

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 426 of the Regular Session

1 State of Arkansas  
2 87th General Assembly  
3 Regular Session, 2009  
4

As Engrossed: S2/26/09

A Bill

SENATE BILL 252

5 By: Senator D. Johnson  
6 By: Representatives Saunders, Webb  
7  
8

9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE THE ENROLLMENT AGE IN  
11 PREKINDERGARTEN IS CONSISTENT WITH THE ENROLLMENT  
12 CRITERIA FOR ENTRY INTO PUBLIC SCHOOL; TO ENSURE  
13 ADEQUATE NOTICE IS GIVEN TO PREKINDERGARTEN  
14 PROGRAM PROVIDERS; AND FOR OTHER PURPOSES.  
15

16 **Subtitle**

17 TO ENSURE THE ENROLLMENT AGE IN  
18 PREKINDERGARTEN IS CONSISTENT WITH THE  
19 ENROLLMENT CRITERIA FOR ENTRY INTO  
20 PUBLIC SCHOOL.  
21  
22

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

25 *Section 1. Arkansas Code Title 6, Chapter 18, Subchapter 2 is amended*  
26 *to add an additional section to read as follows:*

27 6-18-230. Minimum age for enrolling in prekindergarten.

28 (a)(1) For the 2009-2010 school year:

29 (A) A child may enter a prekindergarten program for  
30 children three (3) years of age if the child will attain three (3) years of  
31 age on or before August 1, 2009; and

32 (B) A child may enter a prekindergarten program for  
33 children four (4) years of age if:

34 (i) The child will attain four (4) years of age on or  
35 before August 15, 2009; or



1 (ii) The child was enrolled in a prekindergarten  
2 program for children three (3) years of age for a minimum of one hundred  
3 (100) days during the 2008-2009 school year.

4 (2) For the 2010-2011 school year and each school year  
5 thereafter:

6 (A) A child may enter a prekindergarten program for  
7 children three (3) years of age if the child will attain three (3) years of  
8 age on or before August 1 immediately preceding the beginning of the school  
9 year; and

10 (B) A child may enter a prekindergarten program for  
11 children four (4) years of age if the child will attain four (4) years of age  
12 on or before August 1 immediately preceding the beginning of the school year.

13 (b)(1) The Division of Child Care and Early Childhood Education of the  
14 Department of Human Services shall notify all providers of appropriate early  
15 childhood programs for prekindergarten of the age requirements specified in  
16 subsection (a) of this section by providing one (1) written notification  
17 letter sent to each provider of appropriate early childhood programs for  
18 prekindergarten at the address of record on file with the Department of Human  
19 Services.

20 (2) The prekindergarten age requirements specified in subsection  
21 (a) of this section shall be published on the website of the:

22 (A) Department of Human Services; and

23 (B) Department of Education.

24  
25 SECTION 2: DO NOT CODIFY.

26 For the 2009-2010 school year, the division shall notify all providers  
27 of appropriate early childhood programs for prekindergarten of the new age  
28 requirements no later than fourteen (14) days after enactment.

29  
30 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the  
31 General Assembly of the State of Arkansas that families in Arkansas are  
32 suffering an undue hardship created by the establishment of new kindergarten  
33 enrollment criteria; that some children currently enrolled in prekindergarten  
34 programs are not eligible to enroll in kindergarten due to newly implemented  
35 criteria; that the immediate implementation of this act is necessary for  
36 public school districts and families of these children to prepare for

1 enrollment of students in prekindergarten and kindergarten programs during  
2 the 2009-2010 school year and beyond; and that this act is immediately  
3 necessary because failure to allow consistent enrollment age criteria will  
4 cause irreparable harm to the education of these children and the well-being  
5 of this state. Therefore, an emergency is declared to exist and this act  
6 being immediately necessary for the preservation of the public peace, health,  
7 and safety shall become effective on:

8 (1) The date of its approval by the Governor;

9 (2) If the bill is neither approved nor vetoed by the Governor,  
10 the expiration of the period of time during which the Governor may veto the  
11 bill; or

12 (3) If the bill is vetoed by the Governor and the veto is  
13 overridden, the date the last house overrides the veto.

14  
15 */s/ D. Johnson*

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17 **APPROVED: 3/13/2009**