

*As Engrossed: 2/1/91 2/20/91*

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

**A BILL ACT 212 OF 1991**  
**HOUSE BILL 1400**

4 **By: Representatives Cunningham, Townsend, Walker, Brownlee, and Jacqueline Roberts**

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**For An Act To Be Entitled**

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

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

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

19 "6-45-101. The title of this Chapter shall be THE ARKANSAS BETTER  
20 CHANCE (ABC) PROGRAM ACT."

21 6-45-102. Legislative Intent. It is the intent of the Arkansas General  
22 Assembly to expand the availability of developmentally appropriate early  
23 childhood programs including, but not limited to, Head Start and the Home  
24 Instruction Program for Preschool Youngsters (HIPPY), *Therapeutic Child*  
25 *Development Programs* and Parents As Teachers (PAT). Developmentally  
26 appropriate early childhood programs have been shown to produce sizeable gains  
27 in the skill levels of educationally disadvantaged children. These programs  
28 facilitate the development of young children, particularly those identified as  
29 educationally at-risk, and increase the chances that they will be more  
30 successful students and ultimately more productive citizens. Therefore, the  
31 General Assembly finds that the state should provide assistance to  
32 educationally deprived young children by funding successful and innovative  
33 programs that are designed to increase the learning of these children and  
34 provide for their optimal development.

35 6-45-103. Definitions. For the purposes of this Chapter, the following  
36 definitions shall apply:

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

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

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

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

18 6-45-104. Establishment of the ABC Program. The Department shall  
19 establish the Arkansas Better Chance Program to assist in the establishment  
20 and funding of the appropriate early childhood programs for children ages 3-5.  
21 Beginning with the 1991-92 school year, the Department shall award grants or  
22 contracts to appropriate early childhood programs selected by the Department  
23 in accordance with specified programmatic standards. These standards will be  
24 developed by the Department, with the advice and assistance of the Arkansas  
25 Early Childhood Commission. Standards for funding HIPPY programs will be  
26 developed in conjunction with the Arkansas HIPPY Advisory Board. The  
27 programmatic standards and other rules and regulations necessary for the  
28 implementation of this program shall be adopted by the State Board of  
29 Education in accordance with the provisions of the Arkansas Administrative  
30 Procedures Act.

31 6-45-105. Application Process.

32 (a) Any not-for-profit, non-sectarian early childhood program may apply  
33 for funding, regardless of the sponsorship of the program. Local school  
34 districts may apply for funding to operate early childhood programs, not  
35 including public school kindergarten, but an appropriate early childhood

1 program need not be affiliated with a school district in order to receive  
2 funding. A local to state match will be required in the ratio of 40-60.  
3 Local match may consist of cash or appropriate in-kind services.

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

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

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

18 6-45-106. Publication of Department's Criteria. The Department shall  
19 annually provide notification to school districts and to other appropriate  
20 providers of the availability of funds under the Arkansas Better Chance  
21 Program and shall include in such notification the programmatic standards and  
22 criteria for determination of eligibility for funding under the Program.

23 6-45-107. Criteria for Determining Need. The Department and the  
24 Commission shall review various criteria for identifying and targeting the  
25 areas of the state with the greatest need for early childhood programs. By  
26 September 1, 1991, the State Board of Education, with the advice and  
27 assistance of the Commission, shall adopt the appropriate criteria for  
28 identifying Arkansas children with the greatest need to participate in  
29 Arkansas Better Chance funded early childhood programs."

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31 *SECTION 2. Nothing in this act shall be construed so as to require any*  
32 *school district to participate. Further, nothing herein shall be construed so*  
33 *as to require parents or legal guardians to enroll their three (3) or four (4)*  
34 *year old children in any program established pursuant to this act.*

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

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

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

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

*/s/E. Cunningham, et al*

APPROVED: 2-21-91