

Title 6. Education

Chapter I. Division of Elementary and Secondary Education

Subchapter B. Student Enrollment and Choice

Part 34. Rules Governing Arkansas Military Child School Transitions

Subpart 1. Regulatory Purpose, Definitions, and Application

6 CAR § 34-101. Purpose and regulatory intent.

(a) The purpose of this part is to maximize the potential for effective school transitions by children of uniformed services families through provisions of this part to be implemented by public school districts as codified in the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.

(b) To better meet the needs of children of Arkansas-based active and reserve component uniformed service families, this part expands and extends the application of the provisions of the Interstate Compact on Educational Opportunity for Military Children, Arkansas Code § 6-4-301 et seq., by:

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

(2) Facilitating the student placement process so children of military families are not disadvantaged by variations in:

- (A) Attendance requirements;
- (B) Scheduling;
- (C) Lesson sequencing;
- (D) Grading;
- (E) Course content; and
- (F) Assessment;

(3) Facilitating the qualification and eligibility for:

- (A) Enrollment;
- (B) Educational programs; and

- (C) Participation in extracurricular activities;
- (4) Facilitating the on-time graduation of children of military families;
- (5) Providing for the adoption and enforcement of administrative rules to implement the Arkansas Military Child School Transitions Act of 2021, Ark. Code Ann. § 6-28-101 et seq.;
- (6) Providing for the uniform collection and sharing of information between and among public school districts; and
- (7) Promoting flexibility and cooperation between the educational system, military installation leaders and their commands, parents and legal guardians, and children of military families in order to achieve educational success for the student.

6 CAR § 34-102. Definitions.

As used in this part:

(1) "Activated reserve components" means members of the reserve component of the uniformed services who have received a notice of intent to deploy or mobilize under:

- (A) Title 10 of the United States Code;
- (B) Title 32 of the United States Code; or
- (C) State mobilization to active duty;

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

(3) "Children of military families" means school-aged children enrolled in kindergarten through grade twelve (K-12) in the household of a member of any component of the uniformed services;

(4) "Compact" means the Interstate Compact on Educational Opportunity for Military Children, Arkansas Code § 6-4-301 et seq.;

(5) "Council" means the Arkansas Council for Military Children;

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

(7) "Division" means the Division of Elementary and Secondary Education;

(8) "Dual status military technician" means a federal civilian employee who is:

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

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

(C) Assigned to a civilian position as a technician in the:

(i) Organizing, administering, instructing, or training of the Selected Reserve; or

(ii) Maintenance and repair of supplies or equipment issued to the Selected Reserve;

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

(A) General identifying data;

(B) Records of:

(i) Attendance; and

(ii) Academic work completed;

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

(D) Health data;

(E) Disciplinary status;

(F) Test protocols; and

(G) Individualized education programs;

(10)(A) "Extracurricular activity" means a voluntary activity sponsored by:

(i) A public school;

(ii) A local education agency; or

(iii) An organization sanctioned by the local education agency.

(B) "Extracurricular activity" includes without limitation preparation for and involvement in:

- (i) Public performances;
- (ii) Contests;
- (iii) Athletic competitions;
- (iv) Demonstrations;
- (v) Displays; and
- (vi) Club activities;

(11) "Military installation" means:

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

- (i) Little Rock Air Force Base;
- (ii) Pine Bluff Arsenal; and
- (iii) Camp Pike Armed Forces Reserve Complex; and

(B) Arkansas installations, which shall include:

- (i) Camp Joseph T. Robinson Maneuver Training Center;
- (ii) Ebbing Air National Guard Base; and
- (iii) Fort Chaffee Joint Maneuver Training Center;

(12) "Public school" means a state-supported school or open-enrollment public charter school serving students in prekindergarten, kindergarten, elementary, middle, or secondary grades or kindergarten through grade twelve (K-12) in Arkansas, and includes without limitation:

- (A) Alternative learning environments;
- (B) The Arkansas School for the Deaf and Blind; and
- (C) The Arkansas School for Mathematics, Sciences, and the Arts;

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

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

(15)(A) "Student" means the dependent child of a uniformed services member:

(i) For whom a public school or public school district receives public funding; and

(ii) Who is enrolled in a public school.

