school district and are enrolled in the
31 Arkansas National Guard Youth Challenge Program, so long as the students are
32 participants in the program; ~~or~~

33 (vi) Students who are enrolled in a public school
34 operated by the school district and who have been placed by the Department of
35 Human Services in a licensed or approved foster home, shelter, or facility,
36 or an exempt child welfare agency as defined under § 9-28-402, if:

1 (a) The student was enrolled in the school
2 district before placement;

3 (b) The foster home or other placement is
4 located within the boundaries of the school district;

5 (c) The juvenile division of the circuit court
6 with jurisdiction over a dependency-neglect action concerning the child has
7 issued an order allowing the child to attend school in the school district;
8 or

9 (d) Enrollment in the school district is
10 necessary to ensure continuity of educational services under § 9-28-113 ~~or~~

11 (vii) Transitioning inbound children of military
12 families who have provisionally enrolled in a public school district under
13 the Arkansas Military Child School Transitions Act of 2021, § 6-28-101 et
14 seq.

15
16 SECTION 5. Arkansas Code § 6-20-2303(3)(E), concerning distance
17 learning courses, is amended to read as follows:

18 (E)(i) Except as otherwise provided by law, a public
19 school district or open-enrollment public charter school that teaches a
20 distance learning course to one (1) or more home-schooled, transitioning
21 inbound child of a military family, or private school ~~students~~ student shall
22 be eligible for an amount equal to one-sixth (1/6) of the state foundation
23 funding amount per distance learning course for each private school student,
24 transitioning inbound child of a military family, or home-schooled student
25 who is:

26 (a) Residing within the school district where
27 the public school or open-enrollment public charter school is located; ~~and~~

28 (b) Physically attending the distance learning
29 course or courses on the campus of the public school district or open-
30 enrollment public charter school; and

31 (c) Provisionally enrolled in the public
32 school district under the Arkansas Military Child School Transitions Act of
33 2021, § 6-28-101 et seq., as an inbound child of a military family.

34 (ii) However, under no circumstances shall a public
35 school district or open-enrollment public charter school be entitled to more
36 than the equivalent of state foundation funding for one (1) average daily

1 membership regardless of the number of distance learning courses received by
2 a particular home-schooled or private school student;

3
4 SECTION 6. Arkansas Code § 6-20-2303, concerning definitions under the
5 Public School Funding Act of 2003, is amended to add an additional
6 subdivision to read as follows:

7 (27) "Child of a military family" means the dependent child of a
8 uniformed services member for whom the local education agency receives public
9 funding and who is enrolled or is pre-enrolled in a public school district
10 under the Arkansas Military Child School Transitions Act of 2021, § 6-28-101
11 et seq.

12
13 SECTION 7. Arkansas Code Title 6, Chapter 4, Subchapter 3, is
14 repealed.

15 ~~Subchapter 3—Interstate Compact on Educational Opportunity for Military~~
16 ~~Children~~

17
18 ~~6-4-301.—Title.~~

19 ~~This subchapter is known and may be cited as the “Interstate Compact on~~
20 ~~Educational Opportunity for Military Children”.~~

21
22 ~~6-4-302.—Adoption of compact.~~

23 ~~The Interstate Compact on Educational Opportunity for Military Children~~
24 ~~is enacted into law and entered into with all other jurisdictions legally~~
25 ~~joining in this compact in the form substantially as follows:~~

26
27 ~~Interstate Compact on Educational Opportunity for Military Children~~

28 ~~ARTICLE I~~

29 ~~PURPOSE~~

30
31 ~~It is the purpose of this compact to remove barriers to educational~~
32 ~~success imposed on children of military families because of frequent moves~~
33 ~~and deployment of their parents by:~~

34 ~~A.—Facilitating the timely enrollment of children of~~
35 ~~military families and ensuring that they are not placed at a disadvantage due~~
36 ~~to difficulty in the transfer of education records from the previous school~~

1 ~~district(s) or variations in entrance/age requirements.~~

2 ~~B. Facilitating the student placement process~~
3 ~~through which children of military families are not disadvantaged by~~
4 ~~variations in attendance requirements, scheduling, sequencing, grading,~~
5 ~~course content or assessment.~~

6 ~~C. Facilitating the qualification and eligibility~~
7 ~~for enrollment, educational programs, and participation in extracurricular~~
8 ~~academic, athletic, and social activities.~~

9 ~~D. Facilitating the on time graduation of children~~
10 ~~of military families.~~

11 ~~E. Providing for the adoption and enforcement of~~
12 ~~administrative rules implementing the provisions of this compact.~~

13 ~~F. Providing for the uniform collection and sharing~~
14 ~~of information between and among member states, schools and military families~~
15 ~~under this compact.~~

16 ~~G. Promoting coordination between this compact and~~
17 ~~other compacts affecting military children.~~

18 ~~H. Promoting flexibility and cooperation between the~~
19 ~~educational system, parents and the student in order to achieve educational~~
20 ~~success for the student.~~

21
22 ~~ARTICLE II~~

23 ~~DEFINITIONS~~

24
25 ~~As used in this compact, unless the context clearly requires a~~
26 ~~different construction:~~

27 ~~A. "Active duty" means: full time duty status in the~~
28 ~~active uniformed service of the United States, including members of the~~
29 ~~National Guard and Reserve on active duty orders pursuant to 10 U.S.C.~~
30 ~~Section 1209 and 1211.~~

31 ~~B. "Children of military families" means: a school-~~
32 ~~aged child(ren), enrolled in Kindergarten through Twelfth (12th) grade, in~~
33 ~~the household of an active duty member.~~

34 ~~C. "Compact commissioner" means: the voting~~
35 ~~representative of each compacting state appointed pursuant to Article VIII of~~
36 ~~this compact.~~

1 D. ~~“Deployment” means: the period one (1) month~~
2 ~~prior to the service members’ departure from their home station on military~~
3 ~~orders though six (6) months after return to their home station.~~

4 E. ~~“Education(al) records” means: those official~~
5 ~~records, files, and data directly related to a student and maintained by the~~
6 ~~school or local education agency, including but not limited to records~~
7 ~~encompassing all the material kept in the student’s cumulative folder such as~~
8 ~~general identifying data, records of attendance and of academic work~~
9 ~~completed, records of achievement and results of evaluative tests, health~~
10 ~~data, disciplinary status, test protocols, and individualized education~~
11 ~~programs.~~

12 F. ~~“Extracurricular activities” means: a voluntary~~
13 ~~activity sponsored by the school or local education agency or an organization~~
14 ~~sanctioned by the local education agency. Extracurricular activities include,~~
15 ~~but are not limited to, preparation for and involvement in public~~
16 ~~performances, contests, athletic competitions, demonstrations, displays, and~~
17 ~~club activities.~~

18 G. ~~“Interstate Commission on Educational Opportunity~~
19 ~~for Military Children” means: the commission that is created under Article IX~~
20 ~~of this compact, which is generally referred to as Interstate Commission.~~

21 H. ~~“Local education agency” means: a public~~
22 ~~authority legally constituted by the state as an administrative agency to~~
23 ~~provide control of and direction for Kindergarten through Twelfth (12th)~~
24 ~~grade public educational institutions.~~

25 I. ~~“Member state” means: a state that has enacted~~
26 ~~this compact.~~

27 J. ~~“Military installation” means: a base, camp,~~
28 ~~post, station, yard, center, homeport facility for any ship, or other~~
29 ~~activity under the jurisdiction of the Department of Defense, including any~~
30 ~~leased facility, which is located within any of the several States, the~~
31 ~~District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin~~
32 ~~Islands, Guam, American Samoa, the Northern Marianas Islands and any other~~
33 ~~U.S. Territory. Such term does not include any facility used primarily for~~
34 ~~civil works, rivers and harbors projects, or flood control projects.~~

35 K. ~~“Non member state” means: a state that has not~~
36 ~~enacted this compact.~~

1 L. ~~“Receiving state” means: the state to which a~~
2 ~~child of a military family is sent, brought, or caused to be sent or brought.~~

3 M. ~~“Rule” means: a written statement by the~~
4 ~~Interstate Commission promulgated pursuant to Article XII of this compact~~
5 ~~that is of general applicability, implements, interprets or prescribes a~~
6 ~~policy or provision of the Compact, or an organizational, procedural, or~~
7 ~~practice requirement of the Interstate Commission, and has the force and~~
8 ~~effect of rules promulgated under the Arkansas Administrative Procedure Act,~~
9 ~~§ 25-15-201 et seq., or any successor law, and includes the amendment,~~
10 ~~repeal, or suspension of an existing rule.~~

