

## **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 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."

### **Subpart 1. Generally**

#### **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:

(1) The "Business Administration Scale for Family Child Care (BAS)" means the first valid and reliable instrument for measuring and improving the overall quality of business and professional practices in family childcare settings in ten (10) areas:

- (A) Qualifications and Professional Development;
- (B) Income and Benefits;
- (C) Work Environment;
- (D) Fiscal Management;
- (E) Recordkeeping;
- (F) Risk Management;
- (G) Provider-Family Communication;
- (H) Family Support and Engagement;
- (I) Marketing and Community Relations; and
- (J) Provider as Employer;

(2) "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;

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

(4)(A) "Environment Rating Scale (ERS)" means the tools used to measure elements of classroom quality.

(B) These include the:

- (i) Early Childhood Environmental Rating Scale;
- (ii) Infant-Toddler Rating Scale;
- (iii) Family Child Care Rating Scale; and
- (iv) School-Age Care Rating Scale;

(5) "Family Child Care Environment Rating Scale (FCCERS)" means a rating scale designed to assess family childcare programs conducted in a provider's home;

(6) "Minimum licensing requirements (MLR)" means the minimum health and safety requirements to legally operate;

(7) "Office of Early Childhood" means the state agency responsible to ensure children and families have access to high-quality child care through:

- (A) Licensing;
- (B) Training; and
- (C) Funding;

(8) "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;

(9)(A) "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.

(B) The PAS helps a program dig deeper into the following aspects of program administration:

- (i) Human resources development;
- (ii) Personnel cost and allocation;
- (iii) Center operations;
- (iv) Child assessment;
- (v) Fiscal management;
- (vi) Program planning and evaluation;
- (vii) Family partnerships;
- (viii) Marketing and public relations;

(ix) Technology; and

(x) Staff qualifications;

(10) "Program Quality Assessment (PQA)" means a system to evaluate the quality of children's programs and identify staff training needs;

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

(12) "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; and

(13) "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 Director of the Office of Early Childhood.

**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 in Appendix A.

**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](mailto: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 reciprocity; and

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

(2)(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](mailto: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.

(f) New facilities that are opting into accepting childcare assistance must qualify for at least a provisional level two (2) eligibility which consists of:

(1) Completed and approved provisional eligibility application; and

(2) Meet Better Beginnings level two (2) within (90) days.

**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:

(A) 20 CAR § 1001-104, eligibility; or

(B) 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 facility's 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 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 Director of the Office of Early Childhood.

**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 Elementary and Secondary 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.