(B) A dependent of a member of the uniformed services as defined in Arkansas Code § 6-28-104 who is transferred to the state by official orders is considered a resident in a school district:

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

(ii) When the member of the uniformed services enrolls the dependent in the public school district as established under Arkansas Code § 6-28-108;

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

(17) "Transition" means the:

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

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

(18) "Uniformed services" means the:

(A) United States Army;

(B) United States Navy;

(C) United States Air Force;

(D) United States Marine Corps;

(E) United States Space Force;

(F) United States Coast Guard;

(G) National Oceanic and Atmospheric Administration Commissioned Officer Corps;

(H) United States Commissioned Corps of the Public Health Service; and

(I) State and federal reserve components of each of these bodies; and

(19) "Veteran" means an individual who:

- (A) Served in the uniformed services; and
- (B) Was discharged or released from the uniformed services under conditions other than dishonorable.

6 CAR § 34-103. Application.

(a) This part applies to dependent children of:

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

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

(3) Members of the uniformed services who die while on active duty or as a result of injuries sustained while on active duty, for a period of one (1) year following the death;

(4) Dual status military technicians; and

(5) Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state:

(A) For employment; or

(B) To serve as a member of an Arkansas-based reserve component unit.

(b) This part shall not apply to the minor dependent children of:

(1) Inactive members of the:

(A) National Guard; and

(B) Reserve components of the armed forces;

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

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

Subpart 2. Public School District Duties

6 CAR § 34-201. School transition of children of military families.

(a) Sending districts and receiving districts may request the assistance of sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state who are covered under the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq., but may not be covered under the Interstate Compact on Educational Opportunity for Military Children, Arkansas Code § 6-4-301 et seq.

(b) If official copies of a student's education records cannot be released to a parent or legal guardian of a student for purposes of a transition under this section, then the custodian of the student's education records at the sending district shall prepare and furnish to the parent or legal guardian of the student and the receiving district a complete set of unofficial copies of the student's education records, which shall contain:

(1) Information as defined in 6 CAR § 34-102(9); and

(2) Any other pertinent information reasonably requested by the receiving school district.

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

(d) Simultaneous with the enrollment and provisional placement of a student, a receiving district shall request a student's official education records from the sending district.

(e) Upon receipt of this request, the sending district, if it is a district within this state, shall process and furnish the student's official education records to the receiving district within ten (10) days.

(f) A student shall furnish his or her required immunization records to a receiving district:

(1) Within thirty (30) days of enrolling in the receiving district; or

(2) Per the Rules Governing Immunization Requirements in Arkansas Public Schools, 6 CAR pt. 153.

(g) For a series of immunizations, initial vaccinations shall be obtained:

(1) Within thirty (30) days; or

(2) Per the Rules Governing Immunization Requirements in Arkansas Public Schools, 6 CAR pt. 153.

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

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

(j) If the academic courses are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in academic courses based on:

(1) The student's enrollment at the sending district; and

(2) Educational assessments conducted at the sending district.

(k) Academic course placement includes without limitation enrollment in:

(1) Honors courses;

(2) The International Baccalaureate Diploma Programme;

(3) Advanced Placement courses; and

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

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

(m) If the educational programs are offered and there is space available, when a student transitions under this section before or during a school year, the receiving district shall provisionally honor the placement of the student in educational programs based on:

(1) The student's participation in educational programs at the sending district;

and

(2) Educational assessments conducted at the sending district.

(n) Educational programs include without limitation:

(1) Gifted and talented programs; and

(2) English as a second language courses.

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

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

(q) A receiving district:

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

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

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

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

(t) Members of the uniformed services shall, when possible, provide advance notice to public schools regarding the enrollment of a student upon receipt of assignment notification or military orders concerning a permanent change of station or permanent:

(1) Reassignment;

(2) Mobilization; or

(3) Deployment.

(u) When a public school receives notice from a military family, the public school shall:

(1) Treat the notice as a provisional enrollment; and

(2) Provide the student with:

(A) Materials regarding:

(i) Academic courses;

(ii) Electives; and

(iii) Sports; and

(B) Other relevant information regarding the public school.

(v) A public school:

(1) Shall consider the anticipated date of enrollment of a student in light of:

(A) Class sizes;

(B) Course conflicts; and

(C) The availability of elective courses;

(2) May preregister a student in anticipation of the student's enrollment; and

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

(w) A student under this section shall receive equitable access to academic courses.