11 N. ~~“Sending state” means: the state from which a~~
12 ~~child of a military family is sent, brought, or caused to be sent or brought.~~

13 O. ~~“State” means: a state of the United States, the~~
14 ~~District of Columbia, the Commonwealth of Puerto Rico, the U.S. Virgin~~
15 ~~Islands, Guam, American Samoa, the Northern Marianas Islands and any other~~
16 ~~U.S. Territory.~~

17 P. ~~“Student” means: the child of a military family~~
18 ~~for whom the local education agency receives public funding and who is~~
19 ~~formally enrolled in Kindergarten through Twelfth (12th) grade.~~

20 Q. ~~“Transition” means: 1) the formal and physical~~
21 ~~process of transferring from school to school or 2) the period of time in~~
22 ~~which a student moves from one school in the sending state to another school~~
23 ~~in the receiving state.~~

24 R. ~~“Uniformed service(s)” means: the Army, Navy, Air~~
25 ~~Force, Marine Corps, Coast Guard as well as the Commissioned Corps of the~~
26 ~~National Oceanic and Atmospheric Administration, and Public Health Services.~~

27 S. ~~“Veteran” means: a person who served in the~~
28 ~~uniformed services and who was discharged or released there from under~~
29 ~~conditions other than dishonorable.~~

30
31 ARTICLE III
32 APPLICABILITY

33
34 A. ~~Except as otherwise provided in Section B, this compact~~
35 ~~shall apply to the children of:~~

- 36 1. ~~active duty members of the uniformed services as~~

1 ~~defined in this compact, including members of the National Guard and Reserve~~
2 ~~on active duty orders pursuant to 10 U.S.C. Section 1209 and 1211;~~

3 ~~2. members or veterans of the uniformed services who~~
4 ~~are severely injured and medically discharged or retired for a period of one~~
5 ~~(1) year after medical discharge or retirement; and~~

6 ~~3. members of the uniformed services who die on~~
7 ~~active duty or as a result of injuries sustained on active duty for a period~~
8 ~~of one (1) year after death.~~

9 ~~B. The provisions of this interstate compact shall only~~
10 ~~apply to local education agencies as defined in this compact.~~

11 ~~G. The provisions of this compact shall not apply to the~~
12 ~~children of:~~

13 ~~1. inactive members of the national guard and~~
14 ~~military reserves;~~

15 ~~2. members of the uniformed services now retired,~~
16 ~~except as provided in Section A;~~

17 ~~3. veterans of the uniformed services, except as~~
18 ~~provided in Section A; and~~

19 ~~4. other U.S. Dept. of Defense personnel and other~~
20 ~~federal agency civilian and contract employees not defined as active duty~~
21 ~~members of the uniformed services.~~

22
23 ~~ARTICLE IV~~

24 ~~EDUCATIONAL RECORDS & ENROLLMENT~~

25
26 ~~A. Unofficial or "hand-carried" education records—In the~~
27 ~~event that official education records cannot be released to the parents for~~
28 ~~the purpose of transfer, the custodian of the records in the sending state~~
29 ~~shall prepare and furnish to the parent a complete set of unofficial~~
30 ~~educational records containing uniform information as determined by the~~
31 ~~Interstate Commission. Upon receipt of the unofficial education records by a~~
32 ~~school in the receiving state, the school shall enroll and appropriately~~
33 ~~place the student based on the information provided in the unofficial records~~
34 ~~pending validation by the official records, as quickly as possible to the~~
35 ~~extent feasible.~~

36 ~~B. Official education records/transcripts—Simultaneous~~

1 ~~Advanced Placement, vocational, technical and career pathways courses,~~
2 ~~Continuing the student's academic program from the previous school and~~
3 ~~promoting placement in academically and career challenging courses should be~~
4 ~~paramount when considering placement. This does not preclude the school in~~
5 ~~the receiving state from performing subsequent evaluations to ensure~~
6 ~~appropriate placement and continued enrollment of the student in the~~
7 ~~course(s).~~

8 ~~B. Educational program placement—The receiving state~~
9 ~~school shall initially honor placement of the student in educational programs~~
10 ~~based on current educational assessments conducted at the school in the~~
11 ~~sending state or participation/placement in like programs in the sending~~
12 ~~state provided that the program exists in the school and there is space~~
13 ~~available, as determined by the school district. Such programs include, but~~
14 ~~are not limited to: 1) gifted and talented programs; and 2) English as a~~
15 ~~second language (ESL). This does not preclude the school in the receiving~~
16 ~~state from performing subsequent evaluations to ensure appropriate placement~~
17 ~~of the student.~~

18 ~~C. Special education services.~~

19 ~~1) In compliance with the federal requirements of~~
20 ~~the Individuals with Disabilities Education Act (IDEA), 20 U.S.C.A. Section~~
21 ~~1400 et seq, the receiving state shall initially provide comparable services~~
22 ~~to a student with disabilities based on his/her current Individualized~~
23 ~~Education Program (IEP); and~~

24 ~~2) In compliance with the requirements of Section~~
25 ~~504 of the Rehabilitation Act, 29 U.S.C.A. Section 794, and with Title II of~~
26 ~~the Americans with Disabilities Act, 42 U.S.C.A. Sections 12131-12165, the~~
27 ~~receiving state shall make reasonable accommodations and modifications to~~
28 ~~address the needs of incoming students with disabilities, subject to an~~
29 ~~existing 504 or Title II Plan, to provide the student with equal access to~~
30 ~~education. This does not preclude the school in the receiving state from~~
31 ~~performing subsequent evaluations to ensure appropriate placement of the~~
32 ~~student.~~

33 ~~D. Placement flexibility—Local education agency~~
34 ~~administrative officials shall have flexibility in waiving course/program~~
35 ~~prerequisites, or other preconditions for placement in courses/programs~~
36 ~~offered under the jurisdiction of the local education agency.~~

1 ~~E.—Absence as related to deployment activities—A student~~
2 ~~whose parent or legal guardian is an active duty member of the uniformed~~
3 ~~services, as defined by the compact, and has been called to duty for, is on~~
4 ~~leave from, or immediately returned from deployment to a combat zone or~~
5 ~~combat support posting, shall be granted additional excused absences at the~~
6 ~~discretion of the local education agency superintendent to visit with his or~~
7 ~~her parent or legal guardian relative to such leave or deployment of the~~
8 ~~parent or guardian.~~

9
10 ~~ARTICLE VI~~
11 ~~ELIGIBILITY~~

12
13 ~~A.—Eligibility for enrollment~~

14 ~~1.—Special power of attorney, relative to the~~
15 ~~guardianship of a child of a military family and executed under applicable~~
16 ~~law shall be sufficient for the purposes of enrollment and all other actions~~
17 ~~requiring parental participation and consent.~~

18 ~~2.—A local education agency shall be prohibited from~~
19 ~~charging local tuition to a transitioning military child placed in the care~~
20 ~~of a non-custodial parent or other person standing in loco parentis who lives~~
21 ~~in a jurisdiction other than that of the custodial parent.~~

22 ~~3.—A transitioning military child, placed in the~~
23 ~~care of a non-custodial parent or other person standing in loco parentis who~~
24 ~~lives in a jurisdiction other than that of the custodial parent, may continue~~
25 ~~to attend the school in which he/she was enrolled while residing with the~~
26 ~~custodial parent.~~

27 ~~B.—Eligibility for extracurricular participation—State~~
28 ~~and local education agencies shall facilitate the opportunity for~~
29 ~~transitioning military children’s inclusion in extracurricular activities,~~
30 ~~regardless of application deadlines, to the extent they are otherwise~~
31 ~~qualified.~~

32
33 ~~ARTICLE VII~~
34 ~~GRADUATION~~

35
36 ~~In order to facilitate the on-time graduation of children of military~~

1 ~~families states and local education agencies shall incorporate the following~~
2 ~~procedures:~~

3 ~~A. Waiver requirements—Local education agency~~
4 ~~administrative officials shall waive specific courses required for graduation~~
5 ~~if similar course work has been satisfactorily completed in another local~~
6 ~~education agency or shall provide reasonable justification for denial. Should~~
7 ~~a waiver not be granted to a student who would qualify to graduate from the~~
8 ~~sending school, the local education agency shall provide an alternative means~~
9 ~~of acquiring required coursework so that graduation may occur on time.~~

10 ~~B. Exit exams—States shall accept: 1) Exit or end-~~
11 ~~of-course exams required for graduation from the sending state; or 2)~~
12 ~~National norm-referenced achievement tests; or 3) Alternative testing, in~~
13 ~~lieu of testing requirements for graduation in the receiving state. In the~~
14 ~~event the above alternatives cannot be accommodated by the receiving state~~
15 ~~for a student transferring in his or her Senior year, then the provisions of~~
16 ~~Article VII, Section C shall apply.~~

