Stricken language would be deleted from and underlined language would be added to present law.

**Act 49 of the 2nd Extraordinary Session**

State of Arkansas

84th General Assembly

Second Extraordinary Session, 2003

By:  Representative White

By:  Senator Wilkins

For An Act To Be Entitled

AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM TO REMOVE MATCHING REQUIREMENTS AND SET IMPLEMENTATION GOALS; AND FOR OTHER PURPOSES.

Subtitle

AN ACT TO AMEND THE ARKANSAS BETTER CHANCE FOR SCHOOL SUCCESS PROGRAM TO REMOVE MATCHING REQUIREMENTS AND SET IMPLEMENTATION GOALS.

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

SECTION 1. Arkansas Code § 6-45-104 is amended to read as follows:

6-45-104. Construction.

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

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

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

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

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

SECTION 2. Arkansas Code § 6-45-106 is amended to read as follows:

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

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

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

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

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

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

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

(b) In order to be considered, an application must contain all information required by the Department of Education’s regulatory guidelines.
(c)(1) The Department of Education, with the advice of the Arkansas Early Childhood Commission, shall fund those applications which comply with the programmatic standards and other relevant criteria.

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

(3) In allocating funding, priority consideration shall be given to programs which have demonstrated their capacity to identify and serve young children birth through five (5) years of age whose family circumstances suggest significant educational deprivation.

(4)(c)(1) In allocating funding for the Arkansas Better Chance for School Success Program, priority consideration shall be given to:

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

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

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

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

SECTION 3. Arkansas Code § 6-45-108 is amended to read as follows:


(a)(1) All children three (3) years of age and four (4) years of age
who are members of a family with a gross family income not exceeding two
hundred percent (200%) of the federal poverty guidelines are eligible to
attend an Arkansas Better Chance for School Success Program if there is a
program available in the school district where the child resides and if there
is available space for the child to attend the program.

(2) The Department of Education and the Division Child Care and
Early Childhood Education within the Department of Human Services may develop
a fee schedule and establish eligibility based on family income for children
who are not eligible under subdivision (a)(1) of this section, but priority
enrollment shall be allowed to children eligible under subdivision (a)(1) of
this section.

(b) The Department of Education and the Arkansas Early Childhood
Commission Division of Child Care and Early Childhood Education within the
Department of Human Services shall review various criteria for identifying
and targeting the areas of the state with the greatest need for early
childhood programs.

(c) The State Board of Education with the advice and assistance of the
commission Division of Child Care and Early Childhood Education within the
Department of Human Services shall adopt the appropriate criteria for
identifying Arkansas children with the greatest need to participate in
Arkansas Better Chance-funded early childhood programs.

SECTION 4. Arkansas Code Title 6, Chapter 45, Subchapter 1 is amended
to add an additional section to read as follows:

6-45-110. Assessment.

(a)(1) The Division of Child Care and Early Childhood Education within
the Department of Human Services shall be responsible for assessment of
students enrolled in the Arkansas Better Chance for School Success Program.

(2)(A) Assessment shall begin upon enrollment in the program and
continue until each child completes the fourth grade, so long as the child is
enrolled in a public school in the state.

(B) The Division of Child Care and Early Childhood
Education within the Department of Human Services and the Department of
Education shall work cooperatively to ensure that the assessments are
conducted as required by this section.

(b)(1) Children in the Arkansas Better Chance for School Success
Program shall be assessed annually to provide an indication of each child’s progress towards school readiness.

(2) This annual assessment shall be directly aligned with the Arkansas Early Childhood Education Framework/Early Learning Guidelines and shall serve to promote curriculum development and instructional methods that assist in achievement of the intended outcome of readiness for kindergarten.

(3)(A) The assessment shall address a child's strengths, progress, and needs and shall serve as a central part of an effective early childhood program.

(B) The assessment will be used in making sound decisions about teaching and learning and to identify areas of concern that may require focused intervention.

(c)(1) A comprehensive research study shall be implemented to evaluate the Arkansas Better Chance for School Success Program to ensure that the program goals and intended child outcomes are being achieved.

(2) The study shall be designed to use sound research-based evidence to determine whether the programs meet the expected standards of quality and whether they are achieving the intended child outcomes.

(3) This research shall include children entering the program at ages three (3) and four (4) years and follow the children through completion of the fourth grade benchmark exams.

(d) Research results will be provided annually to the Governor and the Senate Interim Committee on Education and the House Interim Committee on Education.

/s/ White

APPROVED: 1/20/2004