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

(y) Special power of attorney relative to the guardianship of a child of a military family is sufficient for:

(1) Purposes of enrollment; and

(2) All other actions requiring parental participation and consent.

(z) A receiving district shall not charge local tuition to a student who:

(1) Transitions to the receiving district under this section; and

(2) Has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the custodial parent.

(aa) A student who has been placed in the care of a noncustodial parent or other person standing in loco parentis who lives in a jurisdiction other than that of the

custodial parent may continue to attend the school in which he or she was enrolled while residing with the custodial parent.

(bb) A receiving district shall ensure a student who transitions under this section has the opportunity to participate in extracurricular activities:

- (1) Regardless of application deadlines; and
- (2) To the extent that the student is otherwise qualified.

(cc)(1) In order to ensure the on-time graduation of military students under this section, a receiving district shall waive specific courses that are required for graduation if similar coursework has been satisfactorily completed by a student under the control of another public school or public school district.

(2) If a waiver for a specific course is denied, the receiving district shall provide:

- (A) Justification for the denial; and
- (B) An alternative means by which the student can complete the required coursework so that the student can graduate on time.

(dd) A receiving district shall accept results from:

- (1) Exit or end-of-course exams that are required for graduation from the sending district;
- (2) National norm-referenced achievement tests; or
- (3) Alternative testing.

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

(ff) At the request of a military family, a receiving district may enroll an inbound transitioning child of a military family in virtual distance-learning or digital coursework, if available, to facilitate a smooth transition between the:

- (1) Student's previous coursework; and

(2) Curriculum best suited to ensure educational success in his or her new school.

(gg) Public schools may award Credit by Demonstrated Mastery to eligible high school students pursuant to Subpart 3, Flexibility in Awarding High School Course Credit, of the Rules Governing Grading and Course Credit, 6 CAR pt. 96, upon approval by the Division of Elementary and Secondary Education.

(hh) In considering school choice transfer requests for children of military families, school districts shall comply with Subpart 4, School Choice for Military Families, of the Rules Governing Public School Choice, 6 CAR pt. 30.

6 CAR § 34-202. Reporting.

The Division of Elementary and Secondary Education shall require a public school district to report the enrollment of a student who is a child of a military family:

- (1) In the Arkansas Public School Computer Network; or
- (2) If the public school does not report through the Arkansas Public School Computer Network, the division shall work with the public school district to collect the required reports.

6 CAR § 34-203. New student recognition programs and school district coordinators.

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

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

(B) Public schools may choose to adopt the Arkansas Council for Military Children-developed Purple Star School program, a similar Military Child Education Coalition program, or a locally developed program to facilitate transitioning students of military families.

(C) The council will recognize public school districts that achieve the full measure of achievement of such a student transition program; and

(2)(A) Designate for the public school district a military family education coordinator to serve as the primary point of contact for:

- (i) Each child of a military family; and
- (ii) His or her parent or legal guardian.

(B) The public school military family education coordinator shall have specialized knowledge regarding the:

- (i) Educational needs of children of military families; and
- (ii) Obstacles that children of military families face in obtaining an education.

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

Subpart 3. The Arkansas Council for Military Children

6 CAR § 34-301. Purpose.

The purpose of the Arkansas Council for Military Children is to assist state and local education agencies, in collaboration with local military commands, in the promotion of the provisions of the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq., and the Interstate Compact on Educational Opportunity for Military Children, Arkansas Code § 6-4-301 et seq., in order to eliminate barriers to educational success faced by children of military families.

6 CAR § 34-302. Membership of the Arkansas Council for Military Children.

The Arkansas Council for Military Children is composed of the following members:

(1)(A) The Commissioner of Elementary and Secondary Education or his or her designee shall serve as:

- (i) Chair of the Arkansas Council for Military Children; and
- (ii) Compact Commissioner for Arkansas.

(B) The Chair of the Arkansas Council for Military Children shall lead the council's collaborative support of state and public school district programs that carry the provisions of the:

(i) Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.; and

(ii) Interstate Compact on Educational Opportunity for Military Children, Arkansas Code § 6-4-301 et seq.

(C) The Compact Commissioner for Arkansas is responsible for the administration and management of the state's participation in the Interstate Compact on Educational Opportunity for Military Children adopted under Ark. Code Ann. § 6-4-301 et seq.