17 ~~C. Transfers during Senior year—Should a military~~
18 ~~student transferring at the beginning or during his or her Senior year be~~
19 ~~ineligible to graduate from the receiving local education agency after all~~
20 ~~alternatives have been considered, the sending and receiving local education~~
21 ~~agencies shall ensure the receipt of a diploma from the sending local~~
22 ~~education agency, if the student meets the graduation requirements of the~~
23 ~~sending local education agency. In the event that one of the states in~~
24 ~~question is not a member of this compact, the member state shall use best~~
25 ~~efforts to facilitate the on-time graduation of the student in accordance~~
26 ~~with Sections A and B of this Article.~~

27
28 ~~ARTICLE VIII~~
29 ~~STATE COORDINATION~~
30

31 ~~A. Each member state shall, through the creation of a~~
32 ~~State Council or use of an existing body or board, provide for the~~
33 ~~coordination among its agencies of government, local education agencies and~~
34 ~~military installations concerning the state's participation in, and~~
35 ~~compliance with, this compact and Interstate Commission activities. While~~
36 ~~each member state may determine the membership of its own State Council, its~~

1 membership must include at least: the state superintendent of education or
2 his or her designee, superintendent of a school district with a high
3 concentration of military children, representative from a military
4 installation, one representative each from the legislative and executive
5 branches of government, and other offices and stakeholder groups the State
6 Council deems appropriate. A member state that does not have a school
7 district deemed to contain a high concentration of military children may
8 appoint a superintendent from another school district to represent local
9 education agencies on the State Council.

10 B. The State Council of each member state shall appoint or
11 designate a military family education liaison to assist military families and
12 the state in facilitating the implementation of this compact.

13 C. The compact commissioner responsible for the
14 administration and management of the state's participation in the compact
15 shall be appointed by the Governor or as otherwise determined by each member
16 state.

17 D. The compact commissioner and the military family
18 education liaison designated herein shall be ex-officio members of the State
19 Council, unless either is already a full voting member of the State Council.

20
21 ARTICLE IX

22 INTERSTATE COMMISSION ON EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN
23

24 The member states hereby create the "Interstate Commission on
25 Educational Opportunity for Military Children." The activities of the
26 Interstate Commission are the formation of public policy and are a
27 discretionary state function. The Interstate Commission shall:

28 A. Be a body corporate and joint agency of the
29 member states and shall have all the responsibilities, powers and duties set
30 forth herein, and such additional powers as may be conferred upon it by a
31 subsequent concurrent action of the respective legislatures of the member
32 states in accordance with the terms of this compact.

33 B. Consist of one Interstate Commission voting
34 representative from each member state who shall be that state's compact
35 commissioner.

36 1. Each member state represented at a meeting

1 ~~of the Interstate Commission is entitled to one vote.~~

2 ~~2.—A majority of the total member states shall~~
3 ~~constitute a quorum for the transaction of business, unless a larger quorum~~
4 ~~is required by the bylaws of the Interstate Commission.~~

5 ~~3.—A representative shall not delegate a vote~~
6 ~~to another member state. In the event the compact commissioner is unable to~~
7 ~~attend a meeting of the Interstate Commission, the Governor or State Council~~
8 ~~may delegate voting authority to another person from their state for a~~
9 ~~specified meeting.~~

10 ~~4.—The bylaws may provide for meetings of the~~
11 ~~Interstate Commission to be conducted by telecommunication or electronic~~
12 ~~communication.~~

13 ~~C.—Consist of ex-officio, non-voting representatives~~
14 ~~who are members of interested organizations. Such ex-officio members, as~~
15 ~~defined in the bylaws, may include but not be limited to, members of the~~
16 ~~representative organizations of military family advocates, local education~~
17 ~~agency officials, parent and teacher groups, the U.S. Department of Defense,~~
18 ~~the Education Commission of the States, the Interstate Agreement on the~~
19 ~~Qualification of Educational Personnel and other interstate compacts~~
20 ~~affecting the education of children of military members.~~

21 ~~D.—Meet at least once each calendar year. The~~
22 ~~chairperson may call additional meetings and, upon the request of a simple~~
23 ~~majority of the member states, shall call additional meetings.~~

24 ~~E.—Establish an executive committee, whose members~~
25 ~~shall include the officers of the Interstate Commission and such other~~
26 ~~members of the Interstate Commission as determined by the bylaws. Members of~~
27 ~~the executive committee shall serve a one year term. Members of the executive~~
28 ~~committee shall be entitled to one vote each. The executive committee shall~~
29 ~~have the power to act on behalf of the Interstate Commission, with the~~
30 ~~exception of rulemaking, during periods when the Interstate Commission is not~~
31 ~~in session. The executive committee shall oversee the day to day activities~~
32 ~~of the administration of the compact including enforcement and compliance~~
33 ~~with the provisions of the compact, its bylaws and rules, and other such~~
34 ~~duties as deemed necessary. The U.S. Dept. of Defense, shall serve as an ex-~~
35 ~~officio, nonvoting member of the executive committee.~~

36 ~~F.—Establish bylaws and rules that provide for~~

1 ~~conditions and procedures under which the Interstate Commission shall make~~
 2 ~~its information and official records available to the public for inspection~~
 3 ~~or copying. The Interstate Commission may exempt from disclosure information~~
 4 ~~or official records to the extent they would adversely affect personal~~
 5 ~~privacy rights or proprietary interests.~~

6 ~~G. Public notice shall be given by the Interstate~~
 7 ~~Commission of all meetings and all meetings shall be open to the public,~~
 8 ~~except as set forth in the rules or as otherwise provided in the compact. The~~
 9 ~~Interstate Commission and its committees may close a meeting, or portion~~
 10 ~~thereof, where it determines by two thirds vote that an open meeting would be~~
 11 ~~likely to:~~

12 ~~1. Relate solely to the Interstate~~
 13 ~~Commission's internal personnel practices and procedures;~~

14 ~~2. Disclose matters specifically exempted from~~
 15 ~~disclosure by federal and state statute;~~

16 ~~3. Disclose trade secrets or commercial or~~
 17 ~~financial information that is privileged or confidential;~~

18 ~~4. Involve accusing a person of a crime, or~~
 19 ~~formally censuring a person;~~

20 ~~5. Disclose information of a personal nature~~
 21 ~~where disclosure would constitute a clearly unwarranted invasion of personal~~
 22 ~~privacy;~~

23 ~~6. Disclose investigative records compiled for~~
 24 ~~law enforcement purposes; or~~

25 ~~7. Specifically relate to the Interstate~~
 26 ~~Commission's participation in a civil action or other legal proceeding.~~

27 ~~H. For a meeting, or portion of a meeting, closed~~
 28 ~~pursuant to this provision, the Interstate Commission's legal counsel or~~
 29 ~~designee shall certify that the meeting may be closed and shall reference~~
 30 ~~each relevant exemptible provision. The Interstate Commission shall keep~~
 31 ~~minutes that shall fully and clearly describe all matters discussed in a~~
 32 ~~meeting and shall provide a full and accurate summary of actions taken, and~~
 33 ~~the reasons therefore, including a description of the views expressed and the~~
 34 ~~record of a roll call vote. All documents considered in connection with an~~
 35 ~~action shall be identified in such minutes. All minutes and documents of a~~
 36 ~~closed meeting shall remain under seal, subject to release by a majority vote~~

1 ~~of the Interstate Commission.~~

2 ~~I. The Interstate Commission shall collect~~
3 ~~standardized data concerning the educational transition of the children of~~
4 ~~military families under this compact as directed through its rules that shall~~
5 ~~specify the data to be collected, the means of collection and data exchange~~
6 ~~and reporting requirements. Such methods of data collection, exchange and~~
7 ~~reporting shall, in so far as is reasonably possible, conform to current~~
8 ~~technology and coordinate its information functions with the appropriate~~
9 ~~eustodian of records as identified in the bylaws and rules.~~

10 ~~J. The Interstate Commission shall create a process~~
11 ~~that permits military officials, education officials and parents to inform~~
12 ~~the Interstate Commission if and when there are alleged violations of the~~
13 ~~compact or its rules or when issues subject to the jurisdiction of the~~
14 ~~compact or its rules are not addressed by the state or local education~~
15 ~~agency. This section shall not be construed to create a private right of~~
16 ~~action against the Interstate Commission or any member state.~~

