

ARKANSAS

Compulsory Attendance Ages: Applies to residents who as of August 1 are age 5 through 17, or until graduation. A parent may waive attendance for a child who is not yet 6 by August 1 using a Department of Education form. A child who is 16 or older and enrolled in certain programs is not subject to the compulsory attendance law. Ark. Code Ann. §§ 6-18-201, -207.

Required Days of Instruction: None.

Required Subjects: None.

Home School Statute: Ark. Code Ann. §§ 6-15-501 to -509.

1. Parents or guardians must notify the local public school superintendent in writing of their intent to home school no later than August 15.

If a child will be withdrawn from public school to start a homeschool program after August 15, § 6-15-503(a)(1)(B) requires the parent to provide the school with 14 days' notice in advance. *We believe this requirement is unconstitutional.* The superintendent or the local school board may waive the 14-day waiting period. When moving into the state or a new school district during the school year, parents or guardians must give the written notice within 30 days of establishing residency there. § 6-15-503(a)(2).

According to § 6-15-503(d), a public school student who is currently under disciplinary action for violation of any school policy is not eligible to begin home schooling unless: (1) the superintendent or local school board allows it; (2) the disciplinary action has been completed or the school semester ends, whichever occurs first; or (3) the student has been expelled from public school. *We believe these restrictions are unconstitutional.*

No child may be home schooled if any person residing in the home is a registered sex offender, unless upon petition by the child's parent or guardian, the sentencing court enters a written order specifically waiving this restriction. § 6-15-508.

2. The notice to the public school superintendent must include:
 - (a) The name, date of birth, gender and grade level of the children;
 - (b) The name and address of the school each child last attended, if any;
 - (c) The mailing address of the home school;
 - (d) A telephone number;

- (e) A statement that the parents agree that they are responsible for the child's education while the home school program is continuing;
- (f) A statement of plans to participate in public school interscholastic activities (optional);
- (g) A statement of plans to seek a GED (optional);
- (h) The name and signature of the person providing the home school program.

In 2019, the laws related to obtaining a learner's permit or driver's license were changed so that now no evidence of schooling needs to be submitted. Before the passage of the bill, HB 1867, homeschool students were required to submit a notarized copy of their current notice of intent to homeschool as part of the permit-license process. While the homeschool statute itself was not explicitly changed to come into line with this new law, we believe the legislature amended the requirement by implication, and we therefore believe it is no longer necessary for a family to notarize a notice of intent for a student who may seek a driver's license or permit.

The notice may be submitted electronically, or by email, or by U.S. mail, or in person. This information is confidential and may be used only for statistical and record-keeping purposes. § 6-15-503(a-b). It is not necessary to use any particular form. However, HSLDA makes a form available to members, as does the Arkansas Department of Education. It is important for a parent to keep documentation showing that the notice was submitted.

3. Homeschool students must be given the same access to special education services under the Individuals with Disabilities in Education Act (20 U.S.C. § 1400 *et seq.*) as private school students. *Id.*
4. The Department of Education and school districts are forbidden from imposing any requirements in addition to what is specified by statute. § 6-15-503(e).
5. The 2017 amendment to the homeschool statute inserted the word "legal" before the word "guardian" everywhere it appears in the statute. However, the compulsory attendance statute (6-18-201(a)) says that any "parent, guardian or other person having custody or charge" of a child shall enroll the child in a public, private or parochial school or provide a home school for the child. It follows that any person required to comply with the compulsory attendance law should be able choose from all attendance options, including home schooling.

Teacher Qualifications: None.

Standardized Tests: None required by statute.

PLEASE NOTE: Children enrolled in a virtual charter school, public on-line school, or public school independent study program are not eligible for HSLDA membership. Enrollment in these secular programs is enrollment in public school, which gives the public school authority over the student to impose state assessment, approval of curriculum, and supervision by a certified teacher. HSLDA membership extends only to students whose education is primarily administered and controlled by parents privately. If you have any questions please call our office.