
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1203 Session of
2013

INTRODUCED BY BREWSTER, WASHINGTON AND FONTANA, DECEMBER 4, 2013

REFERRED TO EDUCATION, DECEMBER 4, 2013

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 early learning programs, providing
6 for Prepare All Kids program.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Article XV-D of the act of March 10, 1949
10 (P.L.30, No.14), known as the Public School Code of 1949, is
11 amended by adding a subarticle to read:

12 (c) Prepare All Kids Program

13 Section 1521-D. Definitions.

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

17 "Child." An individual between the ages of birth and the
18 legal entry age for kindergarten.

19 "Department." The Department of Education of the
20 Commonwealth.

1 "Federal act." An act of the Federal Government that is
2 enacted following the effective date of this section and that:

3 (1) Awards Federal grants to states to pay for the
4 Federal share of the cost incurred by states in awarding
5 grants to qualified prekindergarten providers to establish,
6 expand or enhance voluntary high-quality full-day
7 prekindergarten programs for children who are ages three
8 through five.

9 (2) Requires states that receive a Federal grant to set
10 aside funds from the grant to:

11 (i) Establish high-quality early childhood
12 development programs for children from birth through age
13 three.

14 (ii) Create extended day and extended year programs
15 by extending the operating hours of early childhood
16 development programs.

17 "Federal grant." A grant issued under the Federal act by the
18 Secretary of the United States Department of Education to the
19 Department of Education.

20 "Full day." A prekindergarten program that provides no fewer
21 than five hours of instructional activities per day.

22 "Grant." A grant issued by the Department of Education to a
23 qualified prekindergarten provider from the funds received in a
24 Federal grant.

25 "Program." The Prepare All Kids program established by this
26 subarticle.

27 "Qualified prekindergarten provider." A provider of a
28 prekindergarten program, a Head Start agency, a provider of a
29 child care program, a school or other entity that provides
30 prekindergarten services for eligible children that:

1 (1) Is in existence on the date of the qualification
2 determination for a grant.

3 (2) Has demonstrated experience in providing early
4 childhood education services to children.

5 (3) Has met applicable State or local requirements that
6 are designed to protect the health and safety of children and
7 are applicable to child care providers or similar health and
8 safety standards for public elementary and secondary schools.

9 "Poverty line." The meaning given to the term in section
10 673(2) of the Community Services Block Grant Act (Public Law 97-
11 35, 42 U.S.C. § 9902(2)) and includes any revision required by
12 the section.

13 "Prekindergarten program." A program that:

14 (1) Serves children who are three years of age through
15 the entry age for kindergarten.

16 (2) Addresses all domains, including children's
17 cognitive, social, emotional and physical development and
18 approaches to learning.

19 (3) Helps prepare such children for a successful
20 transition to kindergarten.

21 "Prekindergarten teacher." An individual who:

22 (1) Teaches in a prekindergarten program.

23 (2) Either:

24 (i) has a baccalaureate degree with a specialization
25 in early education or early childhood development; or

26 (ii) continues to work on completing a baccalaureate
27 degree with a specialization in early childhood education
28 or early childhood development during the six-year period
29 immediately following the employment of the individual as
30 a teacher in the prekindergarten program.

1 "Secretary." The Secretary of the United States Department
2 of Education.

3 "State advisory council." The State Advisory Council on
4 Early Childhood Education and Care established for the
5 Commonwealth under section 642B of the Head Start Act (Public
6 Law 97-35, 42 U.S.C. § 9837b).
7 Section 1522-D. Prepare All Kids Program.

8 (a) Establishment.--The Prepare All Kids Program is
9 established to provide eligible children with increased access
10 to high-quality early education. The program shall be separate
11 from, and in addition to, the services and funding provided
12 under subarticles (a) and (b).

13 (b) Administration.--The department shall administer the
14 program consistent with Federal guidelines established under the
15 Federal act.

16 (c) Coordination.--The department shall coordinate the
17 administration of the program with the Department of Public
18 Welfare and the Department of Health.