17
18 ~~ARTICLE X~~

19 ~~POWERS AND DUTIES OF THE INTERSTATE COMMISSION~~

20
21 ~~The Interstate Commission shall have the following powers:~~

22 ~~A. To provide for dispute resolution among member~~
23 ~~states.~~

24 ~~B. To promulgate rules and take all necessary~~
25 ~~actions to effect the goals, purposes and obligations as enumerated in this~~
26 ~~compact. The rules shall have the force and effect of rules promulgated under~~
27 ~~the Arkansas Administrative Procedure Act, § 25-15-201 et seq., or any~~
28 ~~successor law, and shall be binding in the compact states to the extent and~~
29 ~~in the manner provided in this compact.~~

30 ~~C. To issue, upon request of a member state,~~
31 ~~advisory opinions concerning the meaning or interpretation of the interstate~~
32 ~~compact, its bylaws, rules and actions.~~

33 ~~D. To enforce compliance with the compact~~
34 ~~provisions, the rules promulgated by the Interstate Commission, and the~~
35 ~~bylaws, using all necessary and proper means, including but not limited to~~
36 ~~the use of judicial process.~~

1 E. ~~To establish and maintain offices that shall be~~
2 ~~located within one or more of the member states.~~

3 F. ~~To purchase and maintain insurance and bonds.~~

4 G. ~~To borrow, accept, hire or contract for services~~
5 ~~of personnel.~~

6 H. ~~To establish and appoint committees including,~~
7 ~~but not limited to, an executive committee as required by Article IX, Section~~
8 ~~E, which shall have the power to act on behalf of the Interstate Commission~~
9 ~~in carrying out its powers and duties hereunder.~~

10 I. ~~To elect or appoint such officers, attorneys,~~
11 ~~employees, agents, or consultants, and to fix their compensation, define~~
12 ~~their duties and determine their qualifications; and to establish the~~
13 ~~Interstate Commission's personnel policies and programs relating to conflicts~~
14 ~~of interest, rates of compensation, and qualifications of personnel.~~

15 J. ~~To accept any and all donations and grants of~~
16 ~~money, equipment, supplies, materials, and services, and to receive, utilize,~~
17 ~~and dispose of it.~~

18 K. ~~To lease, purchase, accept contributions or~~
19 ~~donations of, or otherwise to own, hold, improve or use any property, real,~~
20 ~~personal, or mixed.~~

21 L. ~~To sell, convey, mortgage, pledge, lease,~~
22 ~~exchange, abandon, or otherwise dispose of any property, real, personal or~~
23 ~~mixed.~~

24 M. ~~To establish a budget and make expenditures.~~

25 N. ~~To adopt a seal and bylaws governing the~~
26 ~~management and operation of the Interstate Commission.~~

27 O. ~~To report annually to the legislatures,~~
28 ~~governors, judiciary, and state councils of the member states concerning the~~
29 ~~activities of the Interstate Commission during the preceding year. Such~~
30 ~~reports shall also include any recommendations that may have been adopted by~~
31 ~~the Interstate Commission.~~

32 P. ~~To coordinate education, training and public~~
33 ~~awareness regarding the compact, its implementation and operation for~~
34 ~~officials and parents involved in such activity.~~

35 Q. ~~To establish uniform standards for the reporting,~~
36 ~~collecting and exchanging of data.~~

1 chairperson, and a treasurer, each of whom shall have such authority and
2 duties as may be specified in the bylaws. The chairperson or, in the
3 chairperson's absence or disability, the vice chairperson, shall preside at
4 all meetings of the Interstate Commission. The officers so elected shall
5 serve without compensation or remuneration from the Interstate Commission;
6 provided that, subject to the availability of budgeted funds, the officers
7 shall be reimbursed for ordinary and necessary costs and expenses incurred by
8 them in the performance of their responsibilities as officers of the
9 Interstate Commission.

10 ~~C. Executive Committee, Officers and Personnel~~

11 ~~1. The executive committee shall have such authority~~
12 ~~and duties as may be set forth in the bylaws, including but not limited to:~~

13 ~~a. Managing the affairs of the Interstate~~
14 ~~Commission in a manner consistent with the bylaws and purposes of the~~
15 ~~Interstate Commission;~~

16 ~~b. Overseeing an organizational structure~~
17 ~~within, and appropriate procedures for the Interstate Commission to provide~~
18 ~~for the creation of rules, operating procedures, and administrative and~~
19 ~~technical support functions; and~~

20 ~~c. Planning, implementing, and coordinating~~
21 ~~communications and activities with other state, federal and local government~~
22 ~~organizations in order to advance the goals of the Interstate Commission.~~

23 ~~2. The executive committee may, subject to the~~
24 ~~approval of the Interstate Commission, appoint or retain an executive~~
25 ~~director for such period, upon such terms and conditions and for such~~
26 ~~compensation, as the Interstate Commission may deem appropriate. The~~
27 ~~executive director shall serve as secretary to the Interstate Commission, but~~
28 ~~shall not be a Member of the Interstate Commission. The executive director~~
29 ~~shall hire and supervise such other persons as may be authorized by the~~
30 ~~Interstate Commission.~~

31 ~~D. The Interstate Commission's executive director and its~~
32 ~~employees shall be immune from suit and liability, either personally or in~~
33 ~~their official capacity, for a claim for damage to or loss of property or~~
34 ~~personal injury or other civil liability caused or arising out of or relating~~
35 ~~to an actual or alleged act, error, or omission that occurred, or that such~~
36 ~~person had a reasonable basis for believing occurred, within the scope of~~

1 ~~Interstate Commission employment, duties, or responsibilities; provided, that~~
2 ~~such person shall not be protected from suit or liability for damage, loss,~~
3 ~~injury, or liability caused by the intentional or willful and wanton~~
4 ~~misconduct of such person.~~

5 ~~1. The liability of the Interstate Commission's~~
6 ~~executive director and employees or Interstate Commission representatives,~~
7 ~~acting within the scope of such person's employment or duties for acts,~~
8 ~~errors, or omissions occurring within such person's state may not exceed the~~
9 ~~limits of liability set forth under the Constitution and laws of that state~~
10 ~~for state officials, employees, and agents. The Interstate Commission is~~
11 ~~considered to be an instrumentality of the states for the purposes of any~~
12 ~~such action. Nothing in this subsection shall be construed to protect such~~
13 ~~person from suit or liability for damage, loss, injury, or liability caused~~
14 ~~by the intentional or willful and wanton misconduct of such person.~~

15 ~~2. The Interstate Commission shall defend the~~
16 ~~executive director and its employees and, subject to the approval of the~~
17 ~~Attorney General or other appropriate legal counsel of the member state~~
18 ~~represented by an Interstate Commission representative, shall defend such~~
19 ~~Interstate Commission representative in any civil action seeking to impose~~
20 ~~liability arising out of an actual or alleged act, error or omission that~~
21 ~~occurred within the scope of Interstate Commission employment, duties or~~
22 ~~responsibilities, or that the defendant had a reasonable basis for believing~~
23 ~~occurred within the scope of Interstate Commission employment, duties, or~~
24 ~~responsibilities, provided that the actual or alleged act, error, or omission~~
25 ~~did not result from intentional or willful and wanton misconduct on the part~~
26 ~~of such person.~~

27 ~~3. To the extent not covered by the state involved,~~
28 ~~member state, or the Interstate Commission, the representatives or employees~~
29 ~~of the Interstate Commission shall be held harmless in the amount of a~~
30 ~~settlement or judgment, including attorney's fees and costs, obtained against~~
31 ~~such persons arising out of an actual or alleged act, error, or omission that~~
32 ~~occurred within the scope of Interstate Commission employment, duties, or~~
33 ~~responsibilities, or that such persons had a reasonable basis for believing~~
34 ~~occurred within the scope of Interstate Commission employment, duties, or~~
35 ~~responsibilities, provided that the actual or alleged act, error, or omission~~
36 ~~did not result from intentional or willful and wanton misconduct on the part~~

1 ~~of such persons.~~

3 ~~ARTICLE XII~~

4 ~~RULEMAKING FUNCTIONS OF THE INTERSTATE COMMISSION~~

6 ~~A.—Rulemaking Authority—The Interstate Commission shall~~
7 ~~promulgate reasonable rules in order to effectively and efficiently achieve~~
8 ~~the purposes of this Compact. Notwithstanding the foregoing, in the event the~~
9 ~~Interstate Commission exercises its rulemaking authority in a manner that is~~
10 ~~beyond the scope of the purposes of this Act, or the powers granted~~
11 ~~hereunder, then such an action by the Interstate Commission shall be invalid~~
12 ~~and have no force or effect.~~

