

Stricken language would be deleted from and underlined language would be added to present law.  
Act 49 of the 2nd Extraordinary Session

1 State of Arkansas *As Engrossed: H12/19/03 S12/31/03* Call Item4  
2 84th General Assembly **A Bill**  
3 Second Extraordinary Session, 2003 HOUSE BILL 1057  
4

5 By: Representative White  
6 *By: Senator Wilkins*  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR  
11 SCHOOL SUCCESS PROGRAM TO REMOVE MATCHING  
12 REQUIREMENTS AND SET IMPLEMENTATION GOALS; AND  
13 FOR OTHER PURPOSES.  
14  
15

16 **Subtitle**

17 AN ACT TO AMEND THE ARKANSAS BETTER  
18 CHANCE FOR SCHOOL SUCCESS PROGRAM TO  
19 REMOVE MATCHING REQUIREMENTS AND SET  
20 IMPLEMENTATION GOALS.  
21  
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
24

25 *SECTION 1. Arkansas Code § 6-45-104 is amended to read as follows:*  
26 *6-45-104. Construction.*

27 *(a)(1) Except as required under subdivision (a)(2) of this subsection,*  
28 *this chapter shall not require any school district to participate.*

29 *(2) A local school ~~district~~ is required to work with the*  
30 *Department of Education and their local community to establish, promote, and*  
31 *assist in the development of a program under the Arkansas Better Chance for*  
32 *School Success Program to serve all children in the school ~~district~~ as*  
33 *provided in § 6-45-108, if:*

34 *(A) The school ~~district~~ has seventy-five percent (75%) or*  
35 *more students scoring below proficiency on the primary benchmark exams or*  
36 *other exams designated by the department in the preceding two (2) school*



1 years; or

2 (B) The school ~~district~~ has been designated by the  
3 department as being in school improvement status under § 6 -15-425 or is  
4 located in a district in academic distress.

5 (b) Furthermore, nothing in this chapter shall require parents or  
6 legal guardians to enroll their children under five (5) years of age in any  
7 program established pursuant to this chapter.

8

9 SECTION 2. Arkansas Code § 6-45-106 is amended to read as follows:  
10 6-45-106. Application process - Allocation of funding.

11 (a)(1)(A) Any early childhood program accredited and quality approved  
12 by the Department of Human Services according to standards approved by the  
13 Department of Education and ~~quality approved by the Department of Education~~  
14 may apply for funding, regardless of the sponsorship of the program. Local  
15 school districts may apply for funding to operate early childhood programs,  
16 not including public school kindergarten, but an appropriate early childhood  
17 program need not be affiliated with a school district in order to receive  
18 funding.

19 (B) All applications submitted by sectarian or sectarian-  
20 affiliated programs must first be reviewed to assure that any approval of  
21 funding will not result in a violation of the United States Constitution,  
22 Amendment One.

23 (2)(A) A local-to-state match will be required in the ratio of  
24 forty-sixty (40:60), except the Division of Child Care and Early Childhood  
25 Education within the Department of Human Services may waive the requirement  
26 of the local-to-state match; if

27 (i) The school is in a district that have been designated  
28 by the Department of Education as being in academic distress; and

29 (ii) The division determines that the school is unable to  
30 provide the local-to-state match requirement, after the division has assisted  
31 the school in identifying potential funding sources to provide local-to-state  
32 match requirements.

33 ~~(B)~~(C) The local match may consist of cash or appropriate  
34 in-kind services.

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

1           ~~(c)(1) The Department of Education, with the advice of the Arkansas~~  
 2 ~~Early Childhood Commission, shall fund those applications which comply with~~  
 3 ~~the programmatic standards and other relevant criteria.~~

4           ~~(2) If the Department of Education receives more applications~~  
 5 ~~that qualify for funding than can be fully funded with the funds available~~  
 6 ~~for this program, the Department of Education, after seeking the advice of~~  
 7 ~~the commission, shall determine whether to prorate the available funds among~~  
 8 ~~all qualified applicants or to allocate the available funds among fewer than~~  
 9 ~~all applicants which qualify for funding.~~

10           ~~(3) In allocating funding, priority consideration shall be given~~  
 11 ~~to programs which have demonstrated their capacity to identify and serve~~  
 12 ~~young children birth through five (5) years of age whose family circumstances~~  
 13 ~~suggest significant educational deprivation.~~

14           ~~(4)(c)(1)~~ In allocating funding for the Arkansas Better Chance  
 15 for School Success Program, priority consideration shall be given to:

16           (A) ~~School districts~~ Schools that have seventy-five  
 17 percent (75%) or more students scoring below proficiency on the primary  
 18 benchmark exams, or other exams designated by the Department of Education, in  
 19 the preceding two (2) school years; and

20           (B) ~~School districts~~ Schools that have been designated by  
 21 the Department of Education as being in ~~academic distress~~ school improvement  
 22 status under § 6-15-425 or are located in a school district in academic  
 23 distress.

