ARKANSAS REGISTER

Proposed Rule Cover Sheet

Secretary of State
John Thurston
500 Woodlane Street, Suite 026
Little Rock, Arkansas 72201-1094
(501) 682-5070
www.sos.arkansas.gov

Name of Department Arkansas Department of Education

Agency or Division Name Division of Elementary and Secondary Education

Other Subdivision or Department, If Applicable

Previous Agency Name, If Applicable

Contact Person Andres Rhodes

Contact E-mail andres.rhodes@ade.arkansas.gov

Contact Phone 501-682-4234

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Better Beginnings

Tiered Quality Rating and Improvement System

Provider
RULE BOOK

Arkansas Department of Education
Division of Elementary and Secondary Education
Office of Early Childhood
https://arbetterbeginnings.com/
OEC.BetterBeginnings@ade.arkansas.gov

Title 20. Public Health and Welfare
Chapter XLV. Office of Early Childhood, Department of Education
Subchapter A. Generally
Part 1001. Better Beginnings Tiered Quality Rating and Improvement System

Codification Notes. This part as promulgated prior to codification into the Code of Arkansas Rules of 2024 provided as follows:

"Better Beginnings Overview
Better Beginnings is a tiered quality rating and improvement system (TQRIS) which is a systemic approach to assess, improve, and communicate the level of quality in early care and education programs. Program types include center-based care, family childcare, and out-of-school time programs.

Better Beginnings is a "building block" approach, which means that programs must meet all requirements at one level before moving to the next. Licensing, or Minimum Licensing Requirements (MLR), is the foundation on which Better Beginnings is built. The requirements at level one (1) of Better Beginnings align with MLR and help the director or primary caregiver begin the journey towards quality improvement. At level two (2), the staff becomes more involved in the process. Levels three (3) and above set even higher requirements for all components.

Resources are available and have been specifically designed to help providers understand and meet each requirement. The resources will help providers become more knowledgeable and effective for Better Beginnings in the lives of children."

"1.00 REGULATORY AUTHORITY

1.01 These rules are enacted pursuant to Arkansas Code Ann. § 20-78-201 et seq. as amended.

1.02 These rules shall be known as the Arkansas Department of Education, Office of Early Childhood rules governing Better Beginnings, Arkansas's Tiered Quality Rating and Improvement System."

20 CAR § 1001-101. Purpose.

(a) It is the purpose of this part to set the general guidelines for the operation of Better Beginnings.

(b)(1) Providers who choose to receive funding from the Child Care and Development Fund Block Grant must be a Better Beginnings participant at the level determined by the Office of Early Childhood.

(2) This system is intended to certify quality status to childcare facilities that meet Better Beginnings requirements as set forth in this part.

(c) Designation of certified status for any childcare facility will qualify taxpayers for the following:

(1)(A) Under Acts 1993, No. 820, corporations that build and equip a certified childcare center will be exempt from the state compensating tax levied by the Arkansas Compensating Tax Act of 1949, Arkansas Code § 26-53-101 et seq.

(B) Construction materials and furnishings purchased for use in the initial construction and equipping of a childcare center for the exclusive purpose of providing childcare to the corporation's employees will be subject to this exemption;

(2) Under Acts 1993, No. 820, a business that qualifies for the exemption from the gross receipts tax under Arkansas Code § 26-52-401(29) shall be allowed an income tax credit of three and nine-tenths percent (3.9%) of the annual salary of employees employed exclusively in providing childcare services; and

(3) Under Acts 1993, No. 1268, enhanced income tax credits in the amount of twenty percent (20%) of the federal childcare credit as allowed under Section 21 of the Internal Revenue Code will be available to qualified taxpayers who incur childcare expenses at childcare facilities that are certified at Better Beginnings level two (2) or above.

Authority. Arkansas Code § 20-78-206.

Codification Notes. Section 21 of the Internal Revenue Code is codified at 26 U.S.C. § 21.

20 CAR § 1001-102. Definitions.

As used in this part:

(a) The Business Administration Scale for Family Child Care (BAS) is the first valid and reliable instrument for measuring and improving the overall quality of business and professional practices in family child care settings in 10 areas: Qualifications and Professional Development, Income and Benefits, Work Environment, Fiscal Management, Recordkeeping, Risk Management, Provider-Family Communication, Family Support and Engagement, marketing and Community Relations, and Provider as Employer.

(b)Continuous Quality Improvement (CQI) means a plan of action that not only outlines goals and action steps but includes time frames and persons responsible for specific actions.

(c) Director means the person who meets MLR as director and is on-site a minimum of fifty percent (50%) of the operational day.

(d) Environment Rating Scale (ERS) The term used to describe the tools used to measure elements of classroom quality. These include the Early Childhood Environmental Rating Scale, Infant-Toddler Rating Scale, Family Child Care Rating Scale and School-Age Care Rating Scale.

(e) Family Child Care Environment Rating Scale (FCCERS) means a rating scale designed to assess family child care programs conducted in a provider's home.

(f) Minimum Licensing Requirements (MLR) means the minimum health and safety requirements to legally operate.

