

## DESE RULES GOVERNING ARKANSAS MILITARY CHILD SCHOOL TRANSITIONS

### Public Comments and Responses of the Division of Elementary and Secondary Education

Commenter Name: Lucas Harder, Arkansas School Boards Association (1/20/22)

Comment (1): Section 1-3.00: I would recommend adding a definition for “Public school district” to clarify that the language in the rules regarding “districts” applies to all traditional districts as well as open-enrollment public charter schools.

Division Response: Comment considered. This change was not made in the law. **No changes made.**

Comment (2): Section 2-3.01.1.1: The parenthetical Arkansas State MIC3 Council was repealed from 1-3.05. As such, I would recommend amending this section to read just “Arkansas Council for Military Children”.

Division Response: Comment considered. **Non-substantive change made.**

Comment (3): Section 2-3.01.1.2: The parenthetical Arkansas State MIC3 Council was repealed from 1-3.05. As such, I would recommend amending this section to read just “Arkansas Council for Military Children”.

Division Response: Comment considered. **Non-substantive change made.**

Comment (4): Section 3-1.01: As “local education agency” was stricken earlier, I would recommend amending this to be “State, public schools, and public school districts”.

Division Response: Comment considered. The language in the rules mirrors the law. **No change made.**

Comment (5): Section 3-3.01.1: As “local education agency” was stricken earlier, I would recommend amending this to be “State, public schools, and public school districts”.

Division Response: Comment considered. The language in the rules mirrors the law. **No change made.**

Comment (6): Section 3-3.01.2: As “local education agency” was stricken earlier, I would recommend amending this to be “State, public schools, and public school districts”.

Division Response: Comment considered. The language in the rules mirrors the law. **No change made.**

Comment (7): Section 3-3.07.5: The “g” in the citation for FERPA is part of the section rather than a subsection so it should not be in parenthesis.

Division Response: Comment considered. **Non-substantive change made.**

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Commenter Name: Col. Don K. Berry, MOAA Arkansas & Arkansas Veterans Coalition  
(2/22/22)

Comment (1): **Chapter 2 -- Public School District Duties lacks clarity.** Chapter 2 –Section 2-1.00 -- School Transition of Children of Military Families fails to provide clear administration of the Title 6, Chapter 28, Subchapter 1 statutes. The provisions of this section should be re-ordered and broken out as separate sections so as to provide a clear outline/index for schools and military families.

Division Response: Comments considered. The proposed rules are fully-developed and have been amended to include language that mirrors the law. Should military families or school districts have questions about the rules, they may contact Col. John Kaminar, Chair of the Arkansas Council for Military Children and an ADE employee, or the ADE legal department. Both Col. Kaminar and the ADE legal department will be happy to assist in answering any questions. **No changes made.**

Comment (2): Act 1031 repealed A.C.A. § 6-18-107 because the statute lacked clarity. The result is Title 6, Chapter 28 which provides clear and complete presentation of statutory direction. Despite the flawed statute’s repeal the pending rule’s Chapter 2 – Public School District Duties, Section 2-1.00 retains the current rules’ 34 unindexed, untitled and out of sequence provisions. This bundles nine code sections (A.C.A. § 6-18-107 through § 6-18-115) without topic indexing.

Division Response: Comments considered. The proposed rules are fully-developed and have been amended to include language that mirrors the law. Should military families or school districts have questions about the rules, they may contact Col. John Kaminar, Chair of the Arkansas Council for Military Children and an ADE employee, or the ADE legal department. Both Col. Kaminar and the ADE legal department will be happy to assist in answering any questions. **No changes made.**

Comment (3): The lack of clarity of the Markup version is seen by comparing the Markup’s Table of Contents on the left and the ‘... 10-25-2021 dkb’ version on the right.

| <b>Table of Contents -- Markup Version</b> |  |
|--|--|
| Chapter 2 – Public School Duties           |  |
| 2-1.00                                     | School Transition of Children of Military Families   |
|  | <i>Chapter 2, Section 2-1.01 bundles out of sequence content from §6-28-107 through §6-28-115 into</i> |

| <b>Table of Contents -- 10-25-21 dkb Version</b> |  |
|--|--|
| Chapter 2 – Public School Duties                 |  |
| 2-1.00   | School Transition of Children of Military Families |
| 2-2.00   | Transfer of Education Records and Enrollment       |
| 2-3.00   | Advance Enrollment                                 |
| 2-4.00   | Virtual Enrollment                                 |
| 2-5.00   | Immunizations                                      |

