

ARKANSAS DEPARTMENT OF EDUCATION
SPECIAL EDUCATION AND RELATED SERVICES
22.00 HOME SCHOOLING
August 2007

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

22.02 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.

22.03 PURPOSE

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

22.04 DEFINITIONS

For the purpose of these rules and regulations:

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

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

22.04.3 "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.

22.04.4 "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.

22.04.5 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.

22.04.6 "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).

22.05 GENERAL

- 22.05.1 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.
- 22.05.2 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.
- 22.05.3 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.
- 22.05.4 Public school students who are under disciplinary action by the local school district shall be eligible for enrollment in a home school if:
- 22.05.4.1 The superintendent or local school board chooses to allow the child to enroll in a home school;
 - 22.05.4.2 The disciplinary action against the student has been completed or at the end of a school semester, whichever occurs first; or
 - 22.05.4.3 The student has been expelled.
- 22.05.5 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.
- 22.05.6 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.

- 22.05.7 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.
- 22.05.8 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.
- 22.05.9 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.

22.06 NOTICE OF INTENT

- 22.06.1 Parents or Guardians who plan to home school must file written notice by completing and returning the printed current year Notice of Intent and Waiver forms to the public school superintendent's office of their local school district 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 § 20.06.2.
- 22.06.2 Parents or guardians moving into a school district during the school year must file 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.

- 22.06.3 The required Notice of Intent and Waiver forms must be the printed current year forms obtained from your local superintendent's office and must include the following information for reporting and test administration purposes only:
- 22.06.3.1 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.
 - 22.06.3.2 The location of the home school (mailing address).
 - 22.06.3.3 A brief description of the basic core curriculum to be used and the subjects to be taught.
 - 22.06.3.4 Schedule of instruction to be followed (hours per day; days per week; number of weeks).
 - 22.06.3.5 The education qualifications of the parent/guardian/teacher(s).
 - 22.06.3.6 Parents or guardians shall deliver written notice in person to the superintendent of their local school district the first time such notice is given.

22.07 TESTING REQUIRED – ACHIEVEMENT TESTS

- 22.07.1 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.
- 22.07.2 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.
- 22.07.3 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.

- 22.07.4 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.
- 22.07.5 Alternate testing procedures and protocol will be arranged by the education service cooperatives and Pulaski County school districts.
- 22.07.6 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.

22.08 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.

22.09 TRANSFER OF STUDENTS

- 22.09.1 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.
- 22.09.2 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.
- 22.09.3 Any home school student who re-enters a local school district must 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.

22.10 STUDENTS WITH DISABILITIES

22.10.1 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.

22.10.2 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.

22.11 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.