

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

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

**A BILL ACT 216 OF 1991**  
**SENATE BILL 245**

4 **By: Senators C. Bell, Bookout, Bradford, Lewellen, Edwards,**  
5 ***Jewell, Chaffin and Malone***  
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8 **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."  
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16 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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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.

36 6-45-103. Definitions. For the purposes of this Chapter, the following

1 definitions shall apply:

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

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

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

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

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

32 6-45-105. Application Process.

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

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

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

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

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

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

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

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

1 year old children in any program established pursuant to this act.

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

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

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

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

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*/s/Bell et al*

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APPROVED: 2-21-91

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