

113TH CONGRESS
1ST SESSION

H. R. 1368

To assist States in providing voluntary high-quality universal prekindergarten programs and programs to support infants and toddlers.

IN THE HOUSE OF REPRESENTATIVES

MARCH 21, 2013

Mrs. CAROLYN B. MALONEY of New York (for herself and Ms. SCHWARTZ) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To assist States in providing voluntary high-quality universal prekindergarten programs and programs to support infants and toddlers.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Prepare All Kids Act
5 of 2013”.

6 **SEC. 2. HIGH-QUALITY PREKINDERGARTEN PROGRAMS.**

7 Title I of the Elementary and Secondary Education
8 Act of 1965 (20 U.S.C. 6301 et seq.) is amended—

9 (1) by redesignating part I as part J; and

1 (2) by inserting after part H the following:

2 **“PART I—HIGH-QUALITY PREKINDERGARTEN**
3 **PROGRAMS**

4 **“SEC. 1841. FINDINGS.**

5 “Congress makes the following findings:

6 “(1) Investments in children and early child-
7 hood development education should be a national
8 priority.

9 “(2) State-funded preschool is the most rapidly
10 expanding segment of the United States educational
11 system, but in many States a lack of stable funding
12 poses an enormous threat to the provision or con-
13 tinuation of high-quality preschool.

14 “(3) Researchers, educators, and economists
15 have long noted an achievement gap for low-income
16 and minority students as compared to their more ad-
17 vantaged peers that is often already evident when
18 children enter school for the first time.

19 “(4) One study showed that before entering
20 kindergarten, the average cognitive scores of pre-
21 school-age children in the highest socioeconomic
22 group are 60 percent above the average scores of
23 preschool-age children in the lowest socioeconomic
24 group.

1 “(5) For low-income preschoolers, research
2 shows that high-quality early education and develop-
3 ment is vital to closing the achievement gap between
4 them and their more advantaged peers.

5 “(6) Numerous studies have shown that high-
6 quality preschool programs—

7 “(A) improve a number of specific life