



## Arkansas Veterans Coalition Suggested Changes to

### DIVISION OF ELEMENTARY AND SECONDARY EDUCATION RULES GOVERNING THE ENROLLMENT OF CHILDREN OF MILITARY FAMILIES

#### CHAPTER 1: REGULATORY AUTHORITY, PURPOSE, DEFINITIONS, AND APPLICATION

- 2.01.5 Providing for the adoption and enforcement of administrative rules to implement the provisions of §§ 6-18-107 which replicate or exceed provisions of the Compact model statute codified by §§ 6-4-302 and thereby these rules meet the public school district level responsibilities set by the Compact statute and its rules.

**Rationale:** Act 939 untethers Arkansas from the model statute expanding coverage and provisions in support of Arkansas military families. This rule subsection implements §§ 6-18-107(a)(5) “*Providing for the adoption and enforcement of administrative rules to implement this section.*” Statute does not apply to the compact model statute which is codified by §§ 6-4-302 nor should DESE rules.

Act 939 adopted similar language and its provisions meet or exceed provisions in the interstate compact codified in §§ 6-4-302. As such school districts carrying out implementing direction in these DESE rules are meeting statutory provisions of §§ 6-18-107 and indirectly the compact statute and its rules which have never been promulgated and assigned to school districts.

The districts have no obligation to meet provisions of the interstate compact rules (MIC3 Rules). The less said about “the Compact” in DESE rules the better so as to not confuse school districts and the public that they have a dual obligation. They don’t. Under this statute and DESE rules there is only obligation to the Arkansas unilateral program codified by §§ 6-18-107. Act 939 untethers Arkansas from the model statute expanding coverage and provisions in support of Arkansas military families.

- 3.15 “Student” means the dependent **minor** child of a uniformed services member for whom the local education agency receives public funding and who is enrolled in a public school;

**Rationale:** Statute includes the word ‘minor’ but provisions include Grade 12 students who are normally 18 years old or older and therefore not minors. The definition found in §§ 6-4-302 does not include a dependency or age specification. I cannot account for why I included the word in the original draft which became SB638 (Act 939). Striking the word does not change what the program intent is but eliminates a word which may complicate how school districts implement local programs.

4.01 This rule applies to **minor** dependent children of:

**Rationale:** Same as 3.15 above.

4.02 This subchapter shall not apply to the **minor** dependent children of:

**Rationale:** Same as 3.15 above.

**CHAPTER 2:  
PUBLIC SCHOOL DISTRICT DUTIES**

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.

**Rationale:** Recommend deletion to preclude confusion. While unintended ... the language is misleading. The statute had to be written the way it was. Since §§ 6-18-107 provides a unilateral Arkansas it could not assign obligation to districts in other states.

The interstate transfer responsibilities of sending district and receiving district are set in the compact model codified in §§ 6-4-302 but only for children of active duty families. Arkansas districts need to expect and abide by sending and receiving district procedures for children of active duty families but while they may request they may not have an expectation for the same services for children of covered members of the reserve component.

Question is ... how would a gaining or losing district act without this rule? If it would not change what they do for any gaining or losing student then it either needs to be rewritten to satisfy the intent or better ... recommend its deletion.

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

**Introductory Comments:**

- Full rule text is included for this chapter unlike previous chapters in order that suggested changes may be viewed within the context of the full DESE proposed language.
- The Council serves two programs ...the interstate compact adopted by Act 146 in 2013 and the Arkansas independent program adopted by Act 939 (2019).
  - Act 146 (2013) is codified by §§ 6-4-301 et seq. Arkansas did not promulgate implementing rules for its formation nor did it broadly socialize the companion MIC3 Rules.
  - The council also serves the Act 939 independent program codified by §§ 6-18-107.
  - Rules under this chapter need to recognize the parallel programs but since Act 939 provisions amending council guidance in §§ 6-4-303, -304, -305, -306, -309 established by 2019 Act 939 are the most recent legislation and thereby controlling.