13 ~~B.—Rulemaking Procedure—Rules shall be made pursuant to~~
14 ~~a rulemaking process that substantially conforms to the “Model State~~
15 ~~Administrative Procedure Act,” of 1981 Act, Uniform Laws Annotated, Vol. 15,~~
16 ~~p.1 (2000) as amended, as may be appropriate to the operations of the~~
17 ~~Interstate Commission.~~

18 ~~C.—Not later than thirty (30) days after a rule is~~
19 ~~promulgated, any person may file a petition for judicial review of the rule;~~
20 ~~provided, that the filing of such a petition shall not stay or otherwise~~
21 ~~prevent the rule from becoming effective unless the court finds that the~~
22 ~~petitioner has a substantial likelihood of success. The court shall give~~
23 ~~deference to the actions of the Interstate Commission consistent with~~
24 ~~applicable law and shall not find the rule to be unlawful if the rule~~
25 ~~represents a reasonable exercise of the Interstate Commission’s authority.~~

26 ~~D.—If a majority of the legislatures of the compacting~~
27 ~~states rejects a Rule by enactment of a statute or resolution in the same~~
28 ~~manner used to adopt the compact, then such rule shall have no further force~~
29 ~~and effect in any compacting state.~~

31 ~~ARTICLE XIII~~

32 ~~OVERSIGHT, ENFORCEMENT, AND DISPUTE RESOLUTION~~

34 ~~A.—Oversight~~

35 ~~1.—The executive, legislative and judicial branches~~
36 ~~of state government in each member state shall enforce this compact and shall~~

1 ~~take all actions necessary and appropriate to effectuate the compact's~~
2 ~~purposes and intent.~~

3 2. ~~All courts shall take judicial notice of the~~
4 ~~compact and the rules in any judicial or administrative proceeding in a~~
5 ~~member state pertaining to the subject matter of this compact that may affect~~
6 ~~the powers, responsibilities or actions of the Interstate Commission.~~

7 3. ~~The Interstate Commission shall be entitled to~~
8 ~~receive all service of process in any such proceeding, and shall have~~
9 ~~standing to intervene in the proceeding for all purposes. Failure to provide~~
10 ~~service of process to the Interstate Commission shall render a judgment or~~
11 ~~order void as to the Interstate Commission, this compact or promulgated~~
12 ~~rules.~~

13 B. ~~Default, Technical Assistance, Suspension and~~
14 ~~Termination—If the Interstate Commission determines that a member state has~~
15 ~~defaulted in the performance of its obligations or responsibilities under~~
16 ~~this compact, or the bylaws or promulgated rules, the Interstate Commission~~
17 ~~shall:~~

18 1. ~~Provide written notice to the defaulting state~~
19 ~~and other member states, of the nature of the default, the means of curing~~
20 ~~the default and any action taken by the Interstate Commission. The Interstate~~
21 ~~Commission shall specify the conditions by which the defaulting state must~~
22 ~~cure its default.~~

23 2. ~~Provide remedial training and specific technical~~
24 ~~assistance regarding the default.~~

25 3. ~~If the defaulting state fails to cure the~~
26 ~~default, the defaulting state shall be terminated from the compact upon an~~
27 ~~affirmative vote of a majority of the member states and all rights,~~
28 ~~privileges and benefits conferred by this compact shall be terminated from~~
29 ~~the effective date of termination. A cure of the default does not relieve the~~
30 ~~offending state of obligations or liabilities incurred during the period of~~
31 ~~the default.~~

32 4. ~~Suspension or termination of membership in the~~
33 ~~compact shall be imposed only after all other means of securing compliance~~
34 ~~have been exhausted. Notice of intent to suspend or terminate shall be given~~
35 ~~by the Interstate Commission to the Governor, the majority and minority~~
36 ~~leaders of the defaulting state's legislature, and each of the member states.~~

1 5.—~~The state that has been suspended or terminated~~
2 ~~is responsible for all assessments, obligations and liabilities incurred~~
3 ~~through the effective date of suspension or termination including~~
4 ~~obligations, the performance of which extends beyond the effective date of~~
5 ~~suspension or termination.~~

6 6.—~~The Interstate Commission shall not bear any~~
7 ~~costs relating to any state that has been found to be in default or that has~~
8 ~~been suspended or terminated from the compact, unless otherwise mutually~~
9 ~~agreed upon in writing between the Interstate Commission and the defaulting~~
10 ~~state.~~

11 7.—~~The defaulting state may appeal the action of the~~
12 ~~Interstate Commission by petitioning the U.S. District Court for the District~~
13 ~~of Columbia or the federal district where the Interstate Commission has its~~
14 ~~principal offices. The prevailing party shall be awarded all costs of such~~
15 ~~litigation including reasonable attorney's fees.~~

16 G.—~~Dispute Resolution~~

17 1.—~~The Interstate Commission shall attempt, upon the~~
18 ~~request of a member state, to resolve disputes that are subject to the~~
19 ~~compact and that may arise among member states and between member and non-~~
20 ~~member states.~~

21 2.—~~The Interstate Commission shall promulgate a rule~~
22 ~~providing for both mediation and binding dispute resolution for disputes as~~
23 ~~appropriate.~~

24
25 ARTICLE XIV

26 FINANCING OF THE INTERSTATE COMMISSION

27
28 A.—~~The Interstate Commission shall pay, or provide for the~~
29 ~~payment of the reasonable expenses of its establishment, organization and~~
30 ~~ongoing activities.~~

31 B.—~~The Interstate Commission may levy on and collect an~~
32 ~~annual assessment from each member state to cover the cost of the operations~~
33 ~~and activities of the Interstate Commission and its staff that must be in a~~
34 ~~total amount sufficient to cover the Interstate Commission's annual budget as~~
35 ~~approved each year. The aggregate annual assessment amount shall be allocated~~
36 ~~based upon a formula to be determined by the Interstate Commission, which~~

1 shall promulgate a rule binding upon all member states.

2 C. The Interstate Commission shall not incur obligations
3 of any kind prior to securing the funds adequate to meet the same; nor shall
4 the Interstate Commission pledge the credit of any of the member states,
5 except by and with the authority of the member state.

6 D. The Interstate Commission shall keep accurate accounts
7 of all receipts and disbursements. The receipts and disbursements of the
8 Interstate Commission shall be subject to the audit and accounting procedures
9 established under its bylaws. However, all receipts and disbursements of
10 funds handled by the Interstate Commission shall be audited yearly by a
11 certified or licensed public accountant and the report of the audit shall be
12 included in and become part of the annual report of the Interstate
13 Commission.

14
15 ARTICLE XV

16 MEMBER STATES, EFFECTIVE DATE AND AMENDMENT

17
18 A. Any state is eligible to become a member state.

19 B. The compact shall become effective and binding upon
20 legislative enactment of the compact into law by no less than ten (10) of the
21 states. The effective date shall be no earlier than December 1, 2007.
22 Thereafter it shall become effective and binding as to any other member state
23 upon enactment of the compact into law by that state. The governors of non-
24 member states or their designees shall be invited to participate in the
25 activities of the Interstate Commission on a non-voting basis prior to
26 adoption of the compact by all states.

27 C. The Interstate Commission may propose amendments to the
28 compact for enactment by the member states. No amendment shall become
29 effective and binding upon the Interstate Commission and the member states
30 unless and until it is enacted into law by unanimous consent of the member
31 states.

32
33 ARTICLE XVI

34 WITHDRAWAL AND DISSOLUTION

35
36 A. Withdrawal

1 1.—Once effective, the compact shall continue in
2 force and remain binding upon each and every member state; provided that a
3 member state may withdraw from the compact specifically repealing the
4 statute, which enacted the compact into law.

5 2.—Withdrawal from this compact shall be by the
6 enactment of a statute repealing the same, and shall take effect upon the
7 effective date of the repealing statute.

8 3.—The withdrawing state shall immediately notify
9 the chairperson of the Interstate Commission in writing upon the introduction
10 of legislation repealing this compact in the withdrawing state. The
11 Interstate Commission shall notify the other member states of the withdrawing
12 state's intent to withdraw within sixty (60) days of its receipt thereof.

13 4.—The withdrawing state is responsible for all
14 assessments, obligations and liabilities incurred through the effective date
15 of the repealing statute.

16 5.—Reinstatement following withdrawal of a member
17 state shall occur upon the withdrawing state reenacting the compact or upon
18 such later date as determined by the Interstate Commission.

19 B.—Dissolution of Compact

20 1.—This compact shall dissolve effective upon the
21 date of the withdrawal or default of the member state that reduces the
22 membership in the compact to one (1) member state.