(g) Office of Early Childhood (OEC) means the state agency responsible to ensure children and families have access to high-quality child care through licensing, training, and funding

(h) Program Administration Scale (PAS) means a program used to gather information that measures the quality of administrative, management, and leadership practices of an early childhood program. The PAS helps a program dig deeper into the following aspects of program administration:

(1) Human Resources Development;

(2) Personnel Cost and Allocation;

(3) Center Operations;

(4) Child Assessment;

(5) Fiscal Management;
(6) Program Planning and Evaluation;
(7) Family Partnerships;
(8) Marketing and Public Relations;
(9) Technology; and
(10) Staff Qualifications.

(i) Professional Development Registry (PDR) means an online registry where early childhood educators can register for professional development opportunities and obtain resources to enhance their knowledge and skills.

(j) Program Quality Assessment (PQA) means a system to evaluate the quality children's programs and identify staff training needs.

(k) School-Age Care Environment Rating Scale (SACERS) means a rating scale designed to assess before and after school groups.

(l) Tiered Quality Rating and Improvement System (TQRIS) means a systemic approach to assess, improve, and communicate the level of quality in early and school-age care and education programs.

(m) Youth Program Quality Intervention (YPQI) means a shared learning experience with peers moving together through a cycle of continuous quality improvement throughout the year.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-103. Agency responsibility.

(a) The Office of Early Childhood will coordinate and administer Better Beginnings.

(b)(1) The office is authorized to make temporary revisions to this part as deemed necessary during a Governor-declared public health emergency or natural disaster impacting the State of Arkansas.

(2) These revisions will be posted on the Better Beginnings website.

(c) The Better Beginnings Program Administrator or designee will have final approval of applications for certification as reviewed and recommended by the Better Beginnings staff.

(d) By December 31 of each year, the office will be responsible for providing verification to the Department of Finance and Administration of the childcare facilities that were qualified for certification at level two (2) and above in the current calendar year.

(e) Each December, the office will be responsible for providing verification to the Arkansas Economic Development Commission of the childcare facilities that qualified for Better Beginnings certification in the current calendar year.

(f) The office or office consultants will provide technical assistance to any facilities desiring to achieve certification.

(g)(1) The office will be responsible for the process of recertifying facilities.

(2) See:

(A) 20 CAR § 1001-106, application;
(B) 20 CAR § 1001-107, application review process; and
(C) 20 CAR § 1001-108, maintaining certification.

(h)(1) Facilities will be notified of their certification status.

(2) The certification notice will denote the level of certification achieved.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-104. Eligibility.

(a) All licensed, registered, and church-operated exempt childcare facilities, as defined under Arkansas Code § 20-78-202, exclusive of foster homes, group homes, and custodial institutions, are eligible to apply for certified status.

(b)(1) All childcare facilities, except those excluded in subsection (a) of this section, operating under a new provisional or regular license, registration, or church-operated exemption as issued by the Office of Early Childhood, are eligible to apply.

(2) Entities with multiple sites, each holding a separate license number, must apply for certification for each site individually.

(c)(1) All facilities must be in good standing with the Department of Education.

(2) A facility in good standing is not currently debarred, defunded, excluded, or under adverse action with licensing or other department programs.

(d)(1) Applicants and certified facilities must make their facilities accessible at all times during the regular program hours for program reviews and environmental assessments.

(2) Such assessments may be unannounced.

(e) Any of the following situations, including but not limited to conditions below, may result in an application being denied, a reduction in level, or removal of Better Beginnings status:

(1) Ineligibility to participate according to this section;

(2) Application documentation that is incomplete or does not meet the intent of the requirements according to 20 CAR §§ 1001-105 – 1001-108;

(3) Failure to continue to meet the requirements for the component areas for the level that the facility is assigned;

(4) Numerous or serious deficiencies cited by licensing;

(5) Substantiation of complaints received by the office;

(6) Being placed in Adverse Action;

(7) Changes in the license status of the facility; or

(8) Falsification of any document or submission of false information to any department division.

(f) Facilities that have been denied certification or have had certification removed by reason of ineligibility according to any provisions of this section may be eligible to reapply in twelve (12) months unless otherwise notified by the Office of Early Childhood Director.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-105. Component areas, requirements, and levels.

(a) There are four (4) component areas in Better Beginnings:

(1) Administration;

(2) Staff Qualifications and Professional Development;

(3) Learning Environment/Environment Assessment; and

(4) Child Health and Development.

(b)(1) There are requirements to be met in each component area in each of the levels.

(2) The components, requirements, and levels are on the following pages.

ARKANSAS BETTER BEGINNINGS CHILDCARE CENTER REQUIREMENTS

All facilities must be in good standing with the Department of Education.