1.00 PURPOSE

1.01 The purpose of the Compact Council is to promote, administer and communicate the provisions of Arkansas statutes and develop programs in coordination with the division, Arkansas public school districts, and our military commands is in order to remove barriers to educational success imposed on children of military families because of frequent moves and deployment of their parents by:

**Rationale:** Already stated in Chapter 1, Sec 2.01. PURPOSE in this chapter should define purpose, functions, duties and responsibilities of the state council.

- 1.01.1 Facilitating, promoting and supporting division and school district programs for 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;
- 1.01.2 Facilitating, promoting and supporting division and school district programs for 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;
- 1.01.3 Facilitating, promoting and supporting division and school district programs for the qualification and eligibility for enrollment, educational programs, and participation in extracurricular academic, athletic, and social activities;
- 1.01.4 Facilitating, promoting and supporting division and school district programs for the on-time graduation of children of military families;

1.01.5 In collaboration with the division pProviding for the adoption and enforcement of administrative rules implementing the provisions of this compact;

1.01.6 In collaboration with the division pProviding for the uniform collection and sharing reporting of information between and among member states, schools and military families under this compact and Arkansas statutes and rules ;

1.01.7 Promoting coordination between the Compact and other compacts affecting military children; and

1.01.8 Principle mission of the Council is in pPromoting flexibility and cooperation between the educational system, parents and the student in order to achieve educational success for the student.

**Rationale:**

- Suggest changes to Secs 1.01.1 through 1.01.4 to bring them into the scope of responsibility of the Council. Primary responsibility is with the Public School Districts already addressed in Chapter 2.
- Comment -- Sec 1.01.5 administrative rules implementation is a shared responsibility of DESE and the state council.
  - §§ 6-4-305(b) establishes that the council “... may promulgate rules for the administration of this subchapter” (Title 6, Subtitle 1, Chapter 4, Subchapter 3).
  - Within the same code subsection the council “... may provide inputs to the Division of Elementary and Secondary Education regarding rules applicable to the division and public school districts.
  - Division of effort is clear. After extracting all division and public school district tasks from the ‘subchapter’ the balance of tasks relate to administration of the council and are the council’s purview.
  - The council does not have administrative or legal staff capacity so it legitimately makes its rule determinations for its administration for DESE coordination and Administrative Rules processing.
- Sec 1.01.6 “Providing for the uniform collection and sharing of information” has not been addressed by rule.
- Sec 1.01.7 “Promoting coordination between Compact and other compacts ...” is a purpose of the national MIC3 compact. Neither §§ 6-4-302 nor §§ 6-18-107 assign any responsibility to the state council.
- Sec 1.01.8 “Promoting flexibility and coordination between education system, parents, and the student ...” is legitimately the **primary purpose ... the mission of the council.** The state council in collaboration and coordination with DESE needs to clearly outline its vision, mission and means by which it passes information to and from DESE, school districts and military commands as the agent for their assigned service member and families.

## 2.00 MEMBERSHIP OF THE COUNCIL

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

2.01 The Compact Commissioner for Arkansas shall be the Commissioner of Education or his or her designee.

2.01.1 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 this subchapter §§ 6-4-301 et seq and §§ 6-18-107.

**Rationale:** This rule implements provisions of these parallel statute defined programs. Act 939 untethered Arkansas from the limited interstate model statute program. All provisions in the compact model statute are met or expanded by Act 939. Compliance w Act 939 driven rules assures compliance w MIC3 model statute and MIC3 rules.

2.01.2 The Compact Commissioner for Arkansas shall cooperate with all departments, agencies, and officers of and in government of this state as well as all school districts and political subdivisions of this state for the administration of this compact §§ 6-4-301 et seq and §§ 6-18-107, or supplementary agreements entered into by the state, or as further directed by law or by the Department of Education or the State Board of Education.

**Rationale:** Include both statutes. (Given that the Compact Commissioner is the Commissioner for Elementary and Secondary Education (or designee) this code subsection needs to be deleted in next legislative session.)

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;

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. The Arkansas congressional district of each public school district is as reported in the Arkansas Public School Computer Network accessible through the My School Info application.

**Rationale:** The Arkansas Public School Network already contains a data element and business rules which establish the congressional district of a school district. Whether a school district straddles a congressional district boundary or not is irrelevant. Statute speaks to location of the district office not where students live within a district. Establishing a definition here is unnecessary and could lead to faulty determinations.

