

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1654 Session of 2023

INTRODUCED BY KINSEY, SCOTT, MADDEN, HILL-EVANS, FREEMAN,  
 CERRATO, SANCHEZ, HANBIDGE, KHAN, GUENST, TOPPER, JAMES,  
 STURLA, MALAGARI, CEPEDA-FREYTIZ, GREEN AND OTTEN,  
 AUGUST 30, 2023

REFERRED TO COMMITTEE ON EDUCATION, AUGUST 30, 2023

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An  
 2 act relating to the public school system, including certain  
 3 provisions applicable as well to private and parochial  
 4 schools; amending, revising, consolidating and changing the  
 5 laws relating thereto," in duties and powers of boards of  
 6 school directors, further providing for kindergartens; in  
 7 pupils and attendance, further providing for age limits and  
 8 temporary residence, for definitions and for when provided;  
 9 and providing for full-day kindergarten.

10 The General Assembly of the Commonwealth of Pennsylvania  
 11 hereby enacts as follows:

12 Section 1. Sections 503 and 1301 of the act of March 10,  
 13 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
 14 are amended to read:

15 Section 503. Kindergartens.--(a) The board of school  
 16 directors in [any] each school district [may] shall establish  
 17 and maintain kindergartens for children between the ages of  
 18 [four] three and [six] five years. When established, the  
 19 kindergartens shall be an integral part of the elementary school  
 20 system of the district, and be kept open on a full-time basis

1 for [not less than two and one-half hours each day for] the full  
2 school term as provided in section 1501.

3 (b) The number of full-day kindergartens in any one district  
4 shall be fixed by the board of school directors, and shall be  
5 open during the school year and made available to all children  
6 residing in the district who are of the age fixed pursuant to  
7 subsection (a).

8 [If the average attendance in any one kindergarten in any  
9 district is ten or less for the school year, the school  
10 directors shall, at the close of the school year, discontinue  
11 the same.]

12 (c) The board of school directors shall appoint and assign a  
13 sufficient number of teachers to such kindergartens, who shall  
14 be certified in accordance with the rules and regulations  
15 prescribed by the [Council of Basic Education] State Board of  
16 Education.

17 Section 1301. Age Limits; Temporary Residence.--(a) Every  
18 child, being a resident of any school district, between the ages  
19 of six (6) and twenty-one (21) years, may attend the public  
20 schools in his district, subject to the provisions of this act.  
21 Notwithstanding any other provision of law to the contrary, a  
22 child who attains the age of twenty-one (21) years during the  
23 school term and who has not graduated from high school may  
24 continue to attend the public schools in his district free of  
25 charge until the end of the school term. The board of school  
26 directors of any school district may admit to the schools of the  
27 district, with or without the payment of tuition, any non-  
28 resident child temporarily residing in the district, and may  
29 require the attendance of such non-resident child in the same  
30 manner and on the same conditions as it requires the attendance

1 of a resident child.

2 (b) Notwithstanding subsection (a) or any other provision of  
3 law or regulation to the contrary, a child, being a resident of  
4 a school district, between the ages of three and five years may  
5 attend full-day kindergarten in accordance with the provisions  
6 of this subarticle and the rules, regulations or standards  
7 prescribed by the State Board of Education without the payment  
8 of tuition, provided:

9 (1) the school district of the non-resident child is in the  
10 same intermediate unit; and

11 (2) the school districts have entered an agreement to offer  
12 full-day kindergarten jointly in accordance with regulations of  
13 the State Board of Education.

14 Section 2. The definition of "compulsory school age" in  
15 section 1326 of the act is amended to read:

16 Section 1326. Definitions.--When used in this article, the  
17 following words and phrases shall have the following meanings:

18 \* \* \*

19 "Compulsory school age" shall mean the period of a child's  
20 life from the time the child's parents elect to have the child  
21 enter school and which shall be no later than six (6) years of  
22 age until the child reaches eighteen (18) years of age. Nothing  
23 in this section shall be construed to preclude a child's parents  
24 from electing to have the child attend full-day kindergarten at  
25 three (3) years of age. The term does not include a child who  
26 holds a certificate of graduation from a regularly accredited,  
27 licensed, registered or approved high school.