COMPONENTS	LEVEL 1	LEVEL 2 Must meet all requirements for Level 1	LEVEL 3 Must meet all requirements for Level 1 and Level 2	LEVEL 4 Must meet all requirements for Levels 1 – 3	LEVEL 5 Must meet all requirements for Levels 1 – 4	LEVEL 6 Must meet all requirements for Levels 1 - 5
A. Administration	**1.A.1** The facility has a license in New Provisional or Regular status. **1.A.2** The facility may have a program review completed by a certified PAS assessor. School age programs using YPQI may have a PQA Form B review completed by a reliable assessor.	**2.A.1** The facility shall have a PAS review completed by a certified PAS assessor. School-age programs using YPQI shall have a PQA Form B review completed by a reliable assessor. **2.A.2** The director shall complete a Strengthening Families training listed on the PDR.	**3.A.1** The facility shall score an average of 4.00 or higher on PAS items 1-21 (items 5 and 6 are scored but are not included in the average). School-age programs using YPQI shall have a PQA Form B score of 3.75 or higher. **3.A.2** The director shall complete the Strengthening Families online self-assessment for three (3) or more Strategies.	**4.A.1** The facility shall score an average of 4.00 or higher on PAS. School-age programs using YPQI shall have a PQA Form B score of 4.00 or higher. **4.A.2** The director shall implement at least one (1) additional Strengthening Families action step for a total of two (2).	**5.A.1** The facility shall score an average of 5.00 or higher on PAS. School-age programs using YPQI shall have a PQA Form B score of 4.25 or higher.	**6.A.1** The facility shall score an average of 6.00 or higher on PAS. School-age programs using YPQI shall have a PQA Form B score of 4.75 or higher.

			3.A.3 The facility shall develop a Strengthening Families action plan and implement at least one (1) action step.			
B. Staff Qualifications and Professional Development	**1.B.1** The facility has a license in New Provisional or Regular status.	**2.B.1** All directors and at least fifty percent (50%) of teaching staff shall complete "Early Learning Standards (ELS) Basics Training." The director and school-age staff shall complete "Developmental Assets Training." **2.B.2** All directors and fifty percent (50%) of teaching staff shall complete				

		an ERS training; if the facility is using YPQI, all directors and school-age staff shall complete YPQI training. **2.B.3** The director and kitchen manager (if applicable) shall participate in at least two (2) clock hours of training on nutrition for children annually. **2.B.4** The director shall complete training on developmentally appropriate physical activities for children.				
C. Learning Environment /	**1.C.1** The facility has a license in New	**2.C.1** The facility shall score an average of 3.00 or higher	**3.C.1** The facility shall score an average of 4.00 or higher	**4.C.1** Staff to child ratios shall be maintained as follows:	**5.C.1** Staff to child ratios shall be maintained as follows:	**6.C.1** Staff to child ratios shall be maintained as follows:

Environment Assessment	Provisional or Regular status. **1.C.2** The facility may have an ERS review. School age programs using YPQI may have a PQA review.	on the ERS review. School age programs using PQA shall score a 3.00 or higher on the PQA.	on the ERS. School age programs using PQA shall score 3.75 or higher on the PQA. **3.C.2** The staff shall maintain a portfolio for each child.	Birth-18 months 1:4 18-36 months 1:7 2 ½ - 3 years 1:11 4 years 1:12 5 years and up 1:20 **4.C.2** The facility shall score an average of 5.00 or higher on ERS. School age programs using PQA shall score 4.00 or higher on the PQA.	Birth-18 months 1:4 18-36 months 1:6 2 ½ - 3 years 1:10 4 years 1:10 5 years and up 1:20 **5.C.2** The facility shall score an average of 5.50 or higher on the ERS. School age programs using the PQA shall score 4.25 or higher on the PQA.	Birth-18 months 1:4 18-36 months 1:6 2 ½ - 3 years 1:10 4 years 1:10 5 years and up 1:15 **6.C.2** The facility shall score an average of 6.00 or higher on ERS. School age programs using the PQA shall score 4.50 or higher on the PQA.
D. Child Health and Development	**1.D.1** The facility has a license in New Provisional or Regular status.	**2.D.1** The facility shall document distribution of ARKids First information to families of uninsured children. **2.D.2** The facility shall	**3.D.1** The facility shall share information on nutrition and physical activity for children with families. **3.D.2** The facility shall use an OEC-	**4.D.1** The facility shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding &	**5.D.1** The facility shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding	**6.D.1** The facility shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding

		share information on child development, stages of development, stages of development, and children's health with families. **2.D.3** All children, birth to kindergarten, shall have an annual developmental screening. **2.D.4** The facility shall use an OEC-approved tool to complete a child nutrition self-assessment and create and implement one (1) action plan in the child nutrition module.	approved tool to complete a (1) physical activity self-assessment and create and implement one action plan in the physical activity module. **3.D.3** The facility shall use the OEC-approved tool to complete a second self-assessment in the physical activity module to assess progress.	infant feeding, outdoor play & learning, or screen time and create and implement two action plans in that module. **4.D.2** The facility shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding & infant feeding, outdoor play & learning, OR screen time to assess progress.	and infant feeding, outdoor play and learning, OR screen time and create and implement two (2) action plans in that module. **5.D.2** The facility shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding & infant feeding, outdoor play & learning, OR screen time to assess progress.	and infant feeding, outdoor play and learning, OR screen time and create and implement two (2) action plans in that module. **6.D.2** The facility shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding & infant feeding, outdoor play & learning, OR screen time to assess progress.