(D) The Chair of the Arkansas Council for Military Children and the Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in the government of this state as well as all school districts and political subdivisions of this state:

(i) For the administration of the provisions of:

(a) The Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.; or

(b) Supplementary agreements entered into by the state; or

(ii) As further directed by:

(a) Law;

(b) The Division of Elementary and Secondary Education; or

(c) The State Board of Education;

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

(B) When a public school district is located in more than one (1) Arkansas congressional district, the congressional district shall be determined by the street address of the district's administrative offices.

(C) The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under 6 CAR § 34-201;

(3)(A) Three (3) appointed members:

(i) With a background or interest in the education of military children;
and

(ii) Drawn from applicants from:

(a) The Center for Exceptional Families;

(b) Arkansas Advocates for Children and Families;

(c) The Arkansas School Counselor Association, Inc.;

(d) The Arkansas Parent Teacher Association; or

(e) Other organizations with purposes that include:

(1) Child welfare;

(2) Child and family advocacy; and

(3) Special education.

(B) These three (3) appointed at-large members shall consist of:

(i) One (1) member to be appointed by the President Pro Tempore of the Senate;

(ii) One (1) member to be appointed by the Speaker of the House of Representatives; and

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

(4)(A) The charter school leader of the open-enrollment public charter school with the greatest number of children of military families determined every four (4) years, or his or her designee.

(B) The number of children of military families shall be determined by the number of children of military families as reported by the district in the Arkansas Public School Computer Network under 6 CAR § 34-201 et seq.;

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

(6) The Executive Director of the Arkansas Activities Association;

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

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

6 CAR § 34-303. Duties of the Arkansas Council for Military Children.

(a) The duties of the Arkansas Council for Military Children are to assist:

(1) State and local education agencies in the promotion and communication of the provisions of the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq., to inform:

(A) Public school district officials; and

(B) Uniformed services families;

(2) State and local education agencies with the orientation and training of district military education coordinators on provisions of the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.;

(3) In the development and delivery of programs that inform uniformed services families of the need for self-identification in order to ensure accurate accounting of children of uniformed services families enrolled in public school districts; and

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

(b) The council shall meet at least quarterly or more frequently as decided upon by a majority of its members, and the Chair of the Arkansas Council for Military Children may call special meetings.

(c) The council shall meet at least annually to hold a virtual or in-person public forum in a military community to hear direct feedback from military families regarding the effectiveness of the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq., in this state.

(d) A majority of all council members shall constitute a quorum at council meetings.

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

(1) Legislative initiatives amending the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.; or

(2) Rules applicable to the division and public school districts under the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.

(f) The council may:

(1) Form committees to carry out its purpose; and

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

(g) The council shall provide annual reports to the Governor, the State Board of Education, the Senate Committee on Education, and the House Committee on Education that include without limitation the following:

(1) Information regarding the achievements of the council and public school districts regarding the support provided to uniformed services families under the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.;

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

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

(4)(A) Summaries of cases elevated to the chair for counsel and assistance in resolving cases involving the transition of children of military families that were elevated by:

- (i) Military families;
- (ii) United States Department of Defense officials; or
- (iii) Public school districts.

(B) Information provided under subdivision (g)(4) of this section shall be provided in compliance with:

(i) The Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2021; and

(ii) State student privacy laws;

(5) Information regarding training that is provided to public school district personnel with respect to the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.; and

(6) Details regarding plans for future engagement efforts with uniformed services families under the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq., and any other information deemed relevant by the council.

6 CAR § 34-304. Military family education liaison.

The military family education liaison designated by the Commissioner of Elementary and Secondary Education shall:

- (1) Have specialized knowledge related to the:
 - (A) Educational needs of children of military families; and
 - (B) Obstacles that children of military families face in obtaining an education;
- (2) Serve as a member of the Arkansas Council for Military Children; and
- (3) Have duties as defined by the Chair of the Arkansas Council for Military Children, which shall include without limitation:

(A) Assisting the chair and the council in the administration of the Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.;

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

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

6 CAR § 34-305. Guidance for parents.

The Division of Elementary and Secondary Education shall cooperate with the Arkansas Council for Military Children to develop a guidance document to assist parents with the application and provisions of:

(1) The Arkansas Military Child School Transitions Act of 2021, Arkansas Code § 6-28-101 et seq.; and

(2) This part.