28 \* \* \*

29 Section 3. Section 1361 of the act is amended to read:

30 Section 1361. When Provided.--(1) The board of school

1 directors in any school district may, out of the funds of the  
2 district, provide for the free transportation of any resident  
3 pupil to and from the kindergarten, including full-day  
4 kindergarten, elementary school, or secondary school in which he  
5 is lawfully enrolled, provided that such school is not operated  
6 for profit and is located within the district boundaries or  
7 outside the district boundaries at a distance not exceeding ten  
8 miles by the nearest public highway, except that such ten-mile  
9 limit shall not apply to area career and technical schools which  
10 regularly serve eligible district pupils or to special schools  
11 and classes approved by the Department of Education, and to and  
12 from any points within or without the Commonwealth in order to  
13 provide field trips for any purpose connected with the  
14 educational pursuits of the pupils. When provision is made by a  
15 board of school directors for the transportation of public  
16 school pupils to and from such schools or to and from any points  
17 within or without the Commonwealth in order to provide field  
18 trips as herein provided, the board of school directors shall  
19 also make identical provision for the free transportation of  
20 pupils who regularly attend nonpublic kindergarten, elementary  
21 and high schools not operated for profit to and from such  
22 schools or to and from any points within or without the  
23 Commonwealth in order to provide field trips as herein provided.  
24 Such transportation of pupils attending nonpublic schools shall  
25 be provided during regular school hours on such dates and  
26 periods that the nonpublic school not operated for profit is in  
27 regular session, according to the school calendar officially  
28 adopted by the directors of the same in accordance with  
29 provisions of law. The board of school directors shall provide  
30 such transportation whenever so required by any of the

1 provisions of this act or of any other act of Assembly.

2 (1.1) Nothing in this section shall be construed to prohibit  
3 a board of school directors from entering into an agreement with  
4 another school district in the same intermediate unit to provide  
5 for the free transportation of resident and nonresident pupils  
6 enrolled in full-day kindergarten jointly in accordance with  
7 regulations of the State Board of Education.

8 (2) The board of school directors in any school district  
9 may, if the board deems it to the best interest of the school  
10 district, for the purposes of transporting pupils as required or  
11 authorized by any of the provisions of this act or of any other  
12 act of the Assembly, appropriate funds for urban common carrier  
13 mass transportation purposes from current revenues to urban  
14 common carrier mass transportation authorities to assist the  
15 authorities to meet costs of operation, maintenance, capital  
16 improvements, and debt service. Said contributions shall not be  
17 subject to reimbursement by the Commonwealth of Pennsylvania.

18 (3) The State Board of Education shall adopt regulations,  
19 including qualifications of school bus drivers, to govern the  
20 transportation of school pupils[.] and transportation of pupils  
21 enrolled in full-day kindergarten by and between school  
22 districts in the same intermediate unit.

23 Section 4. Article XV-D of the act is amended by adding a  
24 subarticle to read:

25 (c) Full-Day Kindergarten

26 Section 1520-D. Findings and purpose.

27 The General Assembly finds and declares that:

28 (1) Numerous national and international studies have  
29 found that high-quality early childhood education gives  
30 children the best possible start in life.

1       (2) The studies conclude that early childhood education,  
2 inherent in full-day kindergarten, is essential to supporting  
3 the cognitive, social, emotional and physical development of  
4 young children.

5       (3) Kindergarten is essential to ensuring the school  
6 readiness of children when they enter first grade.

7       (4) Full-day kindergarten should be established and  
8 implemented as a formal, integral component of basic  
9 education instruction in the public school system of this  
10 Commonwealth.

11       (5) The purpose of this subarticle is to provide for the  
12 development of a State plan to facilitate the establishment  
13 and implementation of full-day kindergarten in this  
14 Commonwealth.

15 Section 1521-D. Definitions.

16       The following words and phrases when used in this subarticle  
17 shall have the meanings given to them in this section unless the  
18 context clearly indicates otherwise:

19       "Approved provider." A full-day kindergarten provider that  
20 is:

21           (1) a school entity;

22           (2) a Head Start program as defined under section 1501-  
23 D; or

24           (3) a private provider approved by the department.

25       "Charter school." As defined under section 1703-A.

26       "Committee." The Full-Day Kindergarten Implementation  
27 Advisory Committee established under section 1523-D.

28       "Department." The Department of Education of the  
29 Commonwealth.

30       "Eligible student." A child between three and five years of

1 age who is a resident of a school district.

2 "Full-day kindergarten." A program of instruction for  
3 children between three and five years of age that conforms to  
4 the regulations, rules and standards adopted by the department  
5 in accordance with the requirements of this subarticle.