|  |   |  |   |
|--|---|--|---|
| <p>34 subsections without titles or indexing to provide clarity.</p> <p>Which ToC version better reflects statute?</p> <p>The markup version ^^</p> <p>... or the one on the right &gt;&gt;&gt;?</p> | 2-6.00  | Grade Placement                        |   |
|  | 2-7.00  | Course and Education Program Placement |   |
|  | 2-8.00  | Special Education Services             |   |
|  | 2-9.00  | Student Excused Absences               |   |
|  | 2-10.00   | Graduation and Testing                 |   |
| 2-2.00   | Reporting   | 2-11.00                                | School Choice for Military Families   |
| 2-3.00   | New Student Recognition Programs and School District Coordinators | 2-12.00                                | New Student Reception Programs – School District Military Family Education Coordinators (DMECs) |
|  |   | 2-13.00                                | Reporting Enrollment of Children of Members of the Uniformed Services                           |

Division Response: Comments considered. The proposed rules are fully-developed and have been amended to include language that mirrors the law. Should military families or school districts have questions about the rules, they may contact Col. John Kaminar, Chair of the Arkansas Council for Military Children and an ADE employee, or the ADE legal department. Both Col. Kaminar and the ADE legal department will be happy to assist in answering any questions. **No changes made.**

Comment (4): Recommended Action:

- Re-order and make Chapter 2 provisions individual sections to provide clear guidance in conformity with statute.
  - Action ought not constitute a substantial change only a re-ordering of provisions.
  - Suggested language re-ordering provisions attached.
  - Depending on an anticipated BLR-led codification project revising the style, formatting, and codification of this rule admits that the rule falls short of what is proscribed in statute.
- We need to provide the clearest translation of statute to operationally guide school districts and inform uniformed services families of anticipated school transition services.

Division Response: Comments considered. The proposed rules are fully-developed and have been amended to include language that mirrors the law. Should military families or school districts have questions about the rules, they may contact Col. John Kaminar, Chair of the Arkansas Council for Military Children and an ADE employee, or the ADE legal department. Both Col. Kaminar and the ADE legal department will be happy to assist in answering any questions. **No changes made.**

Comment (5): Recommended edit: Table of Contents; (add) 3-4.00 Military Family Education Liaison.

Division Response: Comment considered. **Non-substantive change made.**

Comment (6): Recommended edit: 1-2.02.5 - Providing for the adoption and enforcement of administrative rules to implement ~~the Compact~~ Ark. Code Ann. § 6-28-101 et seq. Statutory basis: A.C.A. § 6 28-103(c)(5)

Division Response: Comment considered. **Non-substantive change made.**

Comment (7): Recommended edit: 2-1.01 – Children of military families under this rule shall have equitable access to academic courses and programs and to extracurricular academic, athletic, and social programs. Statutory basis for re-inclusion: A.C.A. § 6 28-103(c)(3).

Division Response: This language was stricken from the law by Act 1031 of 2021. **No changes made.**

Comment (8): Recommended edit: 2-3.01.1.1 - Public schools may choose to adopt the Arkansas ~~State MIC3~~ Council for Military Children developed Purple School/Campus program, ... Statutory basis: A.C.A. § 6 28-106(b) established the Arkansas Council for Military Children. There is no statutory basis for the Arkansas State MIC3 Council.

Division Response: Comment considered. **Non-substantive change made.**

Comment (9): Recommended edit: Arkansas ~~State MIC3~~ Council for Military Children will recognize public school ... Statutory basis: A.C.A. §§ 6 28-106(b), 6-28-204(b)(4)

Division Response: Comment considered. **Non-substantive change made.**

Comment (10): Recommended edit: 3-2.03.1 - One (1) member ~~to~~ shall be appointed by the President Pro Tempore ... Statutory basis: A.C.A. § 6 28-203(A)(3)(a).

Division Response: Section 3-2.03 provides a list of the three (3) appointed at-large members. Use of the word “shall” would not correlate with the structure of the section. **No change made.**

Comment (11): Recommended edit: 3-2.03.2 - One (1) member ~~to~~ shall be appointed by the Speaker of the House ... Statutory basis: A.C.A. § 6 28-203(A)(3)(b)

Division Response: Section 3-2.03 provides a list of the three (3) appointed at-large members. Use of the word “shall” would not correlate with the structure of the section. **No change made.**

Comment (12): Recommended edit: ~~3-3.07.5~~ 3-3.07.4.2 Information provided under section 3-3.07.4 of these rules ... Statutory basis: A.C.A. § 6 28-204(h)(4)(b)

Division Response: Per the structure of the rules, this language is not a subpart of 3-3.07.4. **No change made.**

Comment (13): Recommended edit: ~~3-3.07.6~~ 3-3.07.5

Division Response: Please see response to Comment (12). **No change made.**

Comment (14): Recommended edit: ~~3-3.07.7~~ 3-3.07.6

Division Response: Please see response to Comment (12). **No change made.**

Comment (15): Thank you for the opportunity to contribute and comment. Recommend re-order Chapter 2 to provide clear guidance in conformity with statute using the provided draft. Recommend making the specific edits to bring a number of passages into agreement with statute.

