

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 84th General Assembly
3 Regular Session, 2003
4

As Engrossed: H3/27/03

A Bill

Act 1332 of 2003
HOUSE BILL 2376

5 By: Representatives White, Blair, Bradford, Chesterfield, Clemons, Cowling, Dobbins, Eason, Elliott,
6 Fite, J. Johnson, C. Johnson, Jones, Judy, Ledbetter, Lendall, Lewellen, Mahony, Martin, Thomas
7 By: Senators Bryles, Argue, Gullett, Higginbothom, J. Jeffress, Malone, Salmon, Steele, Wilkins
8

For An Act To Be Entitled

11 AN ACT TO CREATE THE BETTER CHANCE FOR SCHOOL
12 SUCCESS PROGRAM UNDER THE ARKANSAS BETTER CHANCE
13 PROGRAM; AND FOR OTHER PURPOSES.
14

Subtitle

15 AN ACT TO CREATE THE BETTER CHANCE FOR
16 SCHOOL SUCCESS PROGRAM.
17
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-45-102 is amended to read as follows:
23 6-45-102. Legislative intent.

24 It is the intent of the General Assembly to expand the availability of
25 developmentally appropriate early childhood programs including, but not
26 limited to, Head Start, ~~and~~ the Home Instruction ~~Program~~ for Parents of
27 Preschool Youngsters, Therapeutic Child Development Programs, and Parents As
28 Teachers. Developmentally appropriate early childhood programs have been
29 shown to produce sizeable gains in the skill levels of educationally
30 disadvantaged children. These programs facilitate the development of young
31 children, particularly those identified as educationally at risk, and
32 increase the chances that they will be more successful students and
33 ultimately more productive citizens. Children have the capacity to learn at
34 very early ages and participating in high quality early care and education
35 programs provides preschool children with the skills, enrichment, and
36 learning opportunities that increase their chances of future success in



1 school. Children from all backgrounds who receive high quality early care
 2 and education score higher on tests of both cognitive and social skills in
 3 their early school years. Low income children who receive high quality early
 4 care and education score significantly higher on tests of reading and math
 5 from their primary years through middle adolescence. These high quality
 6 early care and education services can be both classroom, center-based or
 7 home-based programs. Therefore, the General Assembly finds that the state
 8 should provide assistance to educationally deprived young children by funding
 9 successful and innovative programs that are designed to increase the learning
 10 of these children and provide for their optimal development.

11
 12 SECTION 2. Arkansas Code § 6-45-103 is amended to read as follows:
 13 6-45-103. Definitions.

14 For the purposes of this chapter, the following definitions shall
 15 apply:

16 (1) "Appropriate early childhood program" means a developmentally
 17 appropriate program for young children, ages birth through five (5), approved
 18 by the Department of Education as complying with the regulatory guidelines of
 19 the early childhood state accreditation by the Department of Human Services
 20 and Arkansas Better Chance Core Quality Approval Standards of the Department
 21 of Education to be issued by the department pursuant to this chapter;

22 (2) "Arkansas Better Chance for School Success" means a
 23 developmentally appropriate early care and education program for children
 24 ages three (3) and four (4) created under § 6-45-105(a)(1)(B);

25 ~~(2)(3)~~ "Arkansas Early Childhood Commission" or "commission" means an
 26 eighteen-member advisory body appointed by the Governor to perform certain
 27 duties and responsibilities relating to the development, expansion, and
 28 coordination of early childhood programs, including, but not limited to,
 29 serving as the advisory body to the Department of Education on early
 30 childhood program issues;

31 ~~(3)(4)~~ "Arkansas HIPPY Advisory Board" means a citizen board appointed
 32 through the Home Instruction ~~Program~~ for Parents of Preschool Youngsters
 33 (HIPPY) Regional Technical Assistance and Training Center to develop public
 34 awareness, to promote program expansion, to encourage local development of
 35 the Home Instruction ~~Program~~ for Parents of Preschool Youngsters, and to
 36 provide consultation and guidance to the center; and

1 ~~(4)~~(5) "Department" means the Department of Education or its
2 authorized agents.

3
4 SECTION 3. Arkansas Code § 6-45-104 is amended to read as follows:
5 6-45-104. Construction.

6 (a)(1) Nothing Except as required under subdivisions (a)(2) of this
7 subsection, nothing in this chapter shall be construed so as to require any
8 school district to participate.

