

## **Title 6. Education**

### **Chapter I. Division of Elementary and Secondary Education**

#### **Subchapter A. Generally**

#### **Part 4. Positive Youth Development Grant Program**

**Codification Notes.** This part as promulgated prior to codification into the Code of Arkansas Rules provided as follows: "Regulatory Authority and Purpose[.] These Rules shall be known as the Department of Education Rules Governing the Positive Youth Development Grant Program. The State Board of Education, with the advice and assistance of the Division of Child Care and Early Childhood Education of the Department of Human Services, enacts these Rules pursuant to its authority as set forth in Ark. Code Ann. §§ 6-5-901 et seq. and 25-15-201 et seq."

#### **Subpart 1. Generally**

##### **6 CAR § 4-101. Purpose.**

It is the purpose of this part to establish and implement the Positive Youth Development Grant Program Act for children and youth five (5) through nineteen (19) years of age.

**Authority.** Arkansas Code § 6-5-903.

##### **6 CAR § 4-102. Definitions.**

As used in this part:

- (1) "Department" means the Department of Education;
- (2) "Division" means the Division of Child Care and Early Childhood Education of the Department of Human Services;
- (3) "Grant" means a Positive Youth Development Grant;
- (4) "Positive youth development program" means a developmentally appropriate learning experience that helps children and youth five (5) through nineteen

(19) years of age develop educational, social, emotional, and physical skills during out-of-school time; and

(5) "Program" means a positive youth development program that is license-exempt or approved by the Division of Elementary and Secondary Education as complying with the Out-of-School Time Licensing Standards, 20 CAR pt. 477, as adopted by the Division of Child Care and Early Childhood Education.

**Authority.** Arkansas Code § 6-5-903.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained an endnote as follows: "Source: Ark. Code Ann. § 6-5-902."

**6 CAR § 4-103. Program applications and awards.**

(a) The following entities are eligible to apply for a three-year Positive Youth Development Grant:

(1) A public school district;

(2) A youth development program licensed by the Division of Child Care and Early Childhood Education pursuant to its Minimum Licensing Requirements for Out-of-School Time Programs, 20 CAR pt. 477;

(3) A youth development program exempt from licensing pursuant to the division's Minimum Licensing Requirements for Out-of-School Time Programs, 20 CAR pt. 477; or

(4) An applicant that partners with a:

(A) Public school district;

(B) Licensed youth development program; or

(C) License-exempt youth development program.

(b) An entity may apply for a Positive Youth Development Grant by submitting to the department, no later than March 1:

(1) A completed application form identifying:

(A) The legal name and tax or corporate status of the applicant entity;

- (B) Appropriate contact information;
  - (C) The total grant award amount sought;
  - (D) The number and location of sites at which programs will be offered;
  - (E) A program description, including without limitation proposed curriculum and schedules;
  - (F) Staffing and instructor qualifications;
  - (G) The eligibility criteria to be used by the program to identify and admit eligible children and youth, to include without limitation a schedule of the fees, if any, to be charged to children who do not meet the income criteria of 6 CAR § 4-105(a); and
  - (H) The outcome measures proposed to be utilized to evaluate the success of the program, including a description of how the evaluation data will be obtained and processed;
- (2) Documentation of the program's compliance with or exemption from the division's Minimum Licensing Requirements for Out-of-School Time Programs, 20 CAR pt. 477;
- (3)(A) Documentation of strong community engagement and collaboration between schools, public institutions, private agencies, business, faith-based, and other community-based organizations working together to utilize the unique skills and resources to create a community learning environment.
- (B) Examples of engagement and collaboration include without limitation the:
- (i) Sharing of in-kind space, staff, equipment, supplies, or other resources;
  - (ii) Provision of matching funds; and
  - (iii) Use of binding memorandums of understanding;
- (4) Budget or financial documentation demonstrating the applicant's ability or inability to provide matching funds of cash or appropriate in-kind services in the ratio of twenty-to-eighty (20:80); and
- (5) A statement of assurance signed by an authorized representative guaranteeing the entity's compliance with:

- (A) State and federal law;
- (B) This part; and
- (C) The division's Minimum Licensing Requirements for Out-of-School

Time Programs, 20 CAR pt. 477.