19 (d) Powers and duties of department.--The department shall
20 have the following powers and duties:

21 (1) To promulgate regulations and establish guidelines
22 and standards necessary to implement this subarticle. In
23 promulgating the initial regulations, the department shall
24 follow the procedures provided in the act of July 31, 1968
25 (P.L.769, No.240), referred to as the Commonwealth Documents
26 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
27 the Regulatory Review Act, for promulgation and review of
28 final omitted regulations. Subsequent regulations promulgated
29 under this subarticle or amendments to the initial
30 regulations may not be in final-omitted form.

1 (2) To apply for and receive a Federal grant and to
2 administer the funds received from the Federal grant.

3 (3) To establish a process through which eligible
4 providers may apply for grant funds, allowable and required
5 grant uses and per-student funding levels and the criteria
6 used to identify qualified prekindergarten providers for
7 grant funds.

8 (4) To encourage the development and maintenance of
9 community coordination and partnerships.

10 (5) To perform all other functions necessary to carry
11 out the program including the monitoring of approved
12 providers.

13 (6) To enter into agreements with third-party entities
14 to carry out the provisions of this subarticle.

15 (7) To publish the process through which eligible
16 providers may apply for grant funds, the criteria used to
17 identify approved providers for grant funds and the per-
18 student funding levels of approved providers, by county, on
19 the department's publicly accessible Internet website and in
20 the Pennsylvania Bulletin, within 60 days of the effective
21 date of this section.

22 (8) To prepare and submit to the secretary an annual
23 report detailing the effectiveness of all prekindergarten
24 programs funded under this subarticle in accordance with the
25 guidelines established under the Federal act.

26 Section 1523-D. Program funding.

27 (a) Application.--The department shall submit an application
28 for a Federal grant in accordance with the Federal guidelines
29 established under the Federal act, including the following:

30 (1) An assurance that the department will award grants

1 for prekindergarten programs in amounts that are sufficient
2 to provide a high-quality prekindergarten experience.

3 (2) An assurance that not less than 25% of the qualified
4 prekindergarten providers receiving the grants will be
5 providers of community-based programs.

6 (3) A description of the number of children in this
7 Commonwealth who are eligible for the prekindergarten
8 programs and the needs that will be served through the
9 prekindergarten programs.

10 (4) A description of how the department will ensure that
11 the grants are awarded to a wide range of types of qualified
12 prekindergarten providers.

13 (5) A description of how the department will collaborate
14 and coordinate activities with the State Advisory Council,
15 State-funded providers of prekindergarten programs, providers
16 of federally funded programs such as Head Start agencies,
17 school entities and child care providers.

18 (6) A description of how the department will ensure
19 through a monitoring process that qualified prekindergarten
20 providers that receive a grant under this subarticle will
21 provide prekindergarten programs that meet the standards of
22 high-quality early education and use the funds appropriately.

23 (7) A description of how the department will meet the
24 needs of the most disadvantaged students, including families
25 at or below 200% of the poverty line.

26 (8) A description of how the department will meet the
27 needs of working parents.

28 (9) A description of how the department will assist in
29 providing professional development assistance to
30 prekindergarten teachers and teacher aides.

1 (b) Specific funding set-asides.--

2 (1) The department shall set aside not less than 15% of
3 the funds received under a Federal grant for the purpose of
4 funding high-quality early childhood development programs for
5 children from birth through age three in accordance with the
6 Federal guidelines established under the Federal act.

7 (2) The department shall set aside not less than 10% of
8 the funds received under a Federal grant for the purpose of
9 extending the hours of early childhood development programs
10 to create extended day and extended year programs in
11 accordance with Federal guidelines established under the
12 Federal act.

13 (c) Administrative costs.--Not more than 5% of the funds
14 received under the Federal grant may be used for administrative
15 costs, including monitoring.

16 Section 1524-D. Grant awards.

17 (a) General rule.--The department shall award grants to
18 establish, expand or enhance voluntary high-quality full-day
19 prekindergarten programs, as provided under this subarticle. The
20 grants shall be awarded on a per-student basis for each eligible
21 student served by an approved provider and shall not exceed the
22 per-student cost of administering the approved provider's
23 prekindergarten program.

