

**ARKANSAS SENATE**  
84th General Assembly - Second Extraordinary Session, 2003  
**Amendment Form**

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**Subtitle of House Bill No. 1083**

"AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS  
PROGRAM."

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**Amendment No. 1 to House Bill No. 1083.**

Amend House Bill No. 1083 as originally introduced:

Page 1, delete line 9 and substitute:

"AN ACT TO AMEND ACT 49 OF THE SECOND EXTRAORDINARY SESSION OF  
2003 CONCERNING THE ARKANSAS BETTER CHANCE FOR"

AND

Delete the subtitle in its entirety and substitute:

"AN ACT TO AMEND ACT 49 OF THE SECOND  
EXTRAORDINARY SESSION OF 2003 CONCERNING  
THE ARKANSAS BETTER CHANCE FOR SCHOOL  
SUCCESS PROGRAM."

AND

Delete everything after the enacting clause and substitute:

"SECTION 1. Arkansas Code § 6-45-104, as amended by Section 1 of Act  
49 of the Second Extraordinary Session of 2003, is amended to read as  
follows:

6-45-104. Construction.

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

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

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

(B) The school has been designated by the department as  
being in school improvement status under § 6 -15-425 or is located in a



district in academic distress.

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

SECTION 2. Arkansas Code § 6-45-106, as amended by Section 2 of Act 49 of the Second Extraordinary Session of 2003, is amended to read as follows:

6-45-106. Application process - Allocation of funding.

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

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

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

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

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

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

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

(c)(1) The Department of Education, with the advice of the division, shall fund those applications which comply with the programmatic standards and other relevant criteria.

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

~~(e)~~(d)(1) In allocating funding for the Arkansas Better Chance for School Success Program, priority consideration shall be given to:

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

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

(2) The goal of the state is to make available an Arkansas

Better Chance for School Success Program for an additional one-fifth (1/5) of the qualifying students each year over a period of five (5) years at which time programs shall be available in all schools statewide.

(3) The priority considerations for funding under the Arkansas Better Chance for School Success Program shall not affect the funding of the Arkansas Better Chance Program and shall not create any priority for funding the Arkansas Better Chance for School Success Program over the Arkansas Better Chance Program."

The Amendment was read the first time, rules suspended and read the second time and \_\_\_\_\_

By: Senator Bryles

PBB/RKC - 01-22-2004 10:34

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Secretary