		2.D.5 The facility shall use an OEC-approved tool to complete a second self-assessment in the child nutrition model to assess progress.				

ARKANSAS BETTER BEGINNINGS – LICENSED AND REGISTERED HOME REQUIREMENTS

All facilities must be in good standing with the Department of Education.

COMPONENTS	**LEVEL 1**	**LEVEL 2** Must meet all requirements for Level 1	**LEVEL 3** Must meet all requirements for Level 1 and Level 2	**LEVEL 4** Must meet all requirements for Levels 1 – 3	**LEVEL 5** Must meet all requirements for Levels 1 – 4	**LEVEL 6** Must meet all requirements for Levels 1 - 5
A. Administration	**1.A.1** The facility has a license in New Provisional or Regular status. **1.A.2** The facility may have a program review completed by a certified BAS assessor.	**2.A.1** A program review shall be completed by a certified BAS assessor. **2.A.2** The primary caregiver shall complete a Strengthening Families training listed on the PDR.	**3.A.1** The facility shall score an average of 4.00 or higher on BAS items 2-10 (item 2 is scored but is not included in the average). **3.A.2** The primary caregiver shall complete the Strengthening Families online self-assessment for three (3) or more strategies. **3.A.3** The primary caregiver shall develop a	**4.A.1** The facility shall score an average of 4.00 or higher on BAS. **4.A.2** The primary caregiver shall implement at least one (1) additional Strengthening Families action plan for a total of two (2).	**5.A.1** The facility shall score an average of 5.00 or higher on BAS.	**6.A.1** The facility shall score an average of 6.00 or higher on BAS.

			Strengthening Families action plan and implement at least one (1) action step.			
B. Staff Qualifications and Professional Development	**1.B.1** The facility has a license in New Provisional or Regular status.	**2.B.1** The primary caregiver shall complete "Early Learning Standards Basics" training. **2.B.2** The primary caregiver shall complete an ERS training. **2.B.3** The primary caregiver shall participate in at least two (2) clock hours of training on nutrition for children, annually. **2.B.4** The primary				

		caregiver shall complete training on developmentally appropriate physical activities for children.				
C. Learning Environment / Environment Assessment	**1.C.1** The facility has a license in New Provisional or Regular status. **1.C.2** The facility may have a FCCERS review.	**2.C.1** The facility shall score an average of 3.00 or higher on the FCCERS.	**3.C.1** The facility shall score an average of 4.00 or higher on the FCCERS. **3.C.2** Caregivers shall maintain a portfolio for each child.	**4.C.1** The facility shall score an average of 5.00 or higher on the FCCERS.	**5.C.1** The facility shall score an average of 5.50 or higher on the FCCERS.	**6.C.1** The facility shall score an average of 6.00 or higher on the FCCERS.
D. Child Health and Development	**1.D.1** The facility has a license in New Provisional or Regular status.	**2.D.1** The primary caregiver shall document distribution of ARKids First information to families of uninsured children. **2.D.2** The primary caregiver shall	**3.D.1** The primary caregiver shall share information on nutrition and physical activity for children with families. **3.D.2** The primary caregiver shall use an OEC-	**4.D.1** The primary caregiver shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant	**5.D.1** The primary caregiver shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant	**6.D.1** The primary caregiver shall use an OEC-approved tool to complete a self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant

		share information regarding child development, stages of development, and children's health with families. **2.D.3** All children birth to kindergarten shall have an annual developmental screening. **2.D.4** The primary caregiver shall use an OEC-approved tool to complete a child nutrition self-assessment and create and implement one (1) action plan in the child nutrition module.	approved tool to complete a physical activity self-assessment and create and implement one action plan in the physical activity module. **3.D.3** The primary caregiver shall use the OEC-approved tool to complete a second self-assessment in the physical activity module to assess progress.	feeding, outdoor play and learning, OR screen time and create and implement two (2) action plans in that module. **4.D.2** The primary caregiver shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant feeding, outdoor play and learning, OR screen time to assess progress.	feeding, outdoor play and learning, OR screen time and create and implement two (2) action plans in that module. **5.D.2** The primary caregiver shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant feeding, outdoor play and learning, OR screen time to assess progress.	feeding, outdoor play and learning, OR screen time and create and implement two (2) action plans in that module. **6.D.2** The primary caregiver shall use the OEC-approved tool to complete a second self-assessment in child nutrition, physical activity, farm to ECE, oral health, breastfeeding and infant feeding, outdoor play and learning, OR screen time to assess progress.

		2.D.5 The primary caregiver shall use an OEC-approved tool to complete a second self-assessment in the child nutrition module to assess progress.				

ARKANSAS BETTER BEGINNINGS – OUT-OF-SCHOOL TIME REQUIREMENTS

All facilities must be in good standing with the Department of Education.