23 2.—Upon the dissolution of this compact, the compact
24 becomes null and void and shall be of no further force or effect, and the
25 business and affairs of the Interstate Commission shall be concluded and
26 surplus funds shall be distributed in accordance with the bylaws.

27
28 ARTICLE XVII

29 SEVERABILITY AND CONSTRUCTION

30
31 A.—The provisions of this compact shall be severable, and
32 if any phrase, clause, sentence or provision is deemed unenforceable, the
33 remaining provisions of the compact shall be enforceable.

34 B.—The provisions of this compact shall be liberally
35 construed to effectuate its purposes.

36 C.—Nothing in this compact shall be construed to prohibit

1 ~~the applicability of other interstate compacts to which the states are~~
2 ~~members.~~

4 ~~ARTICLE XVIII~~

5 ~~BINDING EFFECT OF COMPACT AND OTHER LAWS~~

7 ~~A.—Other Laws~~

8 ~~Nothing herein prevents the enforcement of any other law of a member state~~
9 ~~that is not inconsistent with this compact.~~

10 ~~B.—Binding Effect of the Compact~~

11 ~~1.—All lawful actions of the Interstate Commission,~~
12 ~~including all rules and bylaws promulgated by the Interstate Commission, are~~
13 ~~binding upon the member states.~~

14 ~~2.—All agreements between the Interstate Commission~~
15 ~~and the member states are binding in accordance with their terms.~~

16 ~~3.—In the event any provision of this compact~~
17 ~~exceeds the constitutional limits imposed on the legislature of any member~~
18 ~~state, such provision shall be ineffective to the extent of the conflict with~~
19 ~~the constitutional provision in question in that member state.~~

21 ~~6-4-303.—Compact Commissioner for Arkansas.~~

22 ~~(a)—Under the Interstate Compact on Educational Opportunity for~~
23 ~~Military Children established under this subchapter, the Compact Commissioner~~
24 ~~for Arkansas shall be the Commissioner of Elementary and Secondary Education~~
25 ~~or his or her designee.~~

26 ~~(b)—The Compact Commissioner for Arkansas is responsible for the~~
27 ~~administration and management of the state's participation in the compact~~
28 ~~adopted under this subchapter.~~

29 ~~(c)—The Compact Commissioner for Arkansas shall cooperate with all~~
30 ~~departments, agencies, and officers of and in government of this state as~~
31 ~~well as all school districts and political subdivisions of this state for the~~
32 ~~administration of this compact, supplementary agreements entered into by the~~
33 ~~state, or as further directed by law or by the Division of Elementary and~~
34 ~~Secondary Education or the State Board of Education.~~

35
36 ~~6-4-304.—Creation of the State Council.~~

1 ~~(a) There is created the State Council for the Interstate Compact on~~
 2 ~~Educational Opportunity for Military Children to be composed of the following~~
 3 ~~members;~~

4 ~~(1) The Commissioner of Elementary and Secondary Education or~~
 5 ~~his or her designee, serving as Compact Commissioner for Arkansas as provided~~
 6 ~~under § 6-4-303;~~

7 ~~(2) The superintendent of the public school district with the~~
 8 ~~greatest number of children of military families from each Arkansas~~
 9 ~~congressional district as determined every four (4) years;~~

10 ~~(3) One (1) member to be appointed by the President Pro Tempore~~
 11 ~~of the Senate from a list of three (3) nominees submitted by the Executive~~
 12 ~~Director of the Arkansas Education Association;~~

13 ~~(4) One (1) member to be appointed by the Speaker of the House~~
 14 ~~of Representatives from a list of three (3) nominees submitted by the~~
 15 ~~Executive Director of the Arkansas Association of Educational Administrators;~~

16 ~~(5)(A) One (1) member selected from the state at large and~~
 17 ~~appointed by the Governor subject to confirmation of the Senate.~~

18 ~~(B) The Governor shall consult the Arkansas School Boards~~
 19 ~~Association before making an appointment under subdivision (a)(5)(A) of this~~
 20 ~~section;~~

21 ~~(6) The charter school leader of the open enrollment public~~
 22 ~~charter school with the greatest number of children of military families;~~

23 ~~(7)(A) A representative from each federal and state military~~
 24 ~~installation in Arkansas that employs uniformed service members as designated~~
 25 ~~by each military installation commander.~~

26 ~~(B) A representative from a federal military installation~~
 27 ~~shall serve as a nonvoting, ex officio member;~~

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

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

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

1 ~~(b)(1) Each appointed member shall have a background or interest in~~
2 ~~the education of military children.~~

3 ~~(2)(A) The terms for the initial appointees to the council shall~~
4 ~~be staggered as determined by lot with:~~

5 ~~(i) One (1) member serving a term of three (3)~~
6 ~~years;~~

7 ~~(ii) One (1) member serving a term of four (4)~~
8 ~~years; and~~

9 ~~(iii) One (1) member serving a term of five (5)~~
10 ~~years.~~

11 ~~(B) Each succeeding appointment to the council shall be~~
12 ~~for a term of five (5) years, but the member appointed shall serve until the~~
13 ~~member's successor is appointed.~~

14 ~~(3)(A) If a vacancy occurs in an appointed position for any~~
15 ~~reason, the vacancy shall be filled by appointment by the official that made~~
16 ~~the appointment.~~

17 ~~(B) The new appointee shall serve for the remainder of the~~
18 ~~unexpired term.~~

19 ~~(c)(1) The council shall meet at least quarterly or as decided upon by~~
20 ~~a majority of its members.~~

21 ~~(2) Unless otherwise approved by the Commissioner of Elementary~~
22 ~~and Secondary Education, the State Council shall conduct its meetings in~~
23 ~~Central Arkansas and via teleconference or web conference to allow for~~
24 ~~scheduling flexibility for council members.~~

25 ~~(d)(1) A majority of the members of the council shall constitute a~~
26 ~~quorum for transacting business of the council.~~

27 ~~(2) All actions of the council shall be by a quorum.~~

28 ~~(e) The Commissioner of Elementary and Secondary Education or his or~~
29 ~~her designee serving as Compact Commissioner for Arkansas shall be the chair~~
30 ~~of the council and be a full voting member.~~

31 ~~(f) Appointments to the council shall be for a term of four (4) years.~~

32 ~~(g) All state agencies, school districts, and political subdivisions~~
33 ~~of the state shall furnish to the council any information and assistance the~~
34 ~~council may reasonably request.~~

35
36 ~~6-4-305. Duties of the State Council.~~

1 ~~(a) Within thirty (30) days from the date the appointments are~~
2 ~~initially made, the members of the State Council for the Interstate Compact~~
3 ~~on Educational Opportunity for Military Children shall appoint a military~~
4 ~~family education liaison to assist military families and the state in~~
5 ~~facilitating the implementation of the Interstate Compact on Educational~~
6 ~~Opportunity for Military Children adopted under this subchapter.~~

7 ~~(b) The council may promulgate rules for the administration of this~~
8 ~~subchapter and provide recommendations to the Division of Elementary and~~
9 ~~Secondary Education regarding the promulgation of rules applicable to the~~
10 ~~division and public school districts.~~

11 ~~(c) Children of military families under this subchapter shall have~~
12 ~~equitable access to academic courses and programs and to extracurricular~~
13 ~~academic, athletic, and social programs.~~

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

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

19 ~~(A) Speak at the public forum under subdivision (d)(1) of~~
20 ~~this section; or~~

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

23 ~~(e) The State Council may seek input from the Division of Elementary~~
24 ~~and Secondary Education regarding the outcome of a case that is brought to~~
25 ~~the State Council for resolution.~~

26 ~~(f) The State Council shall provide annually a report to the Governor,~~
27 ~~the Senate Committee on Education, and the House Committee on Education that~~
28 ~~includes without limitation the following:~~

29 ~~(1) Information regarding the achievements of the State Council~~
30 ~~and public school districts regarding the support provided to military~~
31 ~~families under this subchapter;~~

32 ~~(2) Details of the reports regarding the compact in this state~~
33 ~~that are provided to the Military Interstate Children's Compact Council and~~
34 ~~actions taken by the Military Interstate Children's Compact Council that~~
35 ~~impact the state;~~

36 ~~(3) Details of cases and the outcomes of the cases brought to~~

1 ~~the State Council for resolution, in compliance with the Family Educational~~
2 ~~Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January~~
3 ~~1, 2019, and state student privacy laws;~~

4 ~~(4) Information regarding training that is provided to and~~
5 ~~completed by public school district personnel with respect to this~~
6 ~~subchapter;~~

7 ~~(5) Details regarding plans for future engagement efforts with~~
8 ~~military families under this subchapter; and~~