6 "Intermediate unit." The regional arrangements of school  
7 districts to serve given geographic areas in accordance with  
8 section 902-A.

9 "Program." A full-day kindergarten.

10 "School district." Includes school districts of all classes.

11 "School entity." Any public school district, intermediate  
12 unit, area career and technical school or charter school.

13 "Secretary." The Secretary of Education of the Commonwealth.

14 "State plan" or "plan." The plan developed by the department  
15 for the establishment and implementation of full-day  
16 kindergarten by school districts in this Commonwealth.

17 Section 1522-D. Authority, powers and duty of department.

18 (a) Authorization to develop plan.--

19 (1) Notwithstanding any other provision of law or  
20 regulation to the contrary, the department, in collaboration  
21 with the committee, shall develop a State plan for the  
22 establishment and implementation of full-day kindergarten for  
23 eligible students in each school district in this  
24 Commonwealth. The plan developed by the department shall be  
25 based on the recommendations of the committee established  
26 under section 1523-D(a).

27 (2) A school district may satisfy the requirements of  
28 this subarticle by offering full-day kindergarten jointly  
29 with another school district in the same intermediate unit or  
30 with an approved provider in accordance with regulations

1 adopted and promulgated by the State Board of Education.

2 (3) The plan developed by the department in accordance  
3 with paragraph (1) shall make full-day kindergarten available  
4 to eligible students in this Commonwealth by the 2024-2025  
5 school year.

6 (b) Duties of department.--The department shall have the  
7 following powers and duties:

8 (1) To develop a State plan in collaboration with the  
9 committee for the establishment and implementation of full-  
10 day kindergarten in accordance with subsection (a).

11 (2) To adopt and promulgate rules and regulations  
12 necessary to carry out the provisions of this subarticle.  
13 Regulations promulgated by the department shall be subject to  
14 the act of July 31, 1968 (P.L.769, No.240), referred to as  
15 the Commonwealth Documents Law, and the act of June 25, 1982  
16 (P.L.633, No.181), known as the Regulatory Review Act. The  
17 regulations shall include, but not be limited to, the  
18 following:

19 (i) Standards for full-day kindergarten.

20 (ii) The minimum number of instructional hours  
21 required for full-day kindergarten.

22 (iii) Standards and procedures to govern the  
23 operation of full-day kindergarten by a school district  
24 jointly with another school district or school districts  
25 in the same intermediate unit.

26 (iv) Standards and procedures that a school district  
27 must follow to contract with approved providers of full-  
28 day kindergarten.

29 Section 1523-D. Full-Day Kindergarten Implementation Advisory  
30 Committee.



1 (a) Establishment.--The Full-Day Kindergarten Implementation  
2 Advisory Committee is established for the purpose of assisting  
3 and advising the department in the development and  
4 implementation of a State plan for full-day kindergarten in  
5 school districts in this Commonwealth by the 2024-2025 school  
6 year in accordance with section 1524-D(a). The committee shall  
7 be staffed by employees of the department as designated by the  
8 secretary.

9 (b) Membership of advisory committee.--

10 (1) Except as provided in subsection (c), the secretary  
11 shall determine the public membership, terms of service and  
12 organization of the committee and shall appoint the public  
13 members of the committee in accordance with paragraph (2).

14 (2) In appointing the membership of the committee, the  
15 secretary shall ensure geographic and demographic diversity  
16 in membership, including individuals representing rural and  
17 urban areas of this Commonwealth. The secretary shall ensure  
18 that the composition of the committee includes the following:

19 (i) Three individuals representing boards of school  
20 directors.

21 (ii) Two early childhood education teachers.

22 (iii) Two individuals who have expertise in early  
23 childhood development.

24 (iv) One individual representing charter schools.

25 (v) Two individuals representing special education.

26 (vi) Three individuals, including at least two from  
27 academia, who by reason of employment or profession, have  
28 proven expertise in early childhood education and one who  
29 shall have expertise in English as a second language.

30 (vii) Two individuals representing the business

1 community.

2 (viii) Two parents or guardians.

3 (c) Legislative appointments.--

4 (1) The following shall apply:

5 (i) The Majority Leader of the Senate and the  
6 Minority Leader of the Senate shall each appoint one  
7 Senator to serve as a nonvoting member of the committee.

8 (ii) The Majority Leader of the House of  
9 Representatives and the Minority Leader of the House of  
10 Representatives shall each appoint one representative to  
11 serve as a nonvoting member of the committee.

