

New Arkansas Home School Laws 2017

Five new home school laws were passed by the Arkansas Legislature in 2017. All of these changes to the law will be effective 90 days after Governor Hutchinson signed them into law.

Non-Public School Student Enrollment in Academic Courses at Public Schools

HB 1208, Act 173 of 2017 by Rep. Mark Lowery (R—Maumelle) and Sen. Jane English (R—North Little Rock). Effective 90 days after 2-16-17.

Summary: This law allows public schools to voluntarily establish rules and regulations for the enrollment of non-public school students in academic courses at the public school.

Problem Solved: For almost 20 years, the Arkansas Department of Education has provided education funding to public schools that enroll non-public school students in academic courses. This law formalizes a longstanding practice. Since non-public school parents pay taxes for public schools, this allows them to receive some benefit.

Main Points:

1. Does not require public schools to enroll any non-public school student in any academic course.
2. Allows public schools to voluntarily establish their own individual policies for non-public school student enrollment in academic courses.
3. Non-public school students are only eligible for enrollment in public school courses in their resident school districts if their districts permit it.
4. A public school that enrolls non-public school students in an academic course shall be entitled to an amount equal to one-sixth of the state foundation funding amount for each academic course.

Other Considerations: Many public schools are unaware of this option. Parents of students in non-public schools who want to enroll in academic classes at their local public school should discuss this with the superintendent and local school board. Most public schools will want to write a policy and secure school board approval before beginning the program. Some local schools may decide not to participate.

Home School Participation in Interscholastic Activities at AAA Member Public Schools

HB 1474, Act 592 of 2017 by Rep. Mark Lowery (R—Maumelle). Effective 90 days after 3-23-17.

Summary: This law allows home schoolers to participate in interscholastic activities at any Arkansas Activities Association member public school anywhere in the state as long as the student's resident school district and the other school district agree.

Problem Solved: Arkansas' original "Tim Tebow" law only allowed a home schooled student to participate in interscholastic activities in their resident school district. Now, if their resident school district and any other school district agree, the student can participate anywhere in Arkansas. This provides more choices for students while allowing local control by the school districts.

Main Points:

1. **Does Not Affect Requirements for Student Participation in The Student's Resident School District:** The requirements for students to participate in interscholastic activities at their resident public school districts have not changed. This law only applies to students wishing to participate outside their resident school districts.
2. **Requires Students to Meet All the Same Requirements as Students Who Participate in Interscholastic Activities at their Resident School Districts:** In addition to the usual requirements for participation in interscholastic activities at their resident school districts, this law specifies additional requirements for students who wish to participate outside their local school districts.
3. **Applies to Any Public School District in Arkansas.** With mutual agreement between the resident district and another school district, a student can participate in any interscholastic activity anywhere in Arkansas no matter the distance.
4. **One Year (365 Day) Delay for Participation in Athletic Activities:** The home schooled student may begin participation in interscholastic athletic activities one year after the student has been approved to participate. This includes athletic activities such as football or basketball.

5. **Immediate Participation in Athletic Training Not Involving Competition with Another School.** The student may immediately participate in athletic tryouts, practices, classes, or other endeavors in association with an athletic activity. The students can be involved sports practices as long as they do not participate in any competition with another school.
6. **Immediate Participation for Non-Athletic Activities:** There is no one-year delay on non-athletic activities. The home schooled student may begin participating immediately in any interscholastic activity that is not an athletic activity. This includes activities like band or choir.
7. **Immediate Participation in Interscholastic Athletic Activities for Students Entering 7th Grade:** A student can participate in extracurricular athletic activities immediately if the student is approved to participate by July 1 of the year the student will enroll in 7th grade. The only way for students to avoid the one-year waiting period for athletic participation is to be approved the summer before they start 7th grade.
8. **Once School at a Time:** A home schooler cannot participate in interscholastic activities at more than one school at the same time.
9. **Reasonable Alternatives Required:** When home schoolers try out for participation in interscholastic activities, the school must offer the home schooler a reasonable alternative to any requirement that the home schooler cannot meet because of the student's home school status. For example, some public schools require letters of recommendation from the student's public school teachers, a requirement that home schoolers could not meet.