9 ~~(6) Any other information requested by parents and legal~~
10 ~~guardians of military families.~~

11
12 ~~6-4-306. Military family education liaison.~~

13 ~~(a) The military family education liaison shall be an ex officio~~
14 ~~member of the State Council for the Interstate Compact on Educational~~
15 ~~Opportunity for Military Children.~~

16 ~~(b) The military family education liaison shall have specialized~~
17 ~~knowledge related to the educational needs of military children and the~~
18 ~~obstacles that military children face in obtaining an education.~~

19 ~~(c) The military family education liaison shall serve a term of four~~
20 ~~(4) years.~~

21
22 ~~6-4-307. Fees.~~

23 ~~Under the compact established under this subchapter and using the~~
24 ~~definitions in the compact:~~

25 ~~(1) The minimum fee for a member state is two thousand dollars~~
26 ~~(\$2,000);~~

27 ~~(2) The maximum fee for each member state is two dollars (\$2.00)~~
28 ~~per student who is a child of an active duty military family; and~~

29 ~~(3) The fees paid or owed shall not exceed the amount~~
30 ~~appropriated for the payment of fees under this compact for each fiscal year~~
31 ~~by the General Assembly.~~

32
33 ~~6-4-308. Immunity not affected.~~

34 ~~(a) This subchapter shall not affect the immunity from suit granted to~~
35 ~~state officials and employees under § 19-10-305 or to the state and its~~
36 ~~official agencies under Arkansas Constitution, Article 5, § 20.~~

1 ~~(b) The exercise of the powers and performance of duties provided for~~
 2 ~~in this subchapter by the Compact Commissioner for Arkansas, the State~~
 3 ~~Council for the Interstate Compact on Educational Opportunity for Military~~
 4 ~~Children, and the military family education liaison for Arkansas and its~~
 5 ~~officers, agents, and employees are declared to be public and governmental~~
 6 ~~functions, exercised for a public purpose and matters of public necessity,~~
 7 ~~conferring upon each authority governmental immunity from suit in tort.~~

8
 9 ~~6-4-309. Children of military families—Student enrollment procedures~~
 10 ~~—Military education coordinators.~~

11 ~~(a) A public school with twenty (20) or more children of military~~
 12 ~~families enrolled as students or a public school with a total of three~~
 13 ~~thousand (3,000) or more students enrolled shall:~~

14 ~~(1) Incorporate into the policies of the public school specific~~
 15 ~~procedures that outline actions to take in support of students who are the~~
 16 ~~children of military families who transition to and from the public school;~~
 17 ~~and~~

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

21 ~~(B) The public school military education coordinator shall~~
 22 ~~have specialized knowledge regarding the educational needs of children of~~
 23 ~~military families and the obstacles that children of military families face~~
 24 ~~in obtaining an education.~~

25 ~~(b) The Division of Elementary and Secondary Education shall supply~~
 26 ~~relevant resources for the orientation and training of public school military~~
 27 ~~education coordinators under this section.~~

28
 29 SECTION 8. Arkansas Code § 6-18-107 is repealed.

30 ~~6-18-107. Enrollment of children of military families—Definitions.~~

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

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

5 ~~(2) Facilitating the student placement process so children of~~
 6 ~~military families are not disadvantaged by variations in attendance~~
 7 ~~requirements, scheduling, lesson sequencing, grading, course content, and~~
 8 ~~assessment;~~

9 ~~(3) Facilitating the qualification and eligibility for~~
 10 ~~enrollment, educational programs, and participation in extracurricular~~
 11 ~~activities;~~

12 ~~(4) Facilitating the on-time graduation of children of military~~
 13 ~~families;~~

14 ~~(5) Providing for the adoption and enforcement of administrative~~
 15 ~~rules to implement this section;~~

16 ~~(6) Providing for the uniform collection and sharing of~~
 17 ~~information between and among public school districts; and~~

18 ~~(7) Promoting flexibility and cooperation between the~~
 19 ~~educational system, parents and legal guardians, and students in order to~~
 20 ~~achieve educational success for the student.~~

21 ~~(b) As used in this section:~~

22 ~~(1) “Activated reserve components” means members of the reserve~~
 23 ~~component of the uniformed services who have received a notice of intent to~~
 24 ~~deploy or mobilize under Title 10 of the United States Code, Title 32 of the~~
 25 ~~United States Code, or state mobilization to active duty;~~

26 ~~(2) “Active duty” means full-time duty status in the active,~~
 27 ~~uniformed services of the United States, including without limitation members~~
 28 ~~of the National Guard and Reserve on active duty orders under 10 U.S.C. §§~~
 29 ~~1209 and 1210, as they existed on January 1, 2019;~~

30 ~~(3) “Deployment” means the period of time six (6) months before~~
 31 ~~a member of the uniformed services’ departure from his or her home station on~~
 32 ~~military orders through six (6) months after return to his or her home~~
 33 ~~station;~~

34 ~~(4) “Education records” means an official record, file, or data~~
 35 ~~directly related to a student and maintained by a public school or local~~
 36 ~~education agency, including without limitation a record encompassing all the~~

1 ~~material kept in a student's cumulative folder such as:~~

2 ~~(A) General identifying data;~~

3 ~~(B) Records of attendance and of academic work completed;~~

4 ~~(C) Records of achievement and results of evaluative~~
5 ~~tests;~~

6 ~~(D) Health data;~~

7 ~~(E) Disciplinary status;~~

8 ~~(F) Test protocols; and~~

9 ~~(G) Individualized education programs;~~

10 ~~(5)(A) "Extracurricular activity" means a voluntary activity~~
11 ~~sponsored by a school or local education agency or an organization sanctioned~~
12 ~~by the local education agency.~~

13 ~~(B) "Extracurricular activity" includes without limitation~~
14 ~~preparation for and involvement in public performances, contests, athletic~~
15 ~~competitions, demonstrations, displays, and club activities;~~

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

19 ~~(7) "Military installation" means a base, camp, post, station,~~
20 ~~yard, center, homeport facility for any ship, or other activity under the~~
21 ~~jurisdiction of the United States Department of Defense or the State of~~
22 ~~Arkansas;~~

23 ~~(8)(A) "Public school" means a state-supported school or public~~
24 ~~charter school serving students in prekindergarten or kindergarten through~~
25 ~~grade twelve (K-12) in Arkansas.~~

26 ~~(B) "Public school" includes without limitation:~~

27 ~~(i) Alternative learning environments;~~

28 ~~(ii) The Arkansas School for the Blind;~~

29 ~~(iii) The Arkansas School for the Deaf; and~~

30 ~~(iv) The Arkansas School for Mathematics, Sciences,~~
31 ~~and the Arts;~~

32 ~~(9) "Receiving district" means a public school district to which~~
33 ~~a child of a uniformed services member transitions;~~

34 ~~(10) "Rule" means:~~

35 ~~(A) A written statement that is of general applicability~~
36 ~~that implements, interprets, or prescribes a policy; or~~

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

5 ~~(11) "Sending district" means the public school district from~~
6 ~~which a child of a uniformed services member transitions;~~

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

10 ~~(13) "Transition" means the:~~

11 ~~(A) Formal and physical process of transitioning from~~
12 ~~public school to public school; or~~

13 ~~(B) Period of time in which a student moves from a sending~~
14 ~~district to a receiving district;~~

15 ~~(14) "Uniformed services" means the United States Army, United~~
16 ~~States Navy, United States Air Force, United States Marine Corps, United~~
17 ~~States Coast Guard, the National Oceanic and Atmospheric Administration~~
18 ~~Commissioned Officer Corps, the United States Commissioned Corps of the~~
19 ~~Public Health Services, and the state and federal reserve components of each~~
20 ~~of these bodies; and~~

21 ~~(15) "Veteran" means an individual who served in the uniformed~~
22 ~~services and who was discharged or released from the uniformed services under~~
23 ~~conditions other than dishonorable.~~

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

25 ~~(A) Members of the active and activated reserve components~~
26 ~~of the uniformed services;~~

27 ~~(B) Members or veterans of the uniformed services who were~~
28 ~~severely injured in the line of duty and are medically discharged or retired~~
29 ~~for a period of one (1) year following the medical discharge or retirement;~~
30 ~~and~~

31 ~~(C) Members of the uniformed services who die while on~~
32 ~~active duty or as a result of injuries sustained while on active duty for a~~
33 ~~period of one (1) year following the death.~~

34 ~~(2) This subchapter shall not apply to the minor dependent~~
35 ~~children of:~~

36 ~~(A) Inactive members of the National Guard and military~~

1 reserves;