*Drafter's note:* Commenter included a proposed draft of the rules.

Division Response: Comment considered. Please see commenter's draft (attached). The proposed rules are fully-developed and have been amended to include language that mirrors the law. Should military families or school districts have questions about the rules, they may contact Col. John Kaminar, Chair of the Arkansas Council for Military Children and an ADE employee, or the ADE legal department. Both Col. Kaminar and the ADE legal department will be happy to assist in answering any questions. **No changes made except as specifically set out in preceding responses.**

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES  
MILITARY CHILD SCHOOL TRANSITIONS**

**August 2020**

**Proposed Effective January 2022**

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**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING ~~THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES~~  
MILITARY CHILD SCHOOL TRANSITIONS**

**CHAPTER 1:  
~~REGULATORY AUTHORITY, PURPOSE, DEFINITIONS, AND APPLICATION~~  
SCOPE AND DEFINITIONS**

1-1.00 REGULATORY AUTHORITY

1-1.01 These rules shall be known as the Division of Elementary and Secondary Education Rules Governing ~~the Enrollment of Students of Military Families~~ Military Child School Transitions.

1-1.02 The State Board of Education enacted these rules pursuant to its authority as set forth in Ark. Code Ann. §§~~6-4-305 and 6-18-107.~~ 6-28-103 and 6-28-106.

1-2.00 PURPOSE AND REGULATORY INTENT

1-2.01 The purpose of this rule is ~~to extend laws related to children of active duty members of the uniformed forces under the Interstate Compact on Educational Opportunity for Military Children to children of all components of the uniformed services in order to remove barriers to educational success that may be experienced by children of military families due to frequent moves and deployment of their parents by~~ to maximize the potential for effective school transitions by children of uniform services families through provisions of these rules to be implemented by public school districts as codified in Ark. Code Ann. § 6-28-101, et seq..

1-2.02 To better meet the needs of children of Arkansas-based active and reserve component uniformed services families, this rule expands and extends the application of the provisions of the Interstate Compact on Educational Opportunity for Military Children, Ark. Code Ann. § 6-4-301 et seq., by:

~~1-2.01.1~~ 1-2.02.1 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;

- ~~1-2.01.2~~ 1-2.02.2 Facilitating the student placement process so children of military families are not disadvantaged by variations in attendance requirements, scheduling, lesson sequencing, grading, course content, and assessment;
- ~~1-2.01.3~~ 1-2.02.3 Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular activities;
- ~~1-2.01.4~~ 1-2.02.4 Facilitating the on-time graduation of children of military families;
- ~~1-2.01.5~~ 1-2.02.5 Providing for the adoption and enforcement of administrative rules to implement the Compact;
- ~~1-2.01.6~~ 1-2.02.6 Providing for the uniform collection and sharing of information between and among public school districts; and
- ~~1-2.01.7~~ 1-2.02.7 Promoting flexibility and cooperation between the educational system, military installation leaders and their commands, parents and legal guardians, and students children of military families in order to achieve educational success for the student.

### 1-3.00 DEFINITIONS

- 1-3.01 "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 Title 10 of the United States Code, Title 32 of the United States Code, or state mobilization to active duty;
- 1-3.02 "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, ~~and 1211~~, or 42 U.S.C. § 204, as they existed on ~~January 1, 2019~~ January 1, 2021;
- 1-3.03 "Children of military families" means school-aged children enrolled in Kindergarten through Twelfth (12<sup>th</sup>) grade, in the household of a member of any component of the uniformed services.

1-3.04 "Compact" means the Interstate Compact on Educational Opportunity for Military Children.

1-3.05 "Council" means the Arkansas ~~State Council for the Interstate Compact on Educational Opportunity for Military Children (Arkansas State MIC3 Council).~~

1-3.06 "Deployment" means the period of time six (6) months before a member of the uniformed services' departure from ~~their~~ his or her home station or duty station on military orders through six (6) months after return to his or her home station;

1-3.07 "Division" means the Division of Elementary and Secondary Education;

1-3.08 "Dual status military technician" means a federal civilian employee who is:

1-3.08.1 Employed under 5 U.S.C. § 3101 or 32 U.S.C. § 709(b);

1-3.08.2 Required as a condition of his or her employment to maintain membership in the Selected Reserve; and

1-3.08.3 Assigned to a civilian position as a technician in the organizing, administering, instructing, or training of the Selected Reserve or in the maintenance and repair of supplies or equipment issued to the Selected Reserve of the United States Armed Forces.