(c) The division may waive the required matching funds if:

(1) The applicant operates or will operate the program within the geographic boundaries of an Arkansas public school district that contains at least one (1) school classified by the department as being:

(A) In school improvement pursuant to Arkansas Code § 6-15-425 [repealed]; or

(B) A Needs Improvement (Focus) or Needs Improvement (Priority) school under department rules adopted pursuant to regulatory flexibility from the provisions of the Elementary and Secondary Education Act, 20 U.S.C. § 6301 et seq., granted by the United States Department of Education; and

(2) The division determines that the applicant is unable to provide the matching funds, after exhausting all potential funding sources.

(d)(1) Preference will be given to applications that:

(A) Are developed collaboratively by:

- (i) Public and nonpublic schools; and
- (ii) Private community-based programs;

(B) Contain accountability systems and measurable outcomes under guidelines to be developed by the department in consultation with the division;

(C) Detail funds received from all public sources for existing programs, the types of existing programs, and the types of students served by existing programs; and

(D) Increase access to comprehensive positive youth development programs during the school year and summer.

(2) The department may also give preference to applications that include participation in Better Beginnings, the quality rating improvement system in Arkansas.

(e) Preference may also be given to applications that propose to operate in communities with the greatest need for programs, as measured by:

(1) The percentage of children and youth living in poverty within the boundaries of the public school district in which the program will operate; and

(2) The availability of existing after-school or summer programs within the community.

(f) The department, in collaboration with the division, will evaluate each application and notify each applicant no later than May 1, whether or not it deems the application to be qualified.

(g)(1) Qualification of an application does not guarantee funding to an applicant.

(2) Funding will be governed by the distribution criteria set forth in this part.

(h) A program is not required to be affiliated with a public school district to be eligible to receive funding under this part.

(i) All applications submitted by sectarian or sectarian-affiliated programs will be reviewed to ensure that approval of funding will not result in a violation of the First Amendment to the United States Constitution.

**Authority.** Arkansas Code § 6-5-903.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained an endnote as follows: "Source: Ark. Code Ann. § 6-5-904(a)-(c) and 6-5-905(b) & (d)."

**6 CAR § 4-104. Program funding and expenditures.**

(a) If the number of qualified applicants exceeds the amount of funding appropriated and available, the Department of Education, after consultation with the Arkansas Early Childhood Commission, shall determine funding distribution.

(b) Priority for funding shall be given to programs in communities where:

(1) Fifty percent (50%) or more of the students in the resident public school district are eligible for free or reduced-price meals under federal law or regulations governing the United States Department of Agriculture's National School Lunch Program or School Breakfast Program; and

(2) The resident public school district has been classified by the Department of Education as being:

(A) In school improvement or academic distress pursuant to Arkansas Code § 6-15-425 [repealed]; or

(B) A Needs Improvement school district under Department of Education rules adopted pursuant to regulatory flexibility from the provisions of the Elementary and Secondary Education Act granted by the United States Department of Education.

(c) Grants shall be three-year awards to be distributed annually, as determined by the Division of Child Care and Early Childhood Education.

(d) Grants may be renewed for positive youth development programs that:

(1) Timely submit an application for program approval pursuant to 6 CAR § 4-103; and

(2) Meet adequate performance levels to be developed and published by the Division of Elementary and Secondary Education.

(e) Grant funds may be used for:

(1) Services that include children and youth with disabilities in programs that also serve nondisabled children and youth;

(2) Services that include children and youth where English is a second language;

(3) Technical assistance and planning to assist communities seeking to establish quality youth development programs by building community collaboration and partnerships; and

(4) A variety of activities including:

(A) Academic supports and skill-building activities that link program content to the frameworks promulgated by the Division of Elementary and Secondary Education;

(B) Activities that improve the health and wellness of children and youth, including:

(i) Physical activities;

(ii) Nutrition and health education; and

(iii) Safety;

(C) Art, theater, and music programs developed in collaboration with local arts or cultural programs;

(D) Activities that address cultural diversity and inclusion;

(E) Service learning or community service experiences;

(F) Workforce development activities that link academic curriculum to actual work experiences;

(G) Leadership development, mentoring, and other services to disconnected youth;

(H) Enrichment activities not otherwise provided during the school day;

(I) Family and community engagement; and

(J) Other research-based activities as approved by the Division of Child Care and Early Childhood Education in consultation with the Division of Elementary and Secondary Education.