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

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

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

9 ~~(A) Is limited to providing transition services for~~
10 ~~children of active duty members of the uniformed services; and~~

11 ~~(B) Excludes provision of services to children of members~~
12 ~~of the reserve components.~~

13 ~~(2)(A) In complying with this section, sending districts and~~
14 ~~receiving districts shall not require sending and receiving districts outside~~
15 ~~of the state to provide services to uniformed services families transferring~~
16 ~~to or from the state.~~

17 ~~(B) Sending districts and receiving districts in the state~~
18 ~~shall make an attempt to coordinate on behalf of children of reserve~~
19 ~~component members with sending and receiving districts outside of the state~~
20 ~~under subdivision (d)(2)(A) of this section.~~

21 ~~(e)(1) If official copies of a student's education records cannot be~~
22 ~~released to a parent of a student for purposes of a transition under this~~
23 ~~section, then the custodian of the student's education records at the sending~~
24 ~~district shall prepare and furnish to the parent of the student and the~~
25 ~~receiving district a complete set of unofficial copies of the student's~~
26 ~~education records, which shall contain uniform information as determined by~~
27 ~~the Division of Elementary and Secondary Education.~~

28 ~~(2) Upon receipt of the unofficial copies of a student's~~
29 ~~education records by a receiving district under subdivision (e)(1) of this~~
30 ~~section, and as soon as practicable, a receiving district shall preregister~~
31 ~~and place a student based on the information provided in the unofficial~~
32 ~~education records that is pending validation by the official records.~~

33 ~~(3)(A) Simultaneous with the enrollment and provisional~~
34 ~~placement of a student under subdivision (e)(2) of this section, a receiving~~
35 ~~district shall request a student's official education records from the~~
36 ~~sending district.~~

1 ~~(B) Upon receipt of this request, the sending district, if~~
2 ~~it is a district within this state, shall process and furnish the official~~
3 ~~education records to the receiving district within ten (10) days or within~~
4 ~~such time as is reasonably determined under division rules.~~

5 ~~(f)(1) A student shall furnish his or her required immunization~~
6 ~~records to a receiving district within thirty (30) days of enrolling in the~~
7 ~~receiving district or within such time as is reasonably determined under~~
8 ~~division rules.~~

9 ~~(2) For a series of immunizations, initial vaccinations shall be~~
10 ~~obtained within thirty (30) days or within such time as is reasonably~~
11 ~~determined under division rules.~~

12 ~~(g)(1) A student shall enroll in a receiving district in the same~~
13 ~~grade level in which he or she was enrolled at the sending district,~~
14 ~~regardless of the student's age.~~

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

18 ~~(h)(1) If the academic courses are offered and there is space~~
19 ~~available, when a student transitions under this section before or during a~~
20 ~~school year, the receiving district shall provisionally honor the placement~~
21 ~~of the student in academic courses based on the student's enrollment at the~~
22 ~~sending district and on educational assessments conducted at the sending~~
23 ~~district.~~

24 ~~(2) Academic course placement includes without limitation~~
25 ~~enrollment in:~~

26 ~~(A) Honors courses;~~

27 ~~(B) The International Baccalaureate Diploma Programme;~~

28 ~~(C) Advanced Placement courses; and~~

29 ~~(D) Academic, technical, and career pathway courses.~~

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

33 ~~(i)(1) If the educational programs are offered and there is space~~
34 ~~available, when a student transitions under this section before or during a~~
35 ~~school year, the receiving district shall provisionally honor the placement~~
36 ~~of the student in educational programs based on the student's participation~~

1 ~~in educational programs at the sending district and on educational~~
2 ~~assessments conducted at the sending district.~~

3 ~~(2) Educational programs include without limitation:~~

4 ~~(A) Gifted and talented programs; and~~

5 ~~(B) English as a second language courses.~~

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

9 ~~(j)(1) A receiving district shall provisionally provide services to a~~
10 ~~student with disabilities under the Individuals with Disabilities Education~~
11 ~~Act, 20 U.S.C. § 1400 et seq., according to the student's existing~~
12 ~~individualized education program.~~

13 ~~(2) A receiving district:~~

14 ~~(A) Shall make reasonable accommodations and modifications~~
15 ~~to address the needs of incoming students with disabilities under this~~
16 ~~section; and~~

17 ~~(B) May perform subsequent evaluations to ensure a student~~
18 ~~who transitions under this section has been appropriately placed in the~~
19 ~~receiving district.~~

20 ~~(k) A public school may waive academic course or educational program~~
21 ~~requirements for students who transition to a receiving district under this~~
22 ~~section.~~

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

27 ~~(m)(1) Members of the uniformed services shall, if possible, provide~~
28 ~~advance notice to public schools regarding the enrollment of a student under~~
29 ~~this section.~~

30 ~~(2) When a public school receives notice from a military family~~
31 ~~under subdivision (m)(1) of this section, the public school shall treat the~~
32 ~~notice as a provisional enrollment and provide the student with materials~~
33 ~~regarding academic courses, electives, sports, and other relevant information~~
34 ~~regarding the public school.~~

35 ~~(3) A public school:~~

36 ~~(A) Shall consider the anticipated date of enrollment of a~~

1 ~~student under subdivision (m)(1) of this section in light of class sizes,~~
2 ~~course conflicts, and the availability of elective courses;~~

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

5 ~~(C) May seek waivers from the State Board of Education to~~
6 ~~accommodate a student under this section, including without limitation~~
7 ~~required class ratios.~~

8 ~~(n)(1) A student under this section shall receive equitable access to~~
9 ~~academic courses.~~

10 ~~(2)(A) A receiving district may enter academic course requests~~
11 ~~on behalf of an incoming student under this section based on the student's~~
12 ~~transcript of information sent by the student's family or the student's~~
13 ~~sending district.~~

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

17 ~~(o)(1) A receiving district shall not charge local tuition to a~~
18 ~~student who transitions to the receiving district under this section and who~~
19 ~~has been placed in the care of a noncustodial parent or other person standing~~
20 ~~in loco parentis who lives in a jurisdiction other than that of the custodial~~
21 ~~parent.~~

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

26 ~~(p) A receiving district shall ensure a student who transitions under~~
27 ~~this section has the opportunity to participate in extracurricular~~
28 ~~activities, regardless of application deadlines, and to the extent that the~~
29 ~~student is otherwise qualified.~~

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

32 ~~(1) Waive specific courses that are required for graduation if~~
33 ~~similar coursework has been satisfactorily completed by a transitioning~~
34 ~~student under the control of another local education agency; and~~

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

1 (A) ~~Justification for the denial; and~~
2 (B) ~~An alternative means by which the transitioning~~
3 ~~student can complete the required coursework so that the student can graduate~~
4 ~~on time.~~

5 (r)(1) ~~Public schools shall accept results from:~~

6 (A) ~~Exit or end of course exams that are required for~~
7 ~~graduation from the sending district;~~

8 (B) ~~National norm referenced achievement tests; or~~

9 (C) ~~Alternative testing.~~

10 (2) ~~If a student transitions under this section at the beginning~~
11 ~~of or during his or her senior year of high school and the student is deemed~~
12 ~~by the receiving district to be ineligible for graduation after all~~
13 ~~reasonable alternatives under this section have been considered, the sending~~
14 ~~district shall award and the receiving district shall accept a diploma for~~
15 ~~the student if the student meets the graduation requirements of the sending~~
16 ~~district.~~

17 (s) ~~The Commissioner of Elementary and Secondary Education, the State~~
18 ~~Council, and the Interstate Commission on Educational Opportunity for~~
19 ~~Military Children under § 6-4-301 et seq., shall provide for coordination~~
20 ~~among state and local education agencies and military installations under~~
21 ~~this section.~~

22 (t) ~~The division shall require a public school to report the~~
23 ~~enrollment of a student who is a child of a military family:~~

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

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

27 (u) ~~The state board shall promulgate rules to implement this section.~~

28
29 SECTION 9. DO NOT CODIFY. Rules.

30 (a)(1) The Division of Elementary and Secondary Education shall
31 promulgate rules necessary to implement this act.

32 (2) When adopting the initial rules to implement this act, the
33 final rule shall be filed with the Secretary of State for adoption under §
34 25-15-204(f):

35 (A) On or before January 1, 2022; or

36 (B) If approval under § 10-3-309 has not occurred by

1 January 1, 2022, as soon as practicable after approval under § 10-3-309.

2 (b) The division shall file the proposed rule with the Legislative
3 Council under § 10-3-309(c) sufficiently in advance of January 1, 2022, so
4 that the Legislative Council may consider the rule for approval before
5 January 1, 2022.

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