

ARKANSAS REGISTER

Transmittal Sheet

* Use only for **FINAL** and **EMERGENCY RULES**



Secretary of State

Mark Martin

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For Office

Use Only:

Effective Date _____ Code Number _____

Name of Agency Arkansas Department of Education

Department Division of Learning Services

Contact Mark White E-mail Mark.White@Arkansas.gov Phone (501) 682-4227

Statutory Authority for Promulgating Rules Ark. Code Ann. 6-11-105 and 25-15-201 et seq.

Rule Title: Repeal of ADE Rules and Regulations Arkansas Compulsory Attendance Requirements

Intended Effective Date

(Check One)

Emergency (ACA 25-15-204)

30 Days After Filing (ACA 25-15-204)

Other _____
(Must be more than 30 days after filing date.)

Legal Notice Published

Final Date for Public Comment

Reviewed by Legislative Council

Adopted by State Agency

Date

09/16/2012

10/12/2012

12/12/2012

11/01/2012

Electronic Copy of Rule submitted under ACA 25-15-218 by:

Mark White Mark.White@Arkansas.gov

12/13/2012

Contact Person

E-mail Address

Date

CERTIFICATION OF AUTHORIZED OFFICER

I Hereby Certify That The Attached Rules Were Adopted
In Compliance with Act 434 of 1967 the Arkansas Administrative Procedures Act. (ACA 25-15-201 et. seq.)

Signature

(501) 682-4227

Mark.White@Arkansas.gov

Phone Number

E-mail Address

Staff Attorney

Title

12/13/2012

Date

ARKANSAS DEPARTMENT OF EDUCATION
RULES AND REGULATIONS
ARKANSAS COMPULSORY ATTENDANCE REQUIREMENTS
Amended August 1999

1.00 ~~Arkansas Compulsory Attendance Requirements~~

1.01 ~~These regulations shall be known as the Arkansas Department of Education Regulations Governing the Arkansas School Compulsory Attendance Requirements.~~

1.02 ~~The State Board of Education enacted these regulations pursuant to its authority under Arkansas Code Annotated §§6-18-201 and 6-18-207, as amended by Act 570 of 1999.~~

2.00 ~~Purpose of Regulations~~

2.01 ~~The purpose of these regulations is to establish age requirements for compulsory school attendance.~~

2.02 ~~These regulations establish the dates for implementation of the Arkansas School Compulsory Attendance Requirements.~~

2.03 ~~These regulations identify exceptions to the Arkansas School Compulsory Attendance Requirements.~~

3.00 ~~Age Requirements for Compulsory School Attendance~~

3.01 ~~For the 1999-2000 school year only, any child who has been enrolled in an “instructional program” may enroll the child in kindergarten if the child will attain the age of five (5) on or before October 1, 1999. An “instructional program” is one that promotes the educational development of the child in the home, center and/or school-based setting(s). Local school districts shall have the discretion to decide what constitutes an “instructional program” within their community.~~

3.02 ~~Beginning with the 2000-2001 school year every parent, guardian, or other person residing within the State of Arkansas having custody or charge of any child age five (5) through seventeen (17) years on or before September 15 of that year shall enroll and send the child to a public, private, or parochial school, or provide a home school for the child.~~

3.03 ~~Any parent, guardian, or other person having custody or charge of the child electing not to enroll their eligible child in the public school kindergarten program must file a signed kindergarten waiver form with the local district administration~~

~~office. On filing the kindergarten waiver form, the child shall not be required to attend kindergarten in that school year. However, any six year old child who has not completed a state accredited kindergarten program prior to public school enrollment shall be evaluated by the school district to determine whether placement for the child shall be in kindergarten or the first grade.~~

- ~~3.04 Any student who has been enrolled in a state accredited kindergarten program in another state for a period of not less than sixty (60) days, who will become five (5) years old during the school year in which he/she is enrolled in kindergarten, and whose parents or guardians establish domicile in a public school district may be enrolled in kindergarten upon written request of the student's parents or guardians.~~

- 4.00 Exceptions to the Age Requirements for Compulsory School Attendance
 - ~~4.01 Any child age sixteen (16) or above enrolled in a post secondary vocational-technical institution, a community college, or a two year or four year institution of higher education is not subject to the attendance requirement.~~

 - ~~4.02 Any child age sixteen (16) or above enrolled in an adult education program or in the National Guard Youth Challenge Program is not subject to the attendance requirement.~~

 - ~~4.03 Any child age sixteen (16) or above enrolled in an adult education program prior to June 13, 1994, under a waiver granted by the local school district, and currently attending the program, is not subject to the attendance requirement.~~

DEPARTMENT OF EDUCATION
FISCAL IMPACT STATEMENT OF PROPOSED REGULATION
(In compliance with Ark. Code Ann. §§ 10-3-309 and 25-15-204)

Regulation Title:

Repeal of Rules and Regulations Arkansas Compulsory Attendance Requirements

Summary Description of Regulatory Proposal:

Repeal of outdated ADE rules regarding compulsory attendance requirements

Cite Statutory Authority for this Regulatory Proposal: Ark. Code Ann. § 25-15-201 et seq.

- I. Fiscal Impact on the Department: (include whether impacts are non-recurring or recurring) **None**
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.

- II. Fiscal Impact on Local School District or Others? (Include whether impacts are non-recurring or recurring) **None**
 - A. Resources Required - Personnel, equipment, office space.
 - B. Time Required for Implementation.
 - C. Procedural Changes.
 - D. Other.

- III. Additional Comments. **None**

Prepared by: Mark White
Staff Attorney
September 10, 2012

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY

DEPARTMENT Arkansas Department of Education

DIVISION Division of Learning Services

PERSON COMPLETING THIS STATEMENT Mark White

TELEPHONE NO. (501) 682-4227 FAX NO. (501) 682-4549 EMAIL: Mark.White@Arkansas.gov

To comply with Act 1104 of 1995, please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

SHORT TITLE OF THIS RULE

Repeal of Rules and Regulations Arkansas Compulsory Attendance Requirements

1. Does this proposed, amended, or repealed rule have a financial impact?
Yes _____ No X

2. Does this proposed, amended, or repealed rule affect small businesses?
Yes _____ No X

If yes, please attach a copy of the economic impact statement required to be filed with the Arkansas Economic Development Commission under Arkansas Code § 25-15-301 et seq.

3. If you believe that the development of a financial impact statement is so speculative as to be cost prohibited, please explain. **N/A**

4. If the purpose of this rule is to implement a federal rule or regulation, please give the incremental cost for implementing the rule. Please indicate if the cost provided is the cost of the program. **N/A**

Current Fiscal Year

Next Fiscal Year

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

General Revenue _____
Federal Funds _____
Cash Funds _____
Special Revenue _____
Other (Identify) _____

Total **-0-**

Total **-0-**

5. What is the total estimated cost by fiscal year to any party subject to the proposed, amended, or repealed rule? Identify the party subject to the proposed rule and explain how they are affected.

Current Fiscal Year

Next Fiscal Year

\$ **-0-**

\$ **-0-**

6. What is the total estimated cost by fiscal year to the agency to implement this rule? Is this the cost of the program or grant? Please explain.

Current Fiscal Year

Next Fiscal Year

\$ **-0-**

\$ **-0-**