(f) No grant funds may be used to:

(1) Support religious services, instruction, or programming at any time; or

(2) Impermissibly aid a religiously based or affiliated entity in discharging its religious mission.

**Authority.** Arkansas Code § 6-5-903.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained an endnote as follows: "Source: Ark. Code Ann. § 6-5-904(d)-(f)."

**6 CAR § 4-105. Participant eligibility and funding.**

(a) Children and youth five (5) through nineteen (19) 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 a positive youth development program without cost if there is:

(1) A positive youth development program available in the community where the child resides; and

(2) Available space for the child to attend the program.

(b) Children and youth five (5) through nineteen (19) years of age who do not meet the income criteria of subsection (a) of this section may be:

(1) Admitted pursuant to enrollment criteria approved by the Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education; and

(2) Charged fees pursuant to a fee schedule approved by the Division of Elementary and Secondary Education and the Division of Child Care and Early Childhood Education.

(c) Public school districts may, subject to federal law or regulation, provide notice of the availability of positive youth development programs to the families of children eligible for free or reduced-price meals under federal law or regulations governing the United States Department of Agriculture's National School Lunch Program or School Breakfast Program.

(d) Participation in a positive youth development program shall be voluntary for:

(1) Public school districts; and

(2) Parents or guardians of children and youth five (5) through nineteen (19) years of age.

(e) Positive youth development programs must admit eligible students without regard to:

(1) Race;

(2) Gender;

(3) National origin;

(4) Ancestry;

(5) Color;

(6) Disability;

(7) Creed;

(8) Political affiliation; or

(9) Religion.

**Authority.** Arkansas Code § 6-5-903.

**Codification Notes.** This section as promulgated prior to codification into the Code of Arkansas Rules contained an endnote as follows: "Source: Ark. Code Ann. 6-5-903(b) & 6-5-905."

**6 CAR § 4-106. Responsibilities of the Division of Child Care and Early Childhood Education.**

(a)(1) The Division of Child Care and Early Childhood Education shall be responsible for evaluating the:

- (A) Impacts of the Positive Youth Development Grant Program; and
- (B) Outcomes of students participating in funded programs.

(2) The key elements for quality programs as recommended by the 2008 Governor's Task Force on Best Practices for After-School and Summer Programs and the Arkansas Standards for Quality Programs will be used as the primary frameworks to support and evaluate the development of quality programs.

(3) Outcome measures shall include without limitation:

- (A) Student achievement and academic skills;
- (B) School engagement;
- (C) Social, emotional, and behavioral development;
- (D) Health and wellness; and
- (E) Reduced contact with the judicial system.

(4) Any evaluation or measurement utilizing any student's education records shall be conducted in accordance with the privacy restrictions of the Family Educational Rights and Privacy Act, 20 U.S.C. § 1232g.

(5) Student data will be obtained utilizing the state longitudinal data system as directed by the Division of Elementary and Secondary Education.

(b) The Division of Child Care and Early Childhood Education shall provide grant recipients with technical assistance, evaluation, program monitoring, and professional development.

(c) The Division of Child Care and Early Childhood Education may retain up to four percent (4%) of the amount appropriated for the Positive Youth Development Grant Program for this purpose.

(d) A minimum of one (1) time each year the Division of Child Care and Early Childhood Education shall report its findings and recommendations concerning the Positive Youth Development Grant Program and technical assistance provided to the:

- (1) Governor;
- (2) President Pro Tempore of the Senate;
- (3) Speaker of the House of Representatives;
- (4) House Committee on Education; and
- (5) Senate Committee on Education.

**Authority.** Arkansas Code § 6-5-903.