

**ARKANSAS DEPARTMENT OF EDUCATION  
RULES GOVERNING HOME SCHOOLS**

August 2007 \_\_\_\_\_

1.00 REGULATORY AUTHORITY

1.01 These regulations shall be known as Arkansas Department of Education Rules Governing Home Schools.

1.02 These regulations are enacted pursuant to the State Board of Education's authority under Ark. Code Ann. §§ 6-11-105, 6-15-501 et seq., 25-15-201 et seq., and Act 824 of 2007 832 of 2015.

2.00 PURPOSE

It is the purpose of these regulations to set reasonable guidelines for the operation of Home Schools.

3.00 DEFINITIONS

For the purpose of these rules and regulations:

3.01 A "home school" is a school provided by a parent or legal guardian for his or her own child.

~~3.02 A "testing window" is an established testing calendar as determined by the Arkansas Department of Education.~~

~~3.03 "Alternate testing procedures" refers to any testing date(s) and/or location(s) within the testing window and approved by the education service cooperatives and Pulaski County school districts for home school students.~~

~~3.04 "A norm-referenced test (NRT)" is any testing instrument required by state law, rule or regulation to measure the performance/achievement of Arkansas students relative to the performance of the achievement of students who comprise the norming or standardization group for a particular commercial instrument.~~

3.025 An "individualized education program (IEP)" is a written record of decisions reached between parent/guardian and school personnel jointly describing the educational program for a child with a disability.

3.036 "Current school year" is the official period of time for pupil/teacher interaction within the school district policy which follows the requirements in Ark. Code Ann. § 6-10-106 (Repl. 1993) (Uniform dates for beginning and ending a school year).

## 4.00 GENERAL

- 4.01 Under Arkansas law children between the ages of five (5) and seventeen (17) on or before September 15 of that year, in accordance with Ark. Code Ann. § 6-18-201 (Supp. 1997), as amended by Act 570 of 1999 must attend school.
- 4.02 A parent/guardian who intends to home school a child in accordance with Ark. Code Ann. § 6-18-201 [as amended] must enroll the child in a home school at the beginning of each school year but no later than August 15 for the fall semester, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing. The superintendent or local school board may waive the fourteen (14) day waiting period.
- 4.03 No public school student shall be eligible for enrollment in a home school if the student is currently under disciplinary action for violation of any written school policy including, but not limited to, excessive unexcused absences. Exceptions to this requirement are outlined in Section 4.04.
- 4.04 Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:
- 4.04.1 The superintendent or local school board chooses to allow the child to enroll in a home school;
- 4.04.2 The disciplinary action against the student has been completed or at the end of a school semester, whichever occurs first; or
- 4.04.3 The student has been expelled.
- 4.05 Parent/guardian may elect for a child, who will not be kindergarten age in accordance with Ark. Code Ann. § 6-18-201, [as amended], not to attend kindergarten by filing a Kindergarten Waiver form with the local school district office.
- 4.06 Home school students who enroll in a public, private or parochial school during the time they are home schooling cannot re-enter home schooling until new Notice of Intent and Waiver forms are completed and returned to the local school district.
- ~~4.07 Home school students who are in the required grade levels for which the state mandates norm-referenced testing and who are no more than two (2) years beyond the normal age for the required grade levels must take a standardized norm-referenced test as identified by the Arkansas Department of Education, and the results will be used for reporting purposes only.~~

~~4.08~~ Any student who refuses to participate in the required testing program shall be subject to the applicable Arkansas laws regarding truancy. This Section shall not be applicable to any parent that can present written acknowledgement that their child has been enrolled in a public, private or parochial school within thirty (30) days of the administration of the state mandated tests.

4.09~~7~~ Books, curricula or materials are not required to be furnished by the Arkansas Department of Education, local school district or education service cooperative. It is the responsibility of the parent/guardian to purchase all books, curricula or materials that they use in home schooling.