12 (2) Legislative appointees shall be nonvoting members of  
13 the committee and shall serve in an advisory capacity only.

14 (d) Chairperson.--The secretary shall serve as chairperson  
15 of the committee and may appoint a designee to serve as acting  
16 chairperson in his or her absence.

17 (e) Quorum, voting and meetings of committee.--

18 (1) A majority of the public members of the committee  
19 shall constitute a quorum for the transaction of business.

20 (2) Official action by the committee shall require the  
21 approval of a majority of the voting members of the  
22 committee.

23 (3) When a vacancy occurs in public membership for any  
24 cause, the secretary shall make an appointment to fill the  
25 vacancy to become effective immediately.

26 (4) The committee shall meet at times and places  
27 specified by the call of the chair.

28 (5) The committee may adopt rules as the committee  
29 determines necessary and appropriate for the work and  
30 operation of the committee.

1 (f) Compensation.--

2 (1) Members of the committee appointed in accordance  
3 with subsection (b) shall not be entitled to compensation or  
4 reimbursement for expenses and shall serve as volunteers on  
5 the committee except that public members may be reimbursed  
6 for expenses incurred in the official discharge of duties as  
7 members of the committee in accordance with Commonwealth  
8 policy governing executive agencies under the jurisdiction of  
9 the Governor.

10 (2) Legislative appointees of the committee shall not be  
11 entitled to a per diem for service on the committee.  
12 Reimbursement for mileage expenses or any other expense  
13 incurred due to the work of the committee shall be at the  
14 discretion of the legislative appointees' appointing  
15 authority.

16 (g) Cooperation required.--Notwithstanding any other law or  
17 regulation to the contrary, all agencies of State government and  
18 all school entities shall assist the committee in the  
19 performance of the committee's duties and shall, to the extent  
20 permitted by laws relating to confidentiality, furnish  
21 assistance, advice and information as the members of the  
22 committee consider necessary to perform the committee's duties.

23 (h) Duty to provide resources.--In addition to the  
24 requirements of section 1524-D, the committee shall provide  
25 school entities with resources, including technical expertise  
26 related to capital needs, enrollment trends, funding  
27 requirements, best practices for providing full-day kindergarten  
28 and other information a school entity may require to determine  
29 the following:

30 (1) whether a school district should implement a full-

1 day kindergarten or contract with an approved provider;

2 (2) whether a full-day kindergarten should be  
3 implemented jointly with another school district in the same  
4 intermediate unit; and

5 (3) how to implement a full-day kindergarten.

6 Section 1524-D. Duties of committee and development of State  
7 plan.

8 (a) Development of plan.--The committee shall assist the  
9 department with the development of a plan to facilitate the  
10 implementation of a full-day kindergarten by the board of school  
11 directors in each school district in this Commonwealth.

12 (b) Content of plan.--The plan shall include, but not be  
13 limited to, the following:

14 (1) A description of the full-day kindergarten that will  
15 be developed and implemented and how it will:

16 (i) support students' cognitive, social, emotional  
17 and physical development; and

18 (ii) ensure school readiness.

19 (2) A statement of the goals for the full-day  
20 kindergarten and how the goals will be measured through  
21 program outcomes and other means.

22 (3) A description of how the department will involve  
23 representatives of approved providers that administer early  
24 learning programs addressing children between three and five  
25 years of age.

26 (4) A description of how the department will coordinate  
27 with existing federally funded programs, including the Head  
28 Start program, State-funded prekindergarten, including the  
29 Pre-K Counts Program as defined under section 1511-D, public  
30 school programs and child care providers.

1           (5) A plan that would allow a school district or several  
2 school districts in the same intermediate unit to partner  
3 with philanthropic investors and private sector investors to  
4 develop and implement strategies designed to secure private  
5 sector capital to fund full-day kindergarten.

6           (6) A comprehensive financial analysis of:

7           (i) specific State taxes imposed under the act of  
8 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code  
9 of 1971;

10          (ii) the rate at which taxes under subparagraph (i)  
11 could be increased; and

12          (iii) an estimate of the revenue that could be  
13 generated to fund full-day kindergarten.

14          (7) A plan to address the shortages of qualified early  
15 childhood education teachers, including how to increase  
16 compensation to that comparable to public school teachers.

17          (8) How the department will provide ongoing professional  
18 development opportunities to help increase the number of  
19 teachers in early childhood education programs who meet the  
20 State's education or credential requirements for kindergarten  
21 teachers.