Other Considerations: This law applies to students in grades 7-12. Before participating in an interscholastic athletic activity, students have to wait for a year after they have been approved before they can participate unless they sign up by July 1 of their 7th grade year. However, the law specifically says that the student can go to practice and participate in all other related activities—other than games with other schools. If the athletic activity is not considered a class with grades, the school has the option of requiring the home schooler to take at least one academic class at the school in order to participate. An agreement was reached with the Arkansas Activities Association and the Arkansas Association of Educational Administrators that specifies the one-year waiting period—otherwise the law probably would not have passed.

Home School Participation in Interscholastic Activities at AAA Member Private Schools

HB 1481, Act 453 of 2017 by Rep. Mark Lowery (R—Maumelle) and Rep. Andy Davis (R—Little Rock). Effective 90 days after 3-14-2017.

Summary: This law allows a home schooler to participate in interscholastic activities at any private school within 25 miles of the student's home if the private school is a member of the Arkansas Activities Association and agrees to let the home schooler participate.

Problem Solved: Until now, home schoolers who wish to participate in interscholastic activities at an AAA member school had to do so at a public school. This law allows home schoolers to participate in interscholastic activities at an AAA member private school that is within 25 miles of the student's residence as long as the private school agrees.

Main Points:

1. **This law only applies to students wishing to participate in interscholastic activities through their area private schools.**
2. **In addition to the usual requirements for participation in interscholastic activities at their resident school districts, this law specifies additional requirements for students who wish to participate at their area private schools.**
3. **This Law Does Not Affect Private Schools That Are Not Members of the Arkansas Activities Association.** Private schools that are not members of AAA can set their own policies regarding athletics and other extracurricular activities. Some private schools may be members of other associations that set rules for competitive games between schools. Any home schooler who wishes to participate in an interscholastic activity at a private school that is not a member of AAA should inquire with the school as to their policies.
4. **Private Schools are Not Required to Allow Home Schoolers to Participate, and If They Do, They Can Set Their Own Requirements for Participation.** No private school can be forced to admit home schoolers for participation in interscholastic activities. Those who do allow home schoolers to participate can establish additional requirements for participation, based on the school's preference.

5. **Applies to Any Private School Within 25 Miles of the Student's Residence.** Draw a circle with a 25 mile radius from the student's home, and any private school in that circle that is a member of AAA is eligible to take advantage of this law. The distance should be measured in a straight line.
6. **One-Year (365 Day) Delay for Participation in Athletic Activities:** The home schooled student may begin participation in interscholastic athletic activities one year after the student has been approved to participate. This includes athletic activities such as football or basketball. However, the student can begin athletic practice and training immediately.
7. **Immediate Participation for Non-Athletic Activities:** The home schooled student may begin participating immediately in any interscholastic activity that is not an athletic activity. This includes activities like band or choir.
8. **Immediate Participation in Interscholastic Athletic Activities for Students Entering 7th Grade:** A student can participate in extracurricular athletic activity immediately if the student is approved to participate by July 1 of the year the student will enroll in 7th grade. The only way for students to avoid the one-year waiting period for athletic participation is to be approved the summer before they start 7th grade.
9. **Immediate Participation in Athletic Training Not Involving Competition with Another School.** The student may immediately participate in tryouts, practices, classes, or other endeavors in association with an athletic activity. Students can be involved sports practices as long as they do not participate in any competition with another school.
10. **Once School at a Time:** A home schooler cannot participate in interscholastic activities at more than one school at the same time.

Other Considerations: At first, most private schools will be unaware of this law, so a discussion with the leadership of the private schools will be helpful. In addition, many private schools may want to establish additional requirements for participation such as a statement of faith in the case of religious-based schools. Not all private schools are members of AAA. If the private school competes with public schools in athletics, the school likely is a member of AAA.

Home School Registration and Record Privacy

HB 1574, Act 635 of 2017 by Rep. Mark Lowery (R—Maumelle). Effective 90 days after 3-24-17.

Summary: This law reduces the amount of information required on the annual Notice of Intent to Home School. Parents will no longer be required to list their curriculum or class schedule. It replaces the waiver that home schoolers are required to sign with an agreement that simply says the home school parents will be responsible for their child's education. It also ensures local school districts do not force additional requirements on home school families, and it codifies past Attorney General opinions saying information on the Notice of Intent is confidential and cannot be used for anything besides recordkeeping and administrative purposes.