~~1-3.08~~ 1-3.09 "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:

~~1-3.08.1~~ 1-3.09.1 General identifying data;

~~1-3.08.2~~ 1-3.09.2 Records of attendance and of academic work completed;

~~1-3.08.3~~ 1-3.09.3 Records of achievement and results of evaluative tests;

~~1-3.08.4~~ 1-3.09.4 Health data;

~~1-3.08.5~~ 1-3.09.5 Disciplinary status;

~~1-3.08.6~~ 1-3.09.6 Test protocols; and

~~1-3.08.7~~ 1-3.09.7 Individualized education programs;

~~1-3.09~~ 1-3.10 "Extracurricular activity" means a voluntary activity sponsored by a public school or local education agency or an organization sanctioned by the local education agency.

~~1-3.09.1~~ 1-3.10.1 "Extracurricular activity" includes without limitation preparation for and involvement in public performances, contests, athletic competitions, demonstrations, displays, and club activities;

~~1-3.10~~ "Local education agency" means a public authority legally constituted by the state as an administrative agency to provide control of and direction for kindergarten through grade twelve (K-12) public schools;

1-3.11 "Military installation" means a base, camp, post, station, yard, center, homeport facility for any ship, or other activity under the jurisdiction of the United States Department of Defense or the State of Arkansas;:

1-3.11.1 United States Department of Defense installations, which shall include:

1-3.11.1.1 Little Rock Air Force Base;

1-3.11.1.2 Pine Bluff Arsenal;

1-3.11.1.3 Camp Pike Armed Forces Reserve Complex; and

1.3.11.2 Arkansas installations, which shall include:

1.3.11.2.1 Camp Joseph T. Robinson Maneuver Training Center;

1.3.11.2.2 Ebbing Air National Guard Base; and

1.3.11.2.3 Fort Chaffee Joint Maneuver Training Center.

1-3.12 “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:

1-3.12.1 Alternative learning environments;

1-3.12.2 The Arkansas School for the Blind;

1-3.12.3 The Arkansas School for the Deaf; and

1-3.12.4 The Arkansas School for Mathematics, Sciences, and the Arts.

1-3.13 "Receiving district" means a public school district to which a child of a uniformed services member transitions;

1-3.14 "Sending district" means the public school district from which a child of uniformed services member ~~transfers~~ transitions;

1-3.15 "Student" means the dependent ~~minor~~ child of a uniformed services member for whom ~~the local education agency~~ a public school or public school district receives public funding and who is enrolled in a public school;

1-3.15.1 A dependent member of the uniformed services as defined in Ark. Code Ann. § 6-28-104 who is transferred to the state by official orders is considered a resident in a school district:

1-3.15.1.1 Before the physical arrival of the dependent of a member of the uniformed services in the school district; and

1-3.15.1.2 When the member of the uniformed services enrolls the dependent in the public school district as established under Ark. Code Ann. § 6-28-108.

1-3.16 “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.

~~1-3.16~~ 1-3.17 "Transition" means the:

~~1-3.16.1~~ 1-3.17.1 Formal and physical process of transitioning from public school to public school; or

~~1-3.16.2~~ 1-3.17.2 Period of time in which a student moves from a sending district to a receiving district.

~~1-3.17~~ 1-3.18 "Uniformed services" means the United States Army, United States Navy, United States Air Force, United States Marine Corps, United States Space Force, United States Coast Guard, the National Oceanic and Atmospheric Administration Commissioned Officer Corps, the United States Commissioned Corps of the Public Health Services, and the state and federal reserve components of each of these bodies; and

~~1-3.18~~ 1-3.19 "Veteran" means an individual who served in the uniformed services and who was discharged or released from the uniformed services under conditions other than dishonorable.

#### 1-4.00 APPLICATION

1-4.01 This rule applies to ~~minor~~ dependent children of:

1-4.01.21 Members of the active and activated reserve components of the uniformed services;

1-4.01.2 Members or veterans of the uniformed services who ~~are~~ 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; ~~and~~

1-4.01.3 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;

1-4.01.4 Dual status military technicians; and

1-4.01.5 Traditional members of the National Guard and reserve components of the armed forces who are relocating to the state for employment or to serve as a member of an Arkansas-based reserve component unit.