COMPONENTS	LEVEL 1	LEVEL 2 Must meet all requirements for Level 1	LEVEL 3 Must meet all requirements for Level 1 and Level 2	LEVEL 4 Must meet all requirements for Levels 1 – 3	LEVEL 5 Must meet all requirements for Levels 1 – 4	LEVEL 6 Must meet all requirements for Levels 1 - 5
A. Administration	**1.A.1** The facility has a license in New Provisional or Regular status. **1.A.2** The facility may have a PAS review completed by a certified assessor or a PQA form B review completed by a reliable assessor.	**2.A.1** The facility shall have a PAS review completed by a certified assessor. If using YPQI, PAS is not required; however, a PQA Form B review shall be completed by a reliable assessor. **2.A.2** The director shall complete a Strengthening Families training, listed on the PDR.	**3.A.1** The facility shall score an average of 4.00 or higher on PAS items 1-21 (items 5 and 6 are scored but are not included in the average.). If using YPQI, PAS is not required; however, a PQA Form B score of 3.75 or higher is required. **3.A.2** The director shall complete the Strengthening Families online self-assessment	**4.A.1** The facility shall score an average of 4.00 or higher on PAS. If using YPQI, PAS is not required; however, a PQA Form B score of 4.00 or higher is required. **4.A.2** The director shall implement at least one (1) additional Strengthening Families action plan for a total of two (2).	**5.A.1** The facility shall score an average of 5.00 or higher on PAS. If using YPQI, PAS is not required; however, a PQA Form B score of 4.25 or higher is required.	**6.A.1** The facility shall score an average of 6.00 or higher on PAS. If using YPQI, PAS is not required; however, a PQA Form B score of 4.75 or higher is required.

			for three (3) or more Strategies. **3.A.3** The facility shall develop a Strengthening Families action plan and implement at least one (1) action step.			
B. Staff Qualifications and Professional Development	**1.B.1** The facility has a license in New Provisional or Regular status.	**2.B.1** All directors and at least fifty percent (50%) of teaching staff shall complete "intro to the 40 Developmental Assets" training. **2.B.2** All directors and, and fifty percent (50%) of the teaching staff shall complete an ERS or YPQI training. **2.B.3** The director and				

		kitchen manager (if applicable) shall participate in training on nutrition for school age children/youth, annually. **2.B.4** The director shall complete training on developmentally appropriate physical activities for children/youth.				
C. Learning Environment / Environment Assessment	**1.C.1** The facility has a license in New Provisional or Regular status. **1.C.2** The facility may have a SACERS or a PQA review completed by a reliable assessor.	**2.C.1** The facility shall score an average of 3.00 or higher on the SACERS or 3.00 or higher on the PQA.	**3.C.1** Facility shall score an average of 4.00 or higher on the SACERS or 3.75 or higher on the PQA. **3.C.2** Staff shall maintain a portfolio for each participant.	**4.C.1** The facility shall score an average of 5.00 or higher on the SACERS or 4.00 or higher on the PQA.	**5.C.1** The facility shall score an average of 5.50 or higher on the SACERS or 4.25 or higher on the PQA.	**6.C.1** The staff/participant ratio shall be 1:15. **6.C.2** The facility shall score an average of 6.00 or higher on the SACERS or 4.50 or higher on the PQA.

D. Child/Youth Health and Development	**1.D.1** The facility has a license in New Provisional Regular status.	**2.D.1** The facility shall document the distribution of ARKids First information to families of uninsured participants. **2.D.2** The facility shall share families information regarding child or youth development, stages of development, and children's health.	**3.D.1** The facility shall share information on nutrition and physical activity for school age children with families.			

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-106. Application.

(a) The application will consist of the following items:

(1)(A) An application indicating the level of Better Beginnings that the individual is applying for.

(B) This can be submitted via the provider portal.

(C) If the provider portal is not operable, applications may be submitted electronically through email at OEC.BetterBeginnings@ade.arkansas.gov; and

(2) Supporting documentation for all items listed in 20 CAR § 1001-105 regarding the facility type and level for which the facility is applying.

(b)(1) Eligible programs that are accredited through state or national accreditation systems are:

(A) Eligible for full or partial reciprocation; and

(B) Given certification at levels that are determined by the Office of Early Childhood.

(3)(A) Facilities with such accreditations shall:

(i) Apply for participation in Better Beginnings via the provider portal; and

(ii) Submit verification of the accreditation.

(B) If the provider portal is not operable, applications may be submitted electronically through email at OEC.BetterBeginnings@ade.arkansas.gov.

(C) Additional documentation of Better Beginnings requirements or reviews may be required to determine the level of Better Beginnings certification.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-107. Application review process.

(a) Applications will be denied if they lack the required supporting documentation.

(b) The Office of Early Childhood will review the supporting documentation to determine whether each item submitted meets the intent of the associated requirement.

(c)(1) When the documentation submitted does not meet the requirements or evidence is not included, the facility may not be eligible for that level.

(2) Facilities will be considered for a lower level.

(d) Applicants will be certified at the highest level for which all requirements are met as determined by review of all documentation and assessments.

(e)(1) Applicants who purchase an existing facility that is certified at level two (2) or above and has active voucher participants enrolled may be given a temporary Better Beginnings level to enable them to temporarily bill for the voucher participants that are enrolled.

(2) The new owner will have ninety (90) days to achieve their own Better Beginnings level.