2.02.2 The number of children of military families shall be determined by the number of children of military families by component and service as reported by the district in the Arkansas Public School Computer Network under chapter 2, section 2.02 of these rules accessible through My School Info application.

**Rationale:** The Arkansas Public School Network contains the number of military dependent students by component for each service. The My School Info for Military Students includes a “Total” check box. Electing to use the “Total” option includes in its calculation the number of students in a military to military family which results in double counting. Correct total is obtained by summing the number of students by component for each service.

- 2.03 One (1) member to 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;
- 2.04 One (1) member to 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;
- 2.05 One (1) member selected from the state at large and appointed by the Governor, in consultation with the Arkansas School Boards Association, subject to confirmation of the Senate.
- 2.06 The charter school leader of the open-enrollment public charter school with the greatest number of children of military families, or his or her designee;
- 2.06.1 The number of children of military families shall be determined by the number of children of military families **by component and service** as reported by the district in the Arkansas Public School Computer Network **under chapter 2, section 2.02 of these rules accessible through the My School Info application.**

**Rationale:** Same as 2.02.2 above.

- 2.07 A representative from each federal and state military installation in Arkansas that employs uniformed service members to be designated by **each the military installation commander in the case of federal installations and the Secretary, Arkansas Military Department in the case of state installations** as follows:

**Rationale:** More clearly establishes the designation authority for state installations.

- 2.07.1 **Federal installations:** Little Rock Air Force Base, Pine Bluff Arsenal, **and Camp Pike Armed Forces Reserve Complex, serving as the active federal installations;**

**Rationale:** Clearer presentation. There are three federal installations. There is no stipulation to account for active versus reserve component installation. The determination is federal and state to establish the designation authority. In any case Little Rock AFB has two active duty commands and two reserve component commands one of which is principally operating in active duty capacity.

2.07.2 **State installations:** Camp Robinson, Ebbing Air National Guard Base, Fort Chaffee Camp Pike Armed Forces Reserve Complex, serving as the reserve federal installation; and

2.07.3 One representative from each of the following state installations:

2.07.3.1 Camp Robinson,

2.07.3.2 Fort Chaffee, and

2.07.3.3 Ebbing Air National Guard Base.

**Rationale:** Clearer presentation which allows for elimination of 2.07.3 et seq by rewording 2.07.2.

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.

**Rationale:** “Installation” is clearly defined in Chapter 1 Sec 3.11. If it is found that the caveat information is needed then it is more appropriate to amend the definition. Section could cause confusion since Camp Pike is an armed forces reserve center. ROTC and JROTC programs are held on college campuses and in public school classrooms. There can be no consideration that there is a military installation to which assigned personnel are stationed. This rule stipulation is not needed.

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

**Rationale:** Delete use of ‘ex officio’ throughout all rules. The Council of State Governments legal staff that drafted the original compact language misuse the term. Eliminating use of the term altogether eliminates potential misuse from the established direction in Roberts Rules, 11<sup>th</sup> Edition, page 483, line 30.

2.09 The Executive Director of the Arkansas Activities Association, serving as a nonvoting, **ex officio** member, or his or her designee;

**Rationale:** Same as 2.08.

2.10 The Chair of the Senate Committee on Education and the Chair of the House Committee on Education or designees from each of the committees, serving as nonvoting, **ex officio** members;

2.11 The military family education liaison appointed by the Council, serving as a non-voting, **ex officio** member; and

**Rationale:** Same as 2.08.



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.

3.00 DUTIES OF THE COUNCIL

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.

3.02 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.

**Rationale:** Correcting typo.

3.03 The State Council shall meet at least annually to hold a public forum in a military community to hear direct feedback from military families regarding the effectiveness of the compact in this state.

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.

3.04 The State Council may seek input from the Department of Education regarding the outcome of a case that is brought to the State Council for resolution.

**Rationale:** Legislative language behind this rule is incorrect and establishes an authority presumption that cases not resolved at the local district level may be resolved at the council level. Council and its DESE employee members may advise districts on issues but in all cases the final determination is at the school district or perhaps with DESE leadership or the Board of Education. Council is not chartered to be an audit authority on decisions made by district superintendents.