

As Engrossed: 1/30/91, 2/13/91

1 **State of Arkansas**
2 **78th General Assembly**
3 **Regular Session, 1991**

A Bill

SENATE BILL 245

4 **By: Senators C. Bell, Bookout, Bradford, Lewellen, Edwards,**
5 ***Jewell, Chaffin and Malone***

For An Act To Be Entitled

9 "AN ACT TO AMEND ARKANSAS CODE TITLE 6, SUBTITLE 3, BY
10 ADDING CHAPTER 45 TO PROVIDE FOR THE CREATION OF THE
11 ARKANSAS BETTER CHANCE PROGRAM WHICH SHALL BE USED TO
12 IDENTIFY AND ASSIST EDUCATIONALLY DEPRIVED CHILDREN,
13 AGES 3-5, IN THE DEVELOPMENT OF THEIR LEARNING SKILLS;
14 TO DECLARE AN EMERGENCY; AND FOR OTHER PURPOSES."

15

16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

17

18 SECTION 1. Arkansas Code Title 6, Subtitle 3, is hereby amended by
19 adding Chapter 45 to read as follows:

20 "6-45-101. The title of this Chapter shall be THE ARKANSAS BETTER
21 CHANCE (ABC) PROGRAM ACT."

22 6-45-102. Legislative Intent. It is the intent of the Arkansas General
23 Assembly to expand the availability of developmentally appropriate early
24 childhood programs including, but not limited to, Head Start and the Home
25 Instruction Program for Preschool Youngsters (HIPPY), *Therapeutic Child*
26 *Development Programs* and Parents As Teachers (PAT). Developmentally
27 appropriate early childhood programs have been shown to produce sizeable gains
28 in the skill levels of educationally disadvantaged children. These programs
29 facilitate the development of young children, particularly those identified as
30 educationally at-risk, and increase the chances that they will be more
31 successful students and ultimately more productive citizens. Therefore, the
32 General Assembly finds that the state should provide assistance to
33 educationally deprived young children by funding successful and innovative
34 programs that are designed to increase the learning of these children and
35 provide for their optimal development.

1 6-45-103. Definitions. For the purposes of this Chapter, the following
2 definitions shall apply:

3 (a) Department means the General Education Division of the Arkansas
4 Department of Education or its authorized agents.

5 (b) Appropriate early childhood program means a developmentally
6 appropriate program for young children, ages 3-5, approved by the Department
7 of Education, as complying with regulatory guidelines to be issued by the
8 Department pursuant to this Chapter.

9 (c) Arkansas Early Childhood Commission or Commission means a
10 seventeen (17) member advisory body appointed by the Governor to perform
11 certain duties and responsibilities relating to the development, expansion,
12 and coordination of early childhood programs including, but not limited to,
13 serving as the advisory body to the General Education Division of the Arkansas
14 Department of Education on early childhood program issues.

15 (d) Arkansas HIPPY Advisory Board means a citizen board appointed
16 through the HIPPY Regional Technical Assistance and Training Center to develop
17 public awareness, to promote program expansion and encourage local development
18 of HIPPY programs and to provide consultation and guidance to the HIPPY
19 Regional Technical Assistance and Training Center.

20 6-45-104. Establishment of the ABC Program. The Department shall
21 establish the Arkansas Better Chance Program to assist in the establishment
22 and funding of the appropriate early childhood programs for children ages 3-5.
23 Beginning with the 1991-92 school year, the Department shall award grants or
24 contracts to appropriate early childhood programs selected by the Department
25 in accordance with specified programmatic standards. These standards will be
26 developed by the Department, with the advice and assistance of the Arkansas
27 Early Childhood Commission. Standards for funding HIPPY programs will be
28 developed in conjunction with the Arkansas HIPPY Advisory Board. The
29 programmatic standards and other rules and regulations necessary for the
30 implementation of this program shall be adopted by the State Board of
31 Education in accordance with the provisions of the Arkansas Administrative
32 Procedures Act.

33 6-45-105. Application Process.

34 (a) Any not-for-profit, non-sectarian early childhood program may apply
35 for funding, regardless of the sponsorship of the program. Local school

1 districts may apply for funding to operate early childhood programs, not
2 including public school kindergarten, but an appropriate early childhood
3 program need not be affiliated with a school district in order to receive
4 funding. A local to state match will be required in the ratio of 40-60.
5 Local match may consist of cash or appropriate in-kind services.

6 (b) To be considered, an application must contain all information
7 required by the Department's regulatory guidelines.

8 (c) The Department, with the advice of the Commission, shall fund those
9 applications which comply with the programmatic standards and other relevant
10 criteria. If the Department receives more applications that qualify for
11 funding than can be fully funded with the funds available for this program,
12 the Department, after seeking the advice of the Commission, shall determine
13 whether to prorate the available funds among all qualified applications or to
14 allocate the available funds among less than all applications which qualify
15 for funding.

16 (d) In allocating funding, priority consideration shall be given to
17 programs which have demonstrated their capacity to identify and serve young
18 children ages 3-5 whose family circumstances suggest significant educational
19 deprivation.

20 6-45-106. Publication of Department's Criteria. The Department shall
21 annually provide notification to school districts and to other appropriate
22 providers of the availability of funds under the Arkansas Better Chance
23 Program and shall include in such notification the programmatic standards and
24 criteria for determination of eligibility for funding under the Program.

25 6-45-107. Criteria for Determining Need. The Department and the
26 Commission shall review various criteria for identifying and targeting the
27 areas of the state with the greatest need for early childhood programs. By
28 September 1, 1991, the State Board of Education, with the advice and
29 assistance of the Commission, shall adopt the appropriate criteria for
30 identifying Arkansas children with the greatest need to participate in
31 Arkansas Better Chance funded early childhood programs."

32
33

34 *SECTION 2. Nothing in this act shall be construed so as to require any*
35 *school district to participate. Further, nothing herein shall be construed so*

1 as to require parents or legal guardians to enroll their three (3) or four (4)
2 year old children in any program established pursuant to this act.

3

4 SECTION 3. CODE. All provisions of this Act of a general and permanent
5 nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas
6 Code Revision Commission shall incorporate the same in the Code.

7

8 SECTION 4. SEVERABILITY. If any provision of this act or the
9 application thereof to any person or circumstance is held invalid, such
10 invalidity shall not affect other provisions or applications of the act which
11 can be given effect without the invalid provision or application, and to this
12 end the provisions of this act are declared to be severable.

13

14 SECTION 5. GENERAL REPEALER. All laws and parts of laws in conflict
15 with this Act are hereby repealed.

16

17 SECTION 6. EMERGENCY CLAUSE. It is hereby found and determined by the
18 General Assembly that a need exists to provide state financial assistance to
19 appropriate early childhood programs in order to identify and address the
20 critical needs of three to five year old educationally deprived children.
21 Therefore, an emergency is hereby declared to exist and this act being
22 necessary for the immediate preservation and protection of the public, peace,
23 health, and safety shall be in full force and effect from July 1, 1991.

24

25

26

27

/s/Bell et al

28

29

30