



Arkansas. COMMISSIONER'S COMMUNICATION

DEPARTMENT OF EDUCATION

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Dr. Tom W. Kimbrell, Commissioner

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Memo Number : LS-10-023

Date Created : 03/11/2010

Attention: Superintendents
Co-op Directors
Elementary Principals

Type of Memo: Informational

Response Required: No

Section: Learning Services - Dr. Alice Barnes Rose, Assistant Commissioner

Subject:
Kindergarten & Pre K Enrollment
Requirements for 2010-2011

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Act 29 of 2009 & Act 426 of 2009

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PREKINDERGARTEN AND KINDERGARTEN ENROLLMENT REQUIREMENTS FOR 2010-2011

A.C.A. § 6-18-207 states that for the 2010-2011 school year, students may enter kindergarten in the public schools of this state if the student will attain the age of five (5) years on or before August 15, 2010.

Act 29 of 2009 amends A.C.A § 6-18-207 to allow students attending a prekindergarten program to enroll in kindergarten under certain circumstances. Any child NOT five (5) years old on or before August 15, 2010, must meet all of the following requirements in order to be eligible for enrollment into a public school kindergarten program during the 2010-2011 school year.

- The child must turn five (5) no later than September 15, 2010, and
- The child must have attended a STATE-APPROVED prekindergarten program for at least one hundred (100) days during both the 2008-2009 and 2009-2010 school years.

Act 426 of 2009 allows students for the 2010-2011 school year to enroll in a prekindergarten program for children three (3) years of age if the child will attain three (3) years of age on or before August 1, 2010. The Act also allows a child to enroll in a prekindergarten program for children four (4) years of age for the 2010-2011 school year

on
or before August 1, 2010.

STATE-APPROVED prekindergarten programs refer to a prekindergarten program that is accredited and quality approved by the Department of Human Services' (DHS) Division of Child Care and Early Childhood Education. For information related to prekindergarten enrollment, or to obtain a list of state-approved prekindergarten programs, contact the DHS

Division of Child Care and Early Childhood Education office at 501-682-4888. For questions

directly relating to kindergarten enrollment please contact the Arkansas Department of Education at 501-683-4497.

Attachments:

- [Act 29 of 2009](#)
- [Act 426 of 2009](#)

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Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 29 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: H1/16/09

A Bill

HOUSE BILL 1098

5 By: Representative Webb
6 By: Senator D. Johnson
7
8

9 **For An Act To Be Entitled**

10 AN ACT TO ALLOW STUDENTS WHO HAVE COMPLETED PRE-K
11 TO ENROLL IN KINDERGARTEN IN CERTAIN
12 CIRCUMSTANCES; AND FOR OTHER PURPOSES.
13

14 **Subtitle**

15 TO ALLOW STUDENTS WHO HAVE COMPLETED
16 PRE-K TO ENROLL IN KINDERGARTEN IN
17 CERTAIN CIRCUMSTANCES.
18
19

20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
21

22 SECTION 1. Arkansas Code § 6-18-207(a), concerning the
23 enrollment deadline for kindergarten, is amended to read as follows:

24 (a)(1)(A) For the 2009-2010 school year, students may enter
25 kindergarten in the public schools of this state if they will attain the age
26 of five (5) years on or before September 1, 2009.

27 (B) For the 2010-2011 school year, students may enter
28 kindergarten in the public schools of this state if they will attain the age
29 of five (5) years on or before August 15, 2010.

30 (C) For the 2011-2012 school year and afterwards, students
31 may enter kindergarten in the public schools of this state if they will
32 attain the age of five (5) years on or before August 1 of the year in which
33 they are seeking initial enrollment.

34 (2) Any student who has been enrolled in a state-accredited or
35 state-approved kindergarten program in another state for at least sixty (60)



1 days, who will become five (5) years old during the year in which he or she
2 is enrolled in kindergarten, and who meets the basic residency requirement
3 for school attendance may be enrolled in kindergarten upon written request to
4 the school district.

5 (3)(A) Notwithstanding the age requirements in subdivision
6 (a)(1) of this section, a public school or public school district shall allow
7 a child to enroll in kindergarten if the child:

8 (i) Was enrolled in a state-approved prekindergarten
9 program during the 2008-2009 school year;

10 (ii) Attended a state-approved prekindergarten
11 program for at least one hundred (100) days during the 2008-2009 school year
12 and each subsequent year in which he or she is enrolled in a state-approved
13 prekindergarten program; and

14 (iii) Will be at least five (5) years of age no
15 later than September 15 during the year in which he or she enrolls in
16 kindergarten.

17 (B) As used in this subdivision (a)(3), "state-approved
18 prekindergarten program" means a prekindergarten program that is accredited
19 and quality-approved by the Department of Human Services Division of Child
20 Care and Early Childhood Education.