1-4.02 This rule shall not apply to the minor dependent children of:

- 1-4.02.1 Inactive members of the National Guard and ~~military reserves~~ reserve components of the armed forces;
- 1-4.02.2 Retired members of the uniformed services, except as provided under section 4.01.2 of this chapter; and
- 1-4.02.3 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.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING ~~THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES~~  
MILITARY CHILD SCHOOL TRANSITIONS**

**CHAPTER 2:  
PUBLIC SCHOOL DISTRICT DUTIES**

**2-1.00 ENROLLMENT TRANSITION OF CHILDREN OF MILITARY FAMILIES**

**2-1.01 Children of military families under this rule shall have equitable access to academic courses and programs and to extracurricular academic, athletic, and social programs.**

~~2-1.02 In complying with this section, sending districts and receiving districts shall not require sending and receiving districts outside of the state to provide services to uniformed services families transferring to or from the state.~~

~~2-1.03 Sending districts and receiving districts in the state shall make an attempt to coordinate on behalf of children of reserve component members with sending and receiving districts outside of the state.~~

2-1.02 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 Ark. Code Ann. § 6-28-101, et seq. but may not be covered under the interstate compact.

**2-2.00 TRANSFER OF EDUCATION RECORDS AND ENROLLMENT**

~~2-1.04~~ 2-2.01 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 information as defined in Chapter 1, Section ~~3.08~~ 3.09 of these rules and any other pertinent information reasonably requested by the receiving school district.

~~2-1.05~~ 2-2.02 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 pre-register

and provisionally place a student based on the information provided in the unofficial education records that is pending validation by the official records.

~~2-1.06~~ 2-2.03 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.

~~2-1.07~~ 2-2.04 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 ~~or a reasonable time frame as established by the Division.~~

### 2-3.00 ADVANCE ENROLLMENT

~~2-1.22~~ 2-3.01 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 reassignment, mobilization, or deployment.

~~2-1.23~~ 2-3.02 When a public school receives notice from a military family, the public school shall treat the notice as a provisional enrollment and provide the student with materials regarding academic courses, electives, sports, and other relevant information regarding the public school.

~~2-1.24~~ 2-3.03 A public school:

~~2-1.24.1~~ 2-3.03.1 Shall consider the anticipated date of enrollment of a student in light of class sizes, course conflicts, and the availability of elective courses;

~~2-1.24.2~~ 2-3.03.2 May preregister a student in anticipation of the student's enrollment; and

~~2-1.24.3~~ 2-3.03.3 May seek waivers from the State Board of Education to accommodate a student under this section, including without limitation required class ratios.

~~2-1.25~~ 2-3.04 A student under this section shall receive equitable access to academic courses.

~~2-1.26~~ 2-3.05 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.

~~2-1.27~~ 2-3.06 Special power of attorney relative to the guardianship of a child of a military family is sufficient for purposes of enrollment and all other actions requiring parental participation and consent.

~~2-1.28~~ 2-3.07 A receiving district shall not charge local tuition to a student who transitions to the receiving district under this section and 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.

~~2-1.29~~ 2-3.08 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.

~~2-1.30~~ 2-3.09 A receiving district shall ensure a student who transitions under this section has the opportunity to participate in extracurricular activities, regardless of application deadlines, and to the extent that the student is otherwise qualified.

#### 2-4.00 VIRTUAL COURSE ENROLLMENT

2-4.01 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 student's previous coursework and the curriculum best suited to ensure educational success in his or her new school.

#### 2-5.00 IMMUNIZATIONS

~~2-1.08~~ 2-5.01 A student shall furnish his or her required immunization records to a receiving district within thirty (30) days of enrolling in the receiving district ~~or within such time as is reasonably determined under the Division of Elementary and Secondary Education Rules.~~

~~2-1.09~~ 2-5.02 For a series of immunizations, initial vaccinations shall be obtained within thirty (30) days ~~or within such time as is reasonably determined under division rules.~~

2-6.00 GRADE PLACEMENT

~~2-1.10~~ 2-6.01 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.

~~2-1.11~~ 2-6.02 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.

2-7.00 COURSE AND EDUCATION PROGRAM PLACEMENT

~~2-1.12~~ 2-7.01 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 the student's enrollment at the sending district and on educational assessments conducted at the sending district.

~~2-1.13~~ 2-7.02 Academic course placement includes without limitation enrollment in:

~~2-1.13.1~~ 2-7.02.1 Honors courses;

~~2-1.13.2~~ 2-7.02.2 The International Baccalaureate Diploma Program;

~~2-1.13.3~~ 2-7.02.3 Advanced Placement courses; and

~~2-1.13.4~~ 2-7.02.4 Academic, technical, and career pathway courses.

~~2-1.14~~ 2-7.03 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an academic course.

~~2-1.15~~ 2-7.04 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 the student's participation in educational programs at the sending district and on educational assessments conducted at the sending district.