24 (b) Priority.--To the greatest extent possible, the
25 department shall give priority in grant funding to approved
26 providers serving children from low-income families and children
27 with special needs.

28 Section 1525-D. Qualified prekindergarten providers.

29 (a) Application.--To receive a grant under this subarticle,
30 a qualified prekindergarten provider must submit an application

1 to the department in the time, manner and containing such
2 information as the department may deem appropriate. The
3 application shall include the following descriptions:

4 (1) The manner in which the qualified prekindergarten
5 provider will meet the needs of the children to be served,
6 including:

7 (i) Children with a disability.

8 (ii) Children whose native language is not English.

9 (iii) Children with other special needs.

10 (iv) Children in the foster care system of the
11 Commonwealth.

12 (v) Homeless children.

13 (2) The manner in which the qualified prekindergarten
14 provider will serve eligible children who are not served
15 through other similar services of programs.

16 (3) A plan for actively involving parents and families
17 in the prekindergarten program and the success of their
18 children in the program.

19 (4) The manner by which children in the prekindergarten
20 program, and their parents and families, will receive
21 referrals to or assistance with accessing supportive services
22 provided within the community.

23 (5) The manner in which the qualified prekindergarten
24 provider collaborates with the State Advisory Council on
25 Early Childhood Education and Care.

26 (b) Use of funds.--

27 (1) A qualified prekindergarten provider that receives a
28 grant under this subarticle shall use the funds received from
29 the grant to establish, expand or enhance prekindergarten
30 programs for children who are three years of age through five

1 years of age, including the following:

2 (i) The program must support children's cognitive,
3 social, emotional and physical development and approaches
4 to learning and help prepare children for a successful
5 transition to kindergarten.

6 (ii) The program must purchase educational
7 equipment, including educational materials, necessary to
8 provide a high-quality prekindergarten program.

9 (2) A qualified prekindergarten provider that receives a
10 grant under this subarticle may use funds received from the
11 grant for the following purposes:

12 (i) Extend part-day prekindergarten programs to
13 full-day prekindergarten programs and year-round
14 programs.

15 (ii) Pay transportation costs for enrolled children
16 to and from a prekindergarten program.

17 (iii) Provide professional development assistance to
18 prekindergarten teachers and teacher aides.

19 (3) Funds received under this subarticle shall not be
20 used for any of the following purposes:

21 (i) Assessments that provide or lead to rewards or
22 sanctions for individual children, teachers, programs or
23 schools.

24 (ii) A single assessment used as the primary or sole
25 method for assessing program effectiveness.

26 (iii) Evaluating children other than for the
27 following purposes:

28 (A) Improving instruction or classroom
29 environment.

30 (B) Targeting high-quality, evidence-based

1 professional development.

2 (C) Determining the need for health, mental
3 health, disability or family support services.

4 (D) Informing the quality improvement process at
5 the State level.

6 (E) Evaluating the program for the purposes of
7 program improvement and parent information.

8 (F) Conducting research that is part of a
9 national evaluation.

10 (c) Duties of qualified prekindergarten provider.--

11 (1) A qualified prekindergarten provider that receives a
12 grant under this subarticle shall provide a high-quality
13 prekindergarten program that complies with the following:

14 (i) The maximum class size for a prekindergarten
15 classroom shall not exceed 20 children.

16 (ii) Each prekindergarten classroom shall have at
17 least one prekindergarten teacher assigned to that
18 classroom.

19 (iii) The ratio of children to prekindergarten
20 teacher and teacher aides shall not exceed ten-to-one.

21 (2) A qualified prekindergarten provider that receives
22 grant funds under this subarticle shall have the following
23 duties:

24 (i) Maintain separate accounts in its budget to
25 facilitate monitoring and auditing of the use of grant
26 funds. If the qualified prekindergarten provider is a
27 school district, the school district may not place grant
28 funds into a reserve account. In no case shall a
29 qualified prekindergarten provider use grant funds for
30 administrative costs as defined by the department.

1 (ii) Plan to provide no fewer than 180 days of full-
2 day prekindergarten program over the course of the school
3 year.

