

BEFORE THE ARKANSAS STATE BOARD OF EDUCATION

On May 13, 2013, during a regular meeting of the Arkansas State Board of Education, a hearing was conducted pursuant to the legal authority and jurisdiction vested in the Board by Ark. Code Ann. § 6-45-101 *et seq.* and the Arkansas Department of Education Rules Governing the Arkansas Better Chance Program (dated October 2012). Before the Board was an appeal brought by Hours of Joy Child Care, Inc. (“HOJ”) to findings set forth in a Compliance Audit Program Improvement Plan developed on December 6, 2012, by the Arkansas Department of Human Services, Division of Child Care and Early Childhood Education (“DCCECE”), as well as an appeal to DCCECE’s notification to HOJ on January 13, 2013, that HOJ must submit a competitive grant application for the 2013-2014 program year instead of a renewal grant application. HOJ was represented at the hearing by Johnny Harris, as well as by attorney Rickey Hicks. DCCECE was represented by Paige Cox, State Pre-K/Arkansas Better Chance Administrator, and Erasmo Reyes, DHS Office of Policy and Legal Services.

FINDINGS OF FACT

1. HOJ was previously approved under an Arkansas Better Chance renewal program grant agreement from August 1, 2012 through June 30, 2013. (Exhibit “B”).
2. On November 2, 2012, DCCECE conducted a technical assistance visit at the HOJ facility. On that same day, DCCECE developed a Technical Assistance Plan, which was signed by HOJ. (Exhibit “C”).
3. On December 6, 2012, a Compliance Audit was conducted, at which time DCCECE noted several deficiencies still existing in the HOJ operation. On that same day, a Compliance Audit Program Improvement Plan was developed to correct the deficiencies, which was signed by HOJ. (Exhibit “E”).

4. On January 13, 2013, DCCECE issued a letter to HOJ explaining that due to ongoing compliance issues, HOJ would be required to complete a competitive grant application as opposed to employing the standard grant renewal process. (Exhibit “F”).

5. On January 17, 2013, HOJ responded to the January 13 letter, inquiring as to specific reasons and areas of non-compliance. (Exhibit “G”). On February 19, 2013, DCCECE responded to HOJ’s January 17 letter. (Exhibit “H”).

6. Following additional written communication by the parties, on March 15, 2013, HOJ emailed an appeal to DCCECE. (Exhibit “A”).

CONCLUSIONS OF LAW AND ORDER

7. Rule 22.05 of the Arkansas Department of Education Rules Governing the Arkansas Better Chance Program provides:

“An ABC program may appeal any adverse action taken by DCCECE. Such appeal must be in writing and be received within thirty (30) days of the notice of corrective action. A program wishing to appeal should send a written notice to Attention: DCCECE Division Director, P.O. Box 1437, Slot S-140, Little Rock, AR 72203. The Division Director will make a recommendation to the State Board of Education, which will issue a final ruling.

8. HOJ’s January 17, 2013 letter did not constitute an appeal under the applicable Rule.

9. HOJ did not file a timely appeal under the applicable Rule to any alleged adverse action taken against it by DCCECE.

10. Accordingly, by a unanimous vote, the Board denies HOJ’s appeal as untimely.

Signed this __13th _____ day of May, 2013

_____*Brenda Gullett*, Vice Chairman
Brenda Gullett, Acting Chair
Arkansas State Board of Education