~~2-1.16~~ 2-7.05 Educational programs include without limitation:

~~2-1.16.1~~ 2-7.05.1 Gifted and talented programs; and

~~2-1.16.2~~ 2-7.05.2 English as a second language courses;

~~2-1.34~~ 2-7.06 Public schools may award Credit by Demonstrated Mastery (CDM) to eligible high school students pursuant to the Division of Elementary and Secondary Education Rules Governing Grading and Course Credit, Chapter 3: Flexibility in Awarding High School Course Credit, upon approval by the Division.

~~2-1.17~~ 2-7.07 A receiving district may perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in an educational program.

#### 2-8.00 SPECIAL EDUCATION SERVICES

~~2-1.18~~ 2-8.01 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.

~~2-1.19~~ 2-8.02 A receiving district:

~~2-1.19.1~~ 2-8.02.1 Shall make reasonable accommodations and modifications to address the needs of incoming students with disabilities under this section; and

~~2-1.19.2~~ 2-8.02.2 May perform subsequent evaluations to ensure a student who transitions under this section has been appropriately placed in the receiving district.

~~2-1.20~~ 2-8.03 A public school district may waive academic course or educational program requirements for students who transition to a receiving district under this section.

#### 2-9.00 STUDENT EXCUSED ABSENCES

~~2-1.21~~ 2-9.01 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.

## 2-10.00 GRADUATION AND TESTING

~~2-1.31~~ 2-10.01 In order to ensure the on-time graduation of military students under this section, ~~state and local education agencies~~ a receiving district shall waive specific courses that are required for graduation if similar coursework has been satisfactorily completed by a transitioning student under the control of another ~~local education agency~~ public school or public school district.

~~2-1.31.1~~ 2-10.01.1 If a waiver for a specific course is denied, the ~~state or local education agency~~ receiving district shall provide:

~~2-1.31.1.1~~ 2-10.01.1.1 Justification for the denial; and

~~2-1.31.1.2~~ 2-10.01.1.2 An alternative means by which the transitioning student can complete the required coursework so that the student can graduate on time.

2-10.02 ~~Public schools~~ A receiving district shall accept results from:

~~2-1.32.1~~ 2-10.02.1 Exit or end-of-course exams that are required for graduation from the sending district;

~~2-1.32.2~~ 2-10.02.2 National norm-referenced achievement tests; or

~~2-1.32.3~~ 2-10.02.3 Alternative testing.

~~2-1.33~~ 2-10.03 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.

2-11.00 SCHOOL CHOICE FOR MILITARY FAMILIES

2-11.01 In considering school choice transfer requests for children of military families, school districts shall comply with the Rules Governing Public School Choice, Chapter 4, School Choice for Military Families.

2-3.00 2-12.00 NEW STUDENT RECEPTION PROGRAMS -- SCHOOL-DISTRICT MILITARY FAMILY EDUCATION COORDINATORS (DMECs)

~~2-3.01~~ 2-12.01 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:

~~2-3.01.1~~ 2-12.01.1 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.

~~2-3.01.1.1~~ 2-12.01.1.1 Public schools may choose to adopt the Arkansas State MIC3 Council for Military Children developed Purple School/Campus program, a similar Military Child Education Coalition program or a locally developed program to facilitate transitioning students of military families.

~~2-3.01.1.2~~ 2-12.01.1.2 Arkansas State MIC3 Council for Military Children will recognize public school districts that achieve full measure of achievement of such a student transition program.

~~2-3.01.2~~ 2-12.02.1 Designate for the public school district a military family education coordinator to serve as the primary point of contact for each child of a military family and his or her parent or legal guardian.

~~2-3.01.2.1~~ 2-12.02.1.1 The public school military family education coordinator shall have specialized knowledge regarding the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

~~2-3.01.2.2~~ 2-12.02.1.2 The Division shall supply relevant resources for the orientation and training of public school military education coordinators under this section.

~~2-2.00~~ 2-13.00 REPORTING ENROLLMENT OF CHILDREN OF MEMBERS OF THE UNIFORMED SERVICES

~~2-2.01~~ 2-13.01 The Division shall require a public school district to report the enrollment of a student who is a ~~dependent~~ child of a ~~military~~ uniformed services family:

~~2-2.01.1~~ 2-13.01.1 In the Arkansas Public School Computer Network; or

~~2-2.01.2~~ 2-13.01.2 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.

**DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES  
GOVERNING ~~THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES~~  
MILITARY CHILD SCHOOL TRANSITIONS**

**CHAPTER 3:  
THE ARKANSAS STATE COUNCIL ~~FOR THE INTERSTATE COMPACT ON~~  
~~EDUCATIONAL OPPORTUNITY FOR MILITARY CHILDREN~~  
(ARKANSAS STATE MIC3 COUNCIL)**

3-1.00 PURPOSE

3-1.01 The purpose of the ~~Compact~~ is to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by: 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 this rule in order to eliminate barriers to educational success faced by children of military families.