21 SECTION 2. EMERGENCY CLAUSE. It is found and determined by the
22 General Assembly of the State of Arkansas that families in Arkansas are
23 suffering an undue hardship created by the establishment of new kindergarten
24 enrollment criteria; that some children currently enrolled in prekindergarten
25 programs are not eligible to enroll in kindergarten due to newly implemented
26 criteria; that the immediate implementation of this act is necessary for
27 public school districts and families of these children to prepare for the
28 enrollment of these students in kindergarten for the 2009-2010 school year;
29 that the failure to allow these children to enroll in kindergarten will cause
30 irreparable harm to the education of these children and the well-being of
31 this state. Therefore, an emergency is declared to exist and this act being
32 immediately necessary for the preservation of the public peace, health, and
33 safety shall become effective on:

34 (1) The date of its approval by the Governor;

35 (2) If the bill is neither approved nor vetoed by the Governor,
36 the expiration of the period of time during which the Governor may veto the

1 bill; or

2 (3) If the bill is vetoed by the Governor and the veto is
3 overridden, the date the last house overrides the veto.

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5 /s/ Webb

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7 **APPROVED: 2/4/2009**

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Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

Act 426 of the Regular Session

1 State of Arkansas
2 87th General Assembly
3 Regular Session, 2009
4

As Engrossed: S2/26/09

A Bill

SENATE BILL 252

5 By: Senator D. Johnson
6 By: Representatives Saunders, Webb
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8

9 **For An Act To Be Entitled**

10 AN ACT TO ENSURE THE ENROLLMENT AGE IN
11 PREKINDERGARTEN IS CONSISTENT WITH THE ENROLLMENT
12 CRITERIA FOR ENTRY INTO PUBLIC SCHOOL; TO ENSURE
13 ADEQUATE NOTICE IS GIVEN TO PREKINDERGARTEN
14 PROGRAM PROVIDERS; AND FOR OTHER PURPOSES.
15

16 **Subtitle**

17 TO ENSURE THE ENROLLMENT AGE IN
18 PREKINDERGARTEN IS CONSISTENT WITH THE
19 ENROLLMENT CRITERIA FOR ENTRY INTO
20 PUBLIC SCHOOL.
21
22

23 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:
24

25 *Section 1. Arkansas Code Title 6, Chapter 18, Subchapter 2 is amended*
26 *to add an additional section to read as follows:*

27 6-18-230. Minimum age for enrolling in prekindergarten.

28 (a)(1) For the 2009-2010 school year:

29 (A) A child may enter a prekindergarten program for
30 children three (3) years of age if the child will attain three (3) years of
31 age on or before August 1, 2009; and

32 (B) A child may enter a prekindergarten program for
33 children four (4) years of age if:

34 (i) The child will attain four (4) years of age on or
35 before August 15, 2009; or



1 (ii) The child was enrolled in a prekindergarten
2 program for children three (3) years of age for a minimum of one hundred
3 (100) days during the 2008-2009 school year.

4 (2) For the 2010-2011 school year and each school year
5 thereafter:

6 (A) A child may enter a prekindergarten program for
7 children three (3) years of age if the child will attain three (3) years of
8 age on or before August 1 immediately preceding the beginning of the school
9 year; and

10 (B) A child may enter a prekindergarten program for
11 children four (4) years of age if the child will attain four (4) years of age
12 on or before August 1 immediately preceding the beginning of the school year.

13 (b)(1) The Division of Child Care and Early Childhood Education of the
14 Department of Human Services shall notify all providers of appropriate early
15 childhood programs for prekindergarten of the age requirements specified in
16 subsection (a) of this section by providing one (1) written notification
17 letter sent to each provider of appropriate early childhood programs for
18 prekindergarten at the address of record on file with the Department of Human
19 Services.

20 (2) The prekindergarten age requirements specified in subsection
21 (a) of this section shall be published on the website of the:

22 (A) Department of Human Services; and

23 (B) Department of Education.

24

25 SECTION 2: DO NOT CODIFY.

26 For the 2009-2010 school year, the division shall notify all providers
27 of appropriate early childhood programs for prekindergarten of the new age
28 requirements no later than fourteen (14) days after enactment.

29

30 SECTION 3. EMERGENCY CLAUSE. It is found and determined by the
31 General Assembly of the State of Arkansas that families in Arkansas are
32 suffering an undue hardship created by the establishment of new kindergarten
33 enrollment criteria; that some children currently enrolled in prekindergarten
34 programs are not eligible to enroll in kindergarten due to newly implemented
35 criteria; that the immediate implementation of this act is necessary for
36 public school districts and families of these children to prepare for

1 enrollment of students in prekindergarten and kindergarten programs during
2 the 2009-2010 school year and beyond; and that this act is immediately
3 necessary because failure to allow consistent enrollment age criteria will
4 cause irreparable harm to the education of these children and the well-being
5 of this state. Therefore, an emergency is declared to exist and this act
6 being immediately necessary for the preservation of the public peace, health,
7 and safety shall become effective on:

- 8 (1) The date of its approval by the Governor;
9 (2) If the bill is neither approved nor vetoed by the Governor,
10 the expiration of the period of time during which the Governor may veto the
11 bill; or
12 (3) If the bill is vetoed by the Governor and the veto is
13 overridden, the date the last house overrides the veto.

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15 */s/ D. Johnson*

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17 **APPROVED: 3/13/2009**

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