4 (iii) Align the prekindergarten programs curriculum
5 with standards established by the department for a high-
6 quality prekindergarten program. Such standards shall
7 comply with Federal guidelines.

8 (3) Each qualified prekindergarten provider that
9 receives a grant under this subarticle shall submit an annual
10 report to the department. The report shall include the
11 following:

12 (i) Data specifying the number, ages, race, gender,
13 disability and native language of enrolled children and
14 the family income.

15 (ii) A description of the following:

16 (A) The curriculum used by the prekindergarten
17 program.

18 (B) The manner in which curriculum supports the
19 enrolled children's cognitive, social, emotional and
20 physical development and approaches to learning.

21 (C) The manner in which the curriculum is
22 appropriate for children of the culture, language and
23 ages of the children served.

24 (iii) A statement of all sources of funding received
25 by the program, including Federal, State, local and
26 private funds.

27 Section 1526-D. Reports by department.

28 (a) Report to secretary.--The department shall submit a
29 report to the secretary detailing the effectiveness of all
30 prekindergarten programs funded under this subarticle in

1 accordance with Federal guidelines.

2 (b) Report to General Assembly.--

3 (1) Not later than one year, and each year thereafter in
4 which the department applies for and receives a Federal
5 grant, the department shall submit a report to the chairman
6 and minority chairman of the Appropriations Committee of the
7 Senate, the chairman and minority chairman of the Education
8 Committee of the Senate, the chairman and minority chairman
9 of the Appropriations Committee of the House of
10 Representatives and the chairman and minority chairman of the
11 Education Committee of the House of Representatives
12 summarizing the operation of the program in the immediately
13 preceding year.

14 (2) The report required under paragraph (1) shall
15 include the following:

16 (i) A description of the program operation,
17 including the following:

18 (A) The criteria used to determine
19 prekindergarten provider eligibility for funding
20 under the program.

21 (B) The criteria used to determine the amount of
22 grant funds paid to eligible prekindergarten
23 providers.

24 (C) A summary of the process used by eligible
25 prekindergarten providers to apply for grant funds,
26 including sample copies of all application forms,
27 instructions, guidelines and deadlines.

28 (ii) A summary of the total amount of grant funds
29 paid to approved prekindergarten providers.

30 (iii) A summary of allowable uses of grant funds

1 under the program.

2 (iv) A description of the assessments used to
3 measure the academic progress of eligible children served
4 through the program.

5 (v) A listing by county of each eligible
6 prekindergarten provider submitting a grant application
7 and an indication whether the eligible prekindergarten
8 provider received funding and the amount of the funding.

9 (vi) For each approved prekindergarten provider, a
10 report by county indicating the name, address and the
11 total number of eligible children receiving
12 prekindergarten services, itemized to identify:

13 (A) The number of eligible children receiving
14 services through the program.

15 (B) The number of eligible children receiving
16 services through the State Head Start Supplemental
17 Assistance and the Federal Head Start programs.

18 (C) The number of eligible children receiving
19 services through the Pre-K Counts program.

20 (D) The number of eligible children receiving
21 services as a result of tuition paid by the parent or
22 guardian.

23 (vii) For each approved prekindergarten provider, a
24 report by county indicating the following:

25 (A) Of the eligible children served through the
26 program, the total number of children who are in each
27 of the following categories: less than one year of
28 age; one year of age; two years of age; three years
29 of age; four years of age; and five years of age.

30 (B) The use or uses of the grant funds.

1 (C) The assessment of academic progress of each
2 eligible child.

3 (D) To the extent possible, a financial summary
4 indicating the total expenditures of each approved
5 prekindergarten provider and indicating as components
6 of those expenditures the total revenues received
7 from the Commonwealth through early childhood
8 programs administered by the Department of Public
9 Welfare and the total revenues received from the
10 Commonwealth under the program.

11 (E) The enrollment goals as specified in the
12 grant application.

13 Section 1527-D. Regulations.

14 The department shall promulgate such regulations and
15 standards as are necessary to implement and administer this
16 subarticle.

17 Section 2. This act shall take effect in 60 days.