~~3-1.01.1~~ — ~~Facilitating the timely enrollment of children of military families and ensuring that they are not placed at a disadvantage due to difficulty in the transfer of education records from the previous school districts or variations in entrance or age requirements;~~

~~3-1.01.2~~ — ~~Facilitating the student placement process to ensure children of military families are not disadvantaged by variations in attendance requirements, scheduling, sequencing, grading, course content or assessment;~~

~~3-1.01.3~~ — ~~Facilitating the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;~~

~~3-1.01.4~~ — ~~Facilitating the on-time graduation of children of military families;~~

~~3-1.01.5~~ — ~~Providing for the adoption and enforcement of administrative rules implementing the provisions of this compact;~~

- ~~3-1.01.6~~ — ~~Providing for the uniform collection and sharing of information between and among member states, schools and military families under this compact;~~
- ~~3-1.01.7~~ — ~~Promoting coordination between the Compact and other compacts affecting military children; and~~
- ~~3-1.01.8~~ — ~~Promoting flexibility and cooperation between the educational system, military installation leaders and their commands, parents and legal guardians, and the student in order to achieve educational success for the student.~~

### 3-2.00 MEMBERSHIP OF THE COUNCIL

The ~~State~~ Arkansas ~~Council for the Interstate Compact on Educational Opportunity for Military Children~~ is composed of the following members:

~~3-2.01~~ ~~The Compact Commissioner for Arkansas shall be the Commissioner of Elementary and Secondary Education or his or her designee. The Commissioner of Elementary and Secondary Education or his or her designee shall serve as Chair of the Arkansas Council for Military Children and Compact Commissioner for Arkansas.~~

~~3-2.01.1~~ 3-2.01.1 The Chair shall lead the Arkansas Council for Military Children's collaborative support of state and public school district programs that carry the provisions of these rules.

~~3-2.01.1~~ ~~3-2.01.2~~ 3-2.01.2 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.*.

~~3-2.01.2~~ ~~3-2.01.3~~ 3-2.01.3 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 for the administration of this compact, or supplementary agreements entered into by the state, or as further directed by law or by the Division of Elementary and Secondary Education or the State Board of Education.

3-2.02 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;

3-2.02.1 When a public school district is located in more than one Arkansas congressional district, the congressional district shall be determined by the street address of the district's administrative offices.

3-2.02.2 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 chapter 2, section 2.13 of these rules.

3-2.03 Three (3) appointed members with a background or interest in the education of military children drawn from applicants from The Center for Exceptional Families, Arkansas Advocates for Children and Families, the Arkansas School Counselor Association, the Arkansas Parent and Teachers Association or other organizations with purposes that include child welfare, child and family advocacy, and special education. These three (3) appointed at-large members shall consist of:

3-2.03.1 One (1) member ~~to~~ shall be appointed by the President Pro Tempore of the Senate ~~from a list of three (3) nominees submitted by the Executive Director of the Arkansas Education Association;~~

~~3-2.04.~~ 3.2.03.2 One (1) member ~~to~~ shall be appointed by the Speaker of the House of Representatives ~~from a list of three (3) nominees submitted by the Executive Director of the Arkansas Association of Educational Administrators; and~~

~~3-2.05.~~ 3.2.03.3 One (1) member ~~selected from the state at large and shall~~ be appointed by the Governor, ~~in consultation with the Arkansas School Boards Association, subject to confirmation of the Senate.~~

3-2.06 ~~3-2.04~~ 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;

~~3-2.06.1~~ 3-2.04.1 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 chapter 2, section 2.13 of these rules.

~~3-2.07.~~3-2.05 A representative from each of the six (6) federal and or state military installation in Arkansas that employs uniformed service members to be designated by each military installation commander as follows as designated by the federal military installation commander or the Secretary of the Department of the Military, whichever is applicable;

~~3-2.07.1~~ — ~~Little Rock Air Force Base and Pine Bluff Arsenal, serving as the active federal installations;~~

~~3-2.07.2~~ — ~~Camp Pike Armed Forces Reserve Complex, serving as the reserve federal installation; and~~

~~3-2.07.3~~ — ~~One representative from each of the following state installations:~~

~~3-2.07.3.1~~ — ~~Camp Robinson;~~

~~3-2.07.3.2~~ — ~~Fort Chaffee, and~~

~~3-2.07.3.3~~ — ~~Ebbing Air National Guard Base.~~

~~3-2.07.4~~ — ~~For purposes of this section, “federal and state military installation” does not include recruiting offices, armed forces reserve centers, state armories, ROTC detachments, and JROTC programs.~~