9 (2) A local school district is required to work with the
10 department and their local community to establish, promote, and assist in the
11 development of a program under the Arkansas Better Chance for School Success
12 program to serve all children in the school district as provided in § 6-45-
13 108, if:

14 (A) The school district has seventy-five percent (75%) or
15 more students scoring below proficient on the primary benchmark exams, or
16 other exams designated by the Department of Education, in the preceding two
17 (2) school years; or

18 (B) The school district has been designated by the
19 Department of Education as being in academic distress.

20 (b) *Furthermore, nothing herein shall be construed so as to require*
21 *parents or legal guardians to enroll their children under five (5) years of*
22 *age in any program established pursuant to this chapter.*

23
24 SECTION 4. Arkansas Code § 6-45-105, concerning the establishment of
25 the Arkansas Better Chance Program. is amended to read as follows:

26 (a)(1)(A) The Department of Education shall establish the Arkansas
27 Better Chance Program to assist in the establishment and funding of the
28 appropriate early childhood programs for children ages birth through five
29 (5).

30 (B) Within the Arkansas Better Chance Program there is
31 established the Arkansas Better Chance for School Success program for
32 providing appropriate early care and education programs for children ages
33 three (3) and four (4) as identified under § 6-45-108(a).

34
35 SECTION 5. Arkansas Code § 6-45-106 is amended to read as follows:
36 6-45-106. Application process - Allocation of funding.

1 (a)(1)(A) Any ~~not-for-profit~~ early childhood program accredited by the
2 Department of Human Services and quality approved by the Department of
3 Education may apply for funding, regardless of the sponsorship of the
4 program. Local school districts may apply for funding to operate early
5 childhood programs, not including public school kindergarten, but an
6 appropriate early childhood program need not be affiliated with a school
7 district in order to receive funding.

8 (B) All applications submitted by sectarian or sectarian-
9 affiliated programs must first be reviewed to assure that any approval of
10 funding will not result in a violation of Amendment 1 to the Constitution of
11 the United States.

12 (2)(A) A local-to-state match will be required in the ratio of
13 *forty-sixty (40:60)*.

14 (B) The local match may consist of cash or appropriate in-
15 kind services.

16 (b) In order to be considered, an application must contain all
17 information required by the Department of Education's regulatory guidelines.

18 (c)(1) The department, with the advice of the Arkansas Early Childhood
19 Commission, shall fund those applications which comply with the programmatic
20 standards and other relevant criteria.

21 (2) If the department receives more applications that qualify
22 for funding than can be fully funded with the funds available for this
23 program, the department, after seeking the advice of the commission, shall
24 determine whether to prorate the available funds among all qualified
25 applicants or to allocate the available funds among fewer than all applicants
26 which qualify for funding.

27 (3) In allocating funding, priority consideration shall be given
28 to programs which have demonstrated their capacity to identify and serve
29 young children ages birth through five (5) whose family circumstances suggest
30 significant educational deprivation.

31 (4) In allocating funding for the Arkansas Better Chance for
32 School Success program, priority consideration shall be given to:

33 (A) School districts that have seventy-five percent (75%)
34 or more students scoring below proficient on the primary benchmark exams, or
35 other exams designated by the Department of Education, in the preceding two
36 (2) school years; and

1 (B) School districts that have been designated by the
2 Department of Education as being in academic distress.

3 (5) The priority considerations for funding under the Arkansas Better
4 Chance for School Success program shall not be construed to affect the
5 funding of the Arkansas Better Chance program and shall not be construed to
6 create any priority for funding the Arkansas Better Chance for School Success
7 program over the Arkansas Better Chance program.

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9 SECTION 6. Arkansas Code § 6-45-108 is amended to read as follows:
10 6-45-108. Criteria for determining need.

11 (a) All children three (3) and four (4) years of age who are members
12 of a family with a gross family income not exceeding two hundred percent
13 (200%) of the federal poverty guidelines are eligible to attend an Arkansas
14 Better Chance for School Success program, if there is a program available in
15 the school district where the child resides and there is available space for
16 the child to attend the program.

17 (b) The Department of Education and the Arkansas Early Childhood
18 Commission shall review various criteria for identifying and targeting the
19 areas of the state with the greatest need for early childhood programs.

20 (c) By September 1, 1991, the The State Board of Education, with the
21 advice and assistance of the commission, shall adopt the appropriate criteria
22 for identifying Arkansas children with the greatest need to participate in
23 Arkansas Better Chance funded early childhood programs.

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25 /s/ White, et al
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28 APPROVED: 4/14/2003
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