Problem Solved: Class schedule, curriculum, and the education level of the parent have been required on the Notice of Intent for over 30 years, yet the Department of Education has never used this information for anything. In addition, the waiver form releasing the State from liability for the education of the child is unenforceable. The law simplifies the form by requiring parents to list only information that the State actually uses. The law also makes it easier for parents to file the Notice of Intent electronically.

Main Points:

1. **Parental Responsibility:** The parents agree that they are responsible for the education of their children during the time the children are home schooled.
2. **Information Required:** The law requires: student's name, sex, date of birth, grade level, and the name and address of the last school the student attended, if any; parent or guardian's mailing address and phone number; notification if the student plans to participate in interscholastic activities, get a driver's license, or seek a high school equivalency diploma.
3. **Driver's License:** If a student plans to obtain a driver's license during the year, the parent's or guardian's signature must be notarized so a copy of the notarized form can be presented to the State Police.
4. **Ways to File the Form:** Online to the Department of Education, by mail to the local superintendent's office, by email, or in person at the local superintendent's office are the four options for filing the Notice of Intent by August 15 for the coming school year, or at any time during the school year if the student is enrolled in a public or private school.

5. **Privacy:** According to the Attorney General, the data on the Home School Notice of Intent is confidential and not subject to the Freedom of Information Act and can only be used for statistical and recordkeeping purposes as required by law. This law writes the A.G.'s opinions into the home school law.
6. **Eliminated:** The following portions of existing home school law were repealed:
 - a. The meaningless December 15 deadline for registering to home school was eliminated.
 - b. The home school waiver form is no longer required.
 - c. Listing the basic core curriculum is no longer required.
 - d. Listing the proposed schedule of instruction is no longer required.
 - e. Listing the qualifications of the parent is no longer required.
 - f. First-time home schoolers do not have to deliver the Notice of Intent to the superintendent in person.

Other Considerations: This law reduces the amount of information that home schoolers have to provide the State. It streamlines the registration process, and it officially establishes parents, rather than the State, as the ones legally responsible for their children while they are being home schooled.

Home School Transfer to Public Schools

HB 1740, Act 863 of 2017 by Rep. Mark Lowery (R—Maumelle). Effective 90 days after 4-4-17.

Summary: This law requires public schools to give home schoolers who re-enroll in public school the very same rights and privileges as public school students. It also generally prevents the school from denying a home schooler appropriate class credits, proper grade level placement, and the ability to graduate.

Problem Solved: Transferring from a home school to a public school has been difficult, depending on the public school and its leadership. Some schools have welcomed home schoolers with open arms, while others have penalized home schoolers by denying them credit or grades for their home school courses. Others have barred home schoolers from certain clubs like the National Honor Society. Others have forced home schoolers to take a battery of tests in order to be admitted. One school even tried to prevent a student from graduating.

Main Points

1. **Privileges:** Students who transfer from a home school to a public school shall:
 - a. Have the same rights and privileges as other public school students.
 - b. Not be denied scholarships, awards, grade placement, promotion, participation in academic or extracurricular activities, or membership in a club, association, or organization.
2. **Credits and Grades Honored:** For students who want to ensure that the school honors their grades and course credits, and who do not want to be assessed using the school's methods, student must:
 - a. Provide a transcript of courses and grades.
 - b. Provide a portfolio indicating the student's academic progress.
 - c. Score at least the 30th percentile on a nationally-recognized, norm-referenced test. If the student does not have a test score, the school is required to provide a test or waive the testing requirement.
3. **Students Without a Test Score:** For students who want to allow the school to determine their grade placement and course credits, but do not want to be assessed according to the school's methods, the student shall:
 - a. Provide a transcript of courses and grades.
 - b. Provide a portfolio indicating the student's academic progress.
4. **Students Without a Test Score or Transcript:** For students who do not wish to provide a transcript or portfolio and are willing to allow the school to assess them using its methods:
 - a. The school shall assess the student using the same methods as students who transfer from another public school, but shall have sole authority over grade placement and course credits.
5. **Admission Waiver:** By mutual agreement between the parents and the school, all requirements for admission may be waived by the school and the student's credits and grades can be agreed upon.

Other Considerations: The requirements of this law should be easy for most home schoolers to meet. Norm-referenced tests are available online or through a local private or public school. A transcript can be one developed by the parent or through the Education Alliance or other home school support organization. The portfolio can consist of tests, lessons completed, or lesson plans. It is always a good idea to visit with the person in charge of admissions before transferring a home schooler to a public school.