~~3-2.08~~ Representatives from a federal military installation shall serve as nonvoting, ex officio members;

~~3-2.09~~ 3.2.06 The Executive Director of the Arkansas Activities Association, ~~servng as a nonvoting, ex officio member, or his or her designee;~~

~~3-2.10~~3.2.07 The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees; ~~servng as nonvoting, ex officio members; and~~

~~3-2.11-3-2.08~~ The military family education liaison. ~~appointed by the Council, serving as a non-voting, ex-officio member; and as established by Ark. Code Ann. § 6-28-205.~~

~~3-2.12~~ The United States Department of Defense representative for Arkansas shall have duties and responsibilities as established by United States Department of Defense Instruction Number 1342.29, and shall not be a member of the State Council.

### 3-3.00 DUTIES OF THE COUNCIL

~~3-3.01~~ The Interstate Compact on Educational Opportunity for Military Children is limited to providing transition services for children of active duty members of the uniformed services and excludes provision of services to children of members of the inactivated reserve components.

~~3-3.02~~ Unless otherwise approved by the Commissioner of Education, the State Council shall conduct its meetings in Central Arkansas and via teleconference or web conference to allow for scheduling flexibility for council members.

3-3.01 The duties of the council are to:

3-3.01.1 Assist state and local education agencies in the promotion and communication of the provisions of these rules to inform public school district officials and uniformed services families;

3-3.01.2 Assist state and local education agencies with the orientation and training of district military education coordinators on provisions of these rules;

3-3.01.3 Assist in the development and delivery of programs that inform uniformed services families of the need for self-identification in order to assure accurate accounting of children of uniformed services families enrolled in public school districts; and

3-3.01.4 Assist 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.

3-3.02 The State Council shall meet at least quarterly or more frequently as decided upon by a majority of its members and may call special meetings.

3-3.03 The State 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 compact in this state.

~~3-3.03.1 — Parents and legal guardians of military families may request the opportunity to speak at the public forum or make an online presentation to the State Council during the public forum.~~

~~3-3.04 The State Council may seek input from the Division of Elementary and Secondary Education regarding the outcome of a case that is brought to the State Council for resolution.~~

3-3.04 A majority of all council members shall constitute a quorum at council meetings.

3-3.05 The Council may provide recommendations to the Division of Elementary and Secondary Education regarding, without limitation, suggested:

3-3.04.1 Legislative initiatives amending Ark. Code Ann. § 6-28-101 *et seq.*; or

3-3.04.2 Rules applicable to the Division and public school districts under Ark. Code Ann. § 6-28-101 *et seq.*.

3-3.06 The council may form committees to carry out its purpose; and enlist volunteer participation by knowledgeable individuals and organizations to assist in development and execution of programs.

3-3.07 The council shall provide annually report to the Governor, the State Board of Education, the Senate Committee on Education, and the House Committee on Education that includes without limitation:

3-3.07.1 Information regarding the achievements of the council and public school districts regarding the support provided to uniformed services families under this chapter;

3-3.07.2 Details of the reports provided to the Military Interstate Children's Compact Commission;

3-3.07.3 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;

3-3.07.4 Summaries of cases elevated to the chair for counsel and assistance in resolving cases involving:

3-3.07.4.1 The transition of children of military families that were elevated by military families; United States Department of Defense officials; or public school districts.

3-3.07.4.2 Information provided under 3.3.07.4.1 shall be provided in compliance with the Family Educational Rights and Privacy Act of 1974, 20 U.S.C. § 1232g, as it existed on January 1, 2021, and state student privacy laws;

3-3.07.5 Information regarding training that is provided to public school district personnel with respect to this rule;

3-3.07.6 Details regarding plans for future engagement efforts with uniformed services families under this rule; and any other information deemed relevant by the council.

#### 3-4.00 MILITARY FAMILY EDUCATION LIAISON

3-4.01 The military family education liaison designated by the Commissioner of Elementary and Secondary Education shall:

3-4.01.1 Have specialized knowledge related to the educational needs of children of military families and the obstacles that children of military families face in obtaining an education.

3-4.01.2 Serve as a member of the Arkansas Council for Military Children;

3-4.01.3 Have duties as defined by the Chair of the Arkansas Council for Military Children, which shall include without limitation:

3-4.01.3.1 Assisting the chair and the council in the administration of these rules;

3-4.01.3.2 Facilitating school transitions of children of military

families;

3-4.01.3.3 Assisting in the orientation and training of public school district military family education

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