22          (9) A plan to address how the programs will meet the  
23 needs of children with disabilities, limited English  
24 proficiency and other special needs.

25          (10) A plan to provide transportation for children to  
26 and from the programs.

27          (11) A plan to ensure that parents and guardians of  
28 children enrolled in the program are actively involved with  
29 and engaged in the child's education.

30          (c) Report.--The committee shall:

1       (1) Submit a comprehensive report of the committee's  
2 findings to the department.

3       (2) Submit proposed legislation containing the  
4 committee's statutory recommendation for full-day  
5 kindergarten to the department, the chairperson and minority  
6 chairperson of the Education Committee of the Senate and the  
7 chairperson and minority chairperson of the Education  
8 Committee of the House of Representatives no later than  
9 January 1, 2024.

10 (d) Content of report.--The report and proposed legislation  
11 shall:

12       (1) Establish a method for providing funding for full-  
13 day kindergarten to school districts.

14       (2) Include options for implementation of full-day  
15 kindergarten.

16       (3) Consider the feasibility of developing and  
17 implementing pilot programs in geographically diverse school  
18 districts in this Commonwealth.

19       (4) Consider options for phasing in funding described in  
20 paragraph (1).

21       (5) Not consider any other issues or proposed  
22 legislation that is not directly and specifically related to  
23 the establishment and implementation of full-day  
24 kindergarten.

25 Section 1525-D. Local requirements.

26       (a) Duties of school districts.--A school district shall  
27 provide kindergarten facilities free of charge for eligible  
28 students residing in the school district by operating the  
29 facilities either singly or jointly with other school districts  
30 in the same intermediate unit or by contracting with an approved

1 provider in accordance with regulations of the State Board of  
2 Education.

3 (b) General requirements and approved providers.--An  
4 approved provider receiving funding under this subarticle shall:

5 (1) Maintain a maximum class size of no more than 18  
6 children.

7 (2) Maintain a ratio of no more than 10 children for  
8 each member of the teaching staff.

9 (3) Ensure that all kindergarten teachers meet State  
10 certification requirements in accordance with the  
11 requirements of this subarticle.

12 (4) Meet all health and safety standards as required by  
13 the department.

14 (c) Duties of certain approved providers.--An approved  
15 provider that is not a school entity under this subarticle shall  
16 submit an application to the department. The application shall  
17 contain all of the following:

18 (1) A description of the full-day kindergarten to be  
19 provided.

20 (2) A statement demonstrating the need for a program or  
21 an enhanced or expanded program in the area served by the  
22 approved provider.

23 (3) A description of the age-appropriate educational  
24 curriculum and student outcomes and developmentally  
25 appropriate educational curriculum and student outcomes.

26 (4) A description of how the approved provider will  
27 collaborate with existing community-based child care  
28 providers, school entities, Head Start programs and other  
29 providers of early learning programs, as appropriate.

30 (5) A description of how students and families will be

1 assisted in obtaining any needed social and human services.

2 (6) A plan to promote and achieve parental and guardian  
3 involvement in the program.

4 (7) A description of how teachers will receive ongoing  
5 professional development in early childhood development and  
6 early childhood education.

7 (8) Any other information the department may require.

8 Section 1526-D. Professional development.

9 (a) Availability of funding.--The department may provide a  
10 portion of any funds made available under this subarticle for  
11 ongoing professional development activities for kindergarten  
12 teachers.

13 (b) Use of funds.--Any funds that may be made available to  
14 approved providers under this section shall be used for ongoing  
15 professional development to accomplish the following:

16 (1) Provide kindergarten teachers and staff with the  
17 knowledge and skills for the application of recent research  
18 on child cognitive, social, emotional and physical  
19 development, including, but not limited to, language and  
20 literacy development and early childhood pedagogy.

21 (2) Work with children enrolled in full-day kindergarten  
22 who have limited English proficiency, disabilities and other  
23 special needs.

24 (3) Select and use developmentally appropriate screening  
25 and diagnostic assessments to improve teaching and learning  
26 and make appropriate referrals for services to support the  
27 development and learning of children in full-day  
28 kindergarten.

29 (4) Provide the cost of education needed to obtain a  
30 credential or degree with specific training in early



1 childhood development or education, if approved through  
2 regulation of the department.

3 Section 5. The amendment of sections 503, 1301, 1326 and  
4 1361 of the act shall apply beginning with the 2024-2025 school  
5 year.

6 Section 6. This act shall take effect immediately.