(3) The new owner will be certified at the level for which they qualify.

(4) If they do not qualify within ninety (90) days, they will be removed from participation.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-108. Maintaining certification.

(a)(1) Certification for level two (2) and above is valid for thirty-six (36) months unless the facility becomes otherwise ineligible for certification according to 20 CAR § 1001-104, eligibility or 20 CAR § 1001-109, adverse action.

(2) Certification for level one (1) facilities will remain valid as long as the license is in new provisional or regular status.

(b)(1) Facilities certified as Better Beginnings level two (2) and above programs must resubmit all application documents, as outlined in 20 CAR § 1001-106, thirty-five (35) months after the date of the last certification.

(2) Level one (1) facilities are not required to reapply.

(3) Failure to submit required documentation may result in loss of certification status.

(4)(A) Certification will be granted upon completion of all requirements.

(B) See 20 CAR § 1001-107.

(5) Failure to verify annually that the licensing portal has been updated with the facilities current provider information may result in loss of certification status.

(c)(1) Facilities that do not meet requirements for their current level or higher at recertification will be given the option of accepting the highest level for which they qualify or being placed on a ninety-day corrective action agreement. Corrective action agreement that includes support information on how the facility may address deficient areas.

(2) All requirements must be met for the current or higher level by the end of the corrective action agreement.

(3) If the requirements are not met, the facility will be certified at the highest level for which it qualifies.

(d)(1) A certified facility that becomes the subject of an investigation may retain current certification until the investigation is concluded.

(2) The outcome of the investigation may be considered in determining continuation of certification or a corrective action agreement at any level.

(e)(1) Facilities requesting to be reviewed for a higher level of certification must submit a new application for the higher level.

(2) A full application:

(A) Must be submitted according to 20 CAR § 1001-106; and

(B) Will be processed according to 20 CAR § 1001-107.

(3) Facilities meeting higher level requirements will be newly certified at the appropriate level.

(4) Facilities not meeting higher level requirements will be assigned the level of certification achieved.

(f)(1) Certified facilities that change location:

(A) Must submit a new application for Better Beginnings certification according to 20 CAR § 1001-106; and

(B) Will be processed according to 20 CAR § 1001-107.

(2) The facility may retain the current certification level until the application review process is completed.

(3) This process shall be completed within ninety (90) days of the relocation.

(4) If the facility does not qualify within ninety (90) days, it will be removed from participation.

(g)(1) Unannounced visits, reviews, or random checks may be conducted at any time to verify continued compliance with certification requirements.

(2) An unfavorable review may result in a full-scale reassessment, which could change the Better Beginnings status.

(h)(1) It is recommended that each facility implement a continuous quality improvement process with a self-assessment to assist it in maintaining quality practices during the non-assessment years when ERS and PAS reviews are not done.

(2) Technical assistance is available upon request.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-109. Adverse action.

(a)(1) Adverse actions include denial, suspension, reduction in level, or removal of certified status.

(2) Adverse actions may include but are not limited to:

(A) Ineligibility to participate according to 20 CAR § 1001-104, eligibility;

(B) Application documentation that is incomplete or does not meet the intent of requirements according to 20 CAR §§ 1001-105 – 1001-108;

(C) Failure to continue to meet the requirements for the component areas for the level that the facility is assigned;

(D) Numerous or serious deficiencies cited by licensing;

(E) Substantiation of complaints received by the Office of Early Childhood;

(F) Being placed on Adverse Action;

(G) Changes in the license status of the facility; or

(H) Falsification of any document or submission of false information to any Department of Education division.

(b) Facilities that have their Better Beginnings certification denied, suspended, or removed are eligible to reapply after twelve (12) months unless otherwise authorized by the Office of Early Childhood Director.

Authority. Arkansas Code § 20-78-206.

20 CAR § 1001-110. Appeal procedure.

(a)(1) Facilities that are denied certification status, are found to be ineligible for a particular level, or have had their certification status reduced or removed may request an appeal.

(2) A written request for appeal shall be submitted to the Better Beginnings Program Administrator within ten (10) days of the notice of action asking that the certification status decision be reviewed.

(b)(1) Upon receipt of the request for appeal, the Better Beginnings Program Administrator will conduct an internal review to:

(A) Ensure that the appropriate processes were followed; and

(B) Determine the validity of the decision.

(2) The Better Beginnings Program Administrator will review the findings with the Commissioner of Education or designee and will transmit the findings of the internal review to the facility within thirty (30) days of the receipt of the request to appeal.

(c)(1) If the outcome of the internal review is unsatisfactory to the facility, the facility has ten (10) days in which to ask for further review by the Better Beginnings Appeal Review Committee.

(2) The Better Beginnings Appeal Review Committee will schedule a hearing and notify the facility in writing of the date and time of the hearing.

(3) The Better Beginnings Appeal Review Committee members are appointed by the Chair of the Arkansas Early Childhood Commission.

(4) A decision of the Better Beginnings Appeal Review Committee is the final Department of Education administrative decision.

