

1 State of Arkansas
2 84th General Assembly
3 Second Extraordinary Session, 2003
4

As Engrossed: S1/23/04
A Bill

Call Item 4

HOUSE BILL 1083

5 By: Representative Thyer
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For An Act To Be Entitled

9 AN ACT TO AMEND ACT 49 OF THE SECOND
10 EXTRAORDINARY SESSION OF 2003 CONCERNING THE
11 ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS
12 PROGRAM; AND FOR OTHER PURPOSES.
13

Subtitle

14 AN ACT TO AMEND ACT 49 OF THE SECOND
15 EXTRAORDINARY SESSION OF 2003 CONCERNING
16 THE ARKANSAS BETTER CHANCE FOR SCHOOL
17 SUCCESS PROGRAM.
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21 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
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23 SECTION 1. Arkansas Code § 6-45-104, as amended by Section 1 of Act 49
24 of the Second Extraordinary Session of 2003, is amended to read as follows:
25 6-45-104. Construction.

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

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

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



1 (B) The school has been designated by the department as
2 being in school improvement status under § 6 -15-425 or is located in a
3 district in academic distress.

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

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

10 6-45-106. Application process - Allocation of funding.

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

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

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

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

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

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

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

36 (c)(1) The Department of Education, with the advice of the division,

1 shall fund those applications which comply with the programmatic standards
2 and other relevant criteria.

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

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

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

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

18 (2) The goal of the state is to make available an Arkansas
19 Better Chance for School Success Program for an additional one-fifth (1/5) of
20 the qualifying students each year over a period of five (5) years at which
21 time programs shall be available in all schools statewide.

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

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28 /s/ Thyer
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