24           (2) The goal of the state is to make available an Arkansas  
 25 Better Chance for School Success Program for an additional one-fifth (1/5) of  
 26 the qualifying students each year over a period of five (5) years at which  
 27 time programs shall be available in all schools statewide.

28           ~~(5)(3)~~ The priority considerations for funding under the  
 29 Arkansas Better Chance for School Success Program shall not affect the  
 30 funding of the Arkansas Better Chance Program and shall not create any  
 31 priority for funding the Arkansas Better Chance for School Success Program  
 32 over the Arkansas Better Chance Program.

33  
 34           SECTION 3. Arkansas Code § 6-45-108 is amended to read as follows:  
 35           6-45-108. Criteria for determining need.

36           (a)(1) All children three (3) years of age and four (4) years of age

1 who are members of a family with a gross family income not exceeding two  
 2 hundred percent (200%) of the federal poverty guidelines are eligible to  
 3 attend an Arkansas Better Chance for School Success Program if there is a  
 4 program available in the school district where the child resides and if there  
 5 is available space for the child to attend the program.

6 (2) The Department of Education and the *Division Child Care and*  
 7 *Early Childhood Education within the Department of Human Services* may develop  
 8 a fee schedule and establish eligibility based on family income for children  
 9 who are not eligible under subdivision (a)(1) of this section, but priority  
 10 enrollment shall be allowed to children eligible under subdivision (a)(1) of  
 11 this section.

12 (b) The Department of Education and the ~~Arkansas Early Childhood~~  
 13 ~~Commission~~ *Division of Child Care and Early Childhood Education within the*  
 14 *Department of Human Services* shall review various criteria for identifying  
 15 and targeting the areas of the state with the greatest need for early  
 16 childhood programs.

17 (c) The State Board of Education with the advice and assistance of the  
 18 ~~commission~~ *Division of Child Care and Early Childhood Education within the*  
 19 *Department of Human Services* shall adopt the appropriate criteria for  
 20 identifying Arkansas children with the greatest need to participate in  
 21 Arkansas Better Chance-funded early childhood programs.

22  
 23 *SECTION 4.* Arkansas Code Title 6, Chapter 45, Subchapter 1 is amended  
 24 to add an additional section to read as follows:

25 6-45-110. Assessment.

26 (a)(1) The Division of Child Care and Early Childhood Education within  
 27 the Department of Human Services shall be responsible for assessment of  
 28 students enrolled in the Arkansas Better Chance for School Success Program.

29 (2)(A) Assessment shall begin upon enrollment in the program and  
 30 continue until each child completes the *fourth grade, so long as the child is*  
 31 *enrolled in a public school in the state.*

32 (B) The *Division of Child Care and Early Childhood*  
 33 *Education within the Department of Human Services* and the Department of  
 34 Education shall work cooperatively to ensure that the assessments are  
 35 conducted as required by this section.

36 (b)(1) Children in the Arkansas Better Chance for School Success

1 Program shall be assessed annually to provide an indication of each child's  
2 progress towards school readiness.

3 (2) This annual assessment shall be directly aligned with the  
4 Arkansas Early Childhood Education Framework/Early Learning Guidelines and  
5 shall serve to promote curriculum development and instructional methods that  
6 assist in achievement of the intended outcome of readiness for kindergarten.

7 (3)(A) The assessment shall address a child's strengths,  
8 progress, and needs and shall serve as a central part of an effective early  
9 childhood program.

10 (B) The assessment will be used in making sound decisions  
11 about teaching and learning and to identify areas of concern that may require  
12 focused intervention.

13 (c)(1) A comprehensive research study shall be implemented to evaluate  
14 the Arkansas Better Chance for School Success Program to ensure that the  
15 program goals and intended child outcomes are being achieved.

16 (2) The study shall be designed to use sound research-based  
17 evidence to determine whether the programs meet the expected standards of  
18 quality and whether they are achieving the intended child outcomes.

19 (3) This research shall include children entering the program at  
20 ages three (3) and four (4) years and follow the children through completion  
21 of the fourth grade benchmark exams.

22 (d) Research results will be provided annually to the Governor and the  
23 Senate Interim Committee on Education and the House Interim Committee on  
24 Education.

25  
26 */s/ White*

27  
28  
29 *APPROVED: 1/20/2004*