(d)(1) In the event that there are appeals made to multiple units in the Office of Early Childhood regarding the action that resulted in the Better Beginnings action being appealed, the Better Beginnings appeal will not be heard until the outcome of the other appeals has been determined.

(2) If the action is overturned, then the Better Beginnings appeal will be scheduled.

(3) If the action is upheld, the decision is final and there will be no Better Beginnings appeal hearing.

Authority. Arkansas Code § 20-78-206.

FINANCIAL IMPACT STATEMENT

PLEASE ANSWER ALL QUESTIONS COMPLETELY.

DEPARTMENT Department of Education
BOARD/COMMISSION State Board of Educaiton
PERSON COMPLETING THIS STATEMENT Brianne Franks
TELEPHONE NO. 501 683-0960 **EMAIL** brianne.franks@ade.arkansas.gov

To comply with Ark. Code Ann. § 25-15-204(e), please complete the Financial Impact Statement and email it with the questionnaire, summary, markup and clean copy of the rule, and other documents. Please attach additional pages, if necessary.

TITLE OF THIS RULE ADE, OEC, Better Beginnings Tiered Quality Rating and Improvement System

1. Does this proposed, amended, or repealed rule have a financial impact?
   Yes ☐ No ☑

2. Is the rule based on the best reasonably obtainable scientific, technical, economic, or other evidence and information available concerning the need for, consequences of, and alternatives to the rule?
   Yes ☑ No ☐

3. In consideration of the alternatives to this rule, was this rule determined by the agency to be the least costly rule considered? Yes ☑ No ☐

   If no, please explain:

   (a) how the additional benefits of the more costly rule justify its additional cost;

   (b) the reason for adoption of the more costly rule;

   (c) whether the reason for adoption of the more costly rule is based on the interests of public health, safety, or welfare, and if so, how; and

   (d) whether the reason for adoption of the more costly rule is within the scope of the agency's statutory authority, and if so, how.

4. If the purpose of this rule is to implement a *federal* rule or regulation, please state the following:

   (a) What is the cost to implement the federal rule or regulation?

Current Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $0.00

Next Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $0.00

(b) What is the additional cost of the state rule?

Current Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $0.00

Next Fiscal Year

General Revenue_____
Federal Funds_____
Cash Funds_____
Special Revenue_____
Other (Identify)_____

Total $0.00

5. What is the total estimated cost by fiscal year to any private individual, private entity, or private business subject to the proposed, amended, or repealed rule? Please identify those subject to the rule, and explain how they are affected.

Current Fiscal Year
$ $0.00

Next Fiscal Year
$ $0.00

6. What is the total estimated cost by fiscal year to a state, county, or municipal government to implement this rule? Is this the cost of the program or grant? Please explain how the government is affected.

Current Fiscal Year
$ $0.00

Next Fiscal Year
$ $0.00

7. With respect to the agency's answers to Questions #5 and #6 above, is there a new or increased cost or obligation of at least one hundred thousand dollars ($100,000) per year to a private individual, private entity, private business, state government, county government, municipal government, or to two (2) or more of those entities combined?

Yes ☐ No ☑

If yes, the agency is required by Ark. Code Ann. § 25-15-204(e)(4) to file written findings at the time of filing the financial impact statement. The written findings shall be filed simultaneously with the financial impact statement and shall include, without limitation, the following:

(1) a statement of the rule's basis and purpose;

(2) the problem the agency seeks to address with the proposed rule, including a statement of whether a rule is required by statute;

(3) a description of the factual evidence that:
(a) justifies the agency's need for the proposed rule; and
(b) describes how the benefits of the rule meet the relevant statutory objectives and justify the rule's costs;

(4) a list of less costly alternatives to the proposed rule and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(5) a list of alternatives to the proposed rule that were suggested as a result of public comment and the reasons why the alternatives do not adequately address the problem to be solved by the proposed rule;

(6) a statement of whether existing rules have created or contributed to the problem the agency seeks to address with the proposed rule and, if existing rules have created or contributed to the problem, an explanation of why amendment or repeal of the rule creating or contributing to the problem is not a sufficient response; and

(7) an agency plan for review of the rule no less than every ten (10) years to determine whether, based upon the evidence, there remains a need for the rule including, without limitation, whether:
(a) the rule is achieving the statutory objectives;
(b) the benefits of the rule continue to justify its costs; and
(c) the rule can be amended or repealed to reduce costs while continuing to achieve the statutory objectives.

Jacob Oliva
Secretary

Stacy Smith
Deputy
Commissioner

State Board of Education

Dr. Sarah Moore
Stuttgart
Chair

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White Hall

Jeff Wood
Little Rock

Ken Bragg
Sheridan

Leigh Keener
Little Rock

February 16, 2024

Proposed Rules Governing the Better Beginnings Tiered Quality Rating and Improvement System

Purpose

The Division of Elementary and Secondary Education ("Division") Office of Early Childhood (OEC) is seeking Governor's Office review and approval of the proposed amendments to the DESE OEC Rules Governing the Better Beginnings Tiered Quality Rating and Improvement System.