## 5.00 NOTICE OF INTENT

5.01 Parents or Guardians who plan to home school must file a written Notice of Intent and Waiver form in person to the superintendent of their local school district the first time such notice is given. For subsequent years, written notice may be given by completing and submitting the current year online Notice of Intent and Waiver form which can be located on the Arkansas Department of Education Home School webpage or can be submitted on the current year paper form. ~~written notice by completing and returning the printed current year Notice of Intent and Waiver form(s) by August 15 for the beginning of each school year, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the local school district during the school year. Parents or guardians must sign a waiver acknowledging that the State of Arkansas is not liable for the education of their child(ren) during the time that parent chooses to home school. The Notice of Intent and Waiver forms are valid for the entire school year if filed at the beginning of the school year or for the remainder of the school year if filed during the school year. There are no exceptions to these filing requirements except as outlined in 5.02.~~

5.02 All Notice of Intent and Waiver form(s) must be submitted by August 15 for the beginning of each year school year, or by December 15 for the spring semester, or, subject to the provisions of Sections 4.03 and 4.04, fourteen (14) calendar days prior to withdrawing the child from the local school district during the school year. Parents must sign (either electronically or on paper) a waiver acknowledging that the State of Arkansas is not liable for the education of their child(ren) during the time the parent chooses to home school. The Notice of Waiver and Intent forms are valid for the entire school year if filed at the beginning of the school year, or for the remainder of the school year if filed during the school year. There are no exceptions to these requirements except as outlined in Section 5.03.

5.02~~3~~ Parents or guardians moving into a school district during the school year must file a copy of the current year ~~printed~~ Notice of Intent and Waiver forms with their local public school superintendent's office within thirty (30) calendar days of establishing residency within the district.

5.04 ~~The required Notice of Intent and Waiver forms~~ If submitting a paper Notice of Intent and Waiver form, the form must be the printed current year forms obtained from your the local superintendent's office, and must include the following information for reporting and test administration purposes only:

5.034.1 ~~The name, date of birth and grade level of each child and the name and address of the public, private, home school or parochial school last attended, if any, for each student;~~

5. 034.2~~The location of the home school (mailing address);~~

5. 034.3~~A list of brief description of the basic core curriculum to be used and the subjects to be taught.~~

5. 034.4~~The Sschedule of instruction to be followed (hours per day; days per week; number of weeks); and~~

5. 034.5~~The education qualifications of the parent/guardian/teacher(s).~~

5.036 ~~Parents or guardians shall deliver written notice in person to the superintendent of their local school district the first time such notice is given.~~

#### ~~6.00 TESTING REQUIRED ACHIEVEMENT TESTS~~

6.01 ~~Test administration of home school students shall be under the direction of the education service cooperatives and the Pulaski County school districts. Achievement testing will be held during the testing window identified by the Arkansas Department of Education.~~

6.02 ~~The education service cooperatives and Pulaski County school districts will ensure that all test materials are secure before testing, between and following test administration and provide the Arkansas Department of Education, for approval by the Director, with a common set of procedures for test administration of home school students in the required grade levels. These common set of procedures must include security measures to ensure that appropriate testing conditions and protocol have been followed as specified in the test administration materials.~~

6.03 ~~Each student enrolled in home school who is considered to be in the required grades or no more than two (2) years beyond the age appropriate grade will be tested by using the State identified norm referenced achievement test.~~

6.04 ~~Parents/guardians or groups of home school parents/guardians requesting alternate testing procedures, protocols, locations and/or timeframe must be submitted in writing three (3) weeks prior to the testing window to the education service~~

~~cooperatives or the Pulaski County school districts and testing must remain within the State identified testing dates. If approved, alternate testing procedure costs, other than the testing materials, shall be the responsibility of the parent/guardian.~~

~~6.05—Alternate testing procedures and protocol will be arranged by the education service cooperatives and Pulaski County school districts.~~

~~6.06—Requests from parent/guardian whose child(ren) cannot test on Saturdays due to religious reasons will be accommodated. Parent/guardians must indicate in the appropriate section at the time they file their Notice of Intent that their child(ren) cannot test on Saturdays due to religious reasons.~~

#### ~~7.00—TEST RESULTS~~

~~Test results for home school students will be used for reporting purposes only. The parent/guardian will receive the individual student profile. The Arkansas Department of Education will receive the administrative summaries. The administrative summaries will not contain personally identifiable information.~~

#### ~~86.00 TRANSFER OF STUDENTSENROLLMENT OR RE-ENROLLMENT IN LOCAL SCHOOLS~~

~~8.01—Students transferring from a home school to a school which is accredited by the Arkansas Department of Education shall be evaluated by the staff of the accredited school to determine proper placement. As part of the ongoing assessment process, a State identified norm-referenced achievement test shall be one of the instruments utilized.~~

~~8.02—Home Schools are not accredited by the Arkansas Department of Education. There are no grades, credits, transcripts or diploma provided by the Arkansas Department of Education, education service cooperative or by the local school district for students enrolled in home school.~~

~~6.01 Each local school district may assess any home-schooled student who enrolls or reenrolls in the school district in order to determine proper education placement.~~

~~6.02 A local school district that chooses to assess a home-school student who enrolls or reenrolls in the school district may use the same assessment that the school district uses when a student who has attended another public school or private school enrolls or reenrolls.~~

~~86.03 Any home school student who re-enters a local school district ~~must~~ shall attend classes for at least nine (9) months immediately prior to graduation before the student can become eligible to receive a high school diploma from the local school district.~~

97.00 STUDENTS WITH DISABILITIES

97.01 By way of these regulations, it shall be the policy of the State Board of Education that school districts provide a genuine opportunity (see 34 C.F.R. Sec. 76.651(a)) to students who are home-schooled with disabilities, as defined in state regulations, to access special education and related services from the district where they reside. This policy is not to be construed as conferring the procedural protections and rights under Part B of the Individuals with Disabilities Education Act (IDEA) to such students and their parent/guardians.

9.02 Each student with disabilities in the required grades who participates in the norm-referenced testing program shall, upon notification in the application for testing, be eligible for any or all modifications allowed by the test procedures. The use of such modifications will be approved by the educational services cooperative director or his designee.

108.00 DRIVER'S PERMIT/LICENSE

A student enrolled in a home school shall present proof of home schooling in the form of a ~~notarized~~ copy of the Notice of Intent along with an application for an instructional permit or driver's license. ~~The parent/guardian has the responsibility of providing the notarized copy.~~ Signature of the parent/guardian is required in-person at a State Revenue Office.

**FINANCIAL IMPACT STATEMENT**

**PLEASE ANSWER ALL QUESTIONS COMPLETELY**

**DEPARTMENT**     Arkansas Department of Education  
**DIVISION**        Learning Services  
**PERSON COMPLETING THIS STATEMENT**   Jennifer Davis  
**TELEPHONE NO.**   501-682-4227   **FAX NO.**   501-682-4249   **EMAIL:**   jennifer.davis@arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the following Financial Impact Statement and file two copies with the questionnaire and proposed rules.

**SHORT TITLE OF THIS RULE**     ADE Rules Governing Home Schools

1. Does this proposed, amended, or repealed rule have a financial impact?     Yes      No
2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?     Yes      No
3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered?     Yes      No

If an agency is proposing a more costly rule, please state the following:

- (a) How the additional benefits of the more costly rule justify its additional cost;  
\_\_\_\_\_
- (b) The reason for adoption of the more costly rule;  
\_\_\_\_\_
- (c) Whether the more costly rule is based on the interests of public health, safety, or welfare, and if so, please explain; and;  
\_\_\_\_\_
- (d) Whether the reason is within the scope of the agency's statutory authority; and if so, please explain.  
\_\_\_\_\_

4. If the purpose of this rule is to implement a federal rule or regulation, please state the following:

- (a) What is the cost to implement the federal rule or regulation?

**Current Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

**Next Fiscal Year**

General Revenue \_\_\_\_\_  
Federal Funds \_\_\_\_\_  
Cash Funds \_\_\_\_\_  
Special Revenue \_\_\_\_\_  
Other (Identify) \_\_\_\_\_

Total 0

Total 0

(b) What is the additional cost of the state rule?

**Current Fiscal Year**

**Next Fiscal Year**

General Revenue \_\_\_\_\_

General Revenue \_\_\_\_\_

Federal Funds \_\_\_\_\_

Federal Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Cash Funds \_\_\_\_\_

Special Revenue \_\_\_\_\_

Special Revenue \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Other (Identify) \_\_\_\_\_

Total 0

Total 0

5. What is the total estimated cost by fiscal year to any private individual, entity and business subject to the proposed, amended, or repealed rule? Identify the entity(ies) subject to the proposed rule and explain how they are affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

6. What is the total estimated cost by fiscal year to state, county, and municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

**Current Fiscal Year**

\$ 0

**Next Fiscal Year**

\$ 0

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars (\$100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes  No

If YES, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

- (1) a statement of the rule's basis and purpose;
- (2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;
- (3) a description of the factual evidence that:
  - (a) justifies the agency's need for the proposed rule; and



- (b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;
- (4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;
  - (6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and
  - (7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
    - (a) the rule is achieving the statutory objectives;
    - (b) the benefits of the rule continue to justify its costs; and
    - (c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.