Background

Pursuant to Ark. Code § 20-78-201 et seq, the Division shall adopt the necessary rules to implement these code sections. Act 237 of 2023 moved the Office of Early Childhood from the Division of Childcare and Early Childhood Education to the Arkansas Department of Education. This amendment changes the rule language to reflect that change.

Summary of Amendments

- The rules are amended to state the regulatory authority as the Arkansas Department of Education, Office of Early Childhood instead of the Division of Childcare and Early Childhood Education.
- The rules are amended to delete the rules history and update definitions.

Recommendation

The Division of Elementary and Secondary Education Office of Early Childhood recommends Governor's Office approval of these rules.

Notice of Rulemaking

Pursuant to Arkansas Code Annotated § 25-15-201 et seq., notice is hereby given that the Division of Elementary and Secondary Education is considering new administrative rules. Public comment hearings will be held on the DESE Rule Governing Public School Policies Relating to Overnight Trips and Use of Public School Lavatories on May 22, 2024 at 1:30 p.m. Public comment hearings will be held for the following rules on May 31, 2024 at 10:00am: the DESE Rule Governing Professional Development; the DESE Rule Governing Arkansas Governor's School; the DESE Rule Governing Background Checks; the ADE, Office of Early Childhood Rules Governing Better Beginnings, Arkansas's Tiered Quality Rating and Improvement System; the DESE Rule Governing the Code of Ethics for Arkansas Educators; the DESE Rule Governing Dyslexia Screenings and Interventions; the DESE Rule Governing Educator Licensure; the DESE Rule Governing Emergency Response Equipment and Training in Arkansas Public Schools; the DESE Rule Governing Fiscal Assessment and Accountability Program; the DESE Rule Governing the Maternity Leave Cost Sharing Program; the DESE Rule Governing the Requirements and Procedures for Obtaining an Arkansas Birth through Prekindergarten Teaching Credential; and the DESE Rule Governing Water Safety Information Provided by Public Schools. Public comment hearings will be held for the repeal of the following rules on May 31, 2024 at 1:30pm: the DESE Rule Governing the Educator Compensation Reform Program; the DESE Rule Governing Eligibility of Participating School Districts in the Traveling Teacher Program; the DESE Rule Governing Incentives for Teacher Recruitment and Retention in High-Priority Districts; the DESE Rule Governing Reimbursement by School Districts for Election Expenses; the DESE Rule Governing School Board Zones and Rezoning; the DESE Rule Governing School District Duty to Report Student Criminal Acts; the DESE Rule Governing the Succeed Scholarship Program; and DCTE Rule Governing Methods of Administration of Career and Technical Education Programs. All hearings will be held at the Arkansas Department of Education, Arch Ford Building, Four Capitol Mall, Little Rock, AR, 72201. The public comment period for these rules ends on June 10, 2024. Written comments regarding these proposed rules may be mailed to ADE Legal Services, Four Capitol Mall, Room 302A, Little Rock, AR, 72201. Comments also may be emailed to ADE.RulesComments@ade.arkansas.gov. A copy of the proposed rules can be found on the Division of Elementary and Secondary Education's

website at: https://dese.ade.arkansas.gov/Offices/legal/rules/pending. Copies also may be obtained by contacting ADE's Office of Legal Services at the above address or via phone at (501) 683-1390.

Re: Notice of Rulemaking

Legal Ads <legalads@arkansasonline.com>
Wed 5/8/2024 11:42 AM

To:Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>
Cc:LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>;Legal <legal@ade.arkansas.gov>

Caution: This is an external email and may contain a suspicious subject or content. Please take care when clicking links or opening attachments. When in doubt, contact ADE IT Services.

Notice will run Fri 5/10, Sat 5/11, and Sun 5/12.

Sunday will be invoiced separate from Fri/Sat.

Thank you.

Gregg Sterne, Legal Advertising
Arkansas Democrat-Gazette
legalads@arkansasonline.com

From: "Daniel Shults (ADE)" <Daniel.Shults@ade.arkansas.gov>
To: "LaBria Brown, ADE" <LaBria.Brown@ade.arkansas.gov>, "Legal Ads" <legalads@arkansasonline.com>
Cc: "Legal" <legal@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 11:27:16 AM
Subject: RE: Notice of Rulemaking

ARKANSAS DEPARTMENT OF EDUCATION

Daniel Shults
Deputy Legal Counsel
Arkansas Department of Education
4 Capitol Mall, Suite 302
Little Rock, Arkansas 72201
Office: (501) 682-4202
Cell: (501) 647-5939
Email: daniel.shults@ade.arkansas.gov

From: LaBria Brown (ADE) <LaBria.Brown@ade.arkansas.gov>
Sent: Wednesday, May 8, 2024 9:57 AM
To: Legal Ads <legalads@arkansasonline.com>
Cc: Legal <legal@ade.arkansas.gov>; Daniel Shults (ADE) <Daniel.Shults@ade.arkansas.gov>
Subject: Notice of Rulemaking

Good morning,

Please find the attached Notice of Rulemaking for several Division of Elementary and Secondary Education administrative rules and confirm receipt. Please run for three consecutive days, from Friday, May 10, 2024, through Sunday, May 12, 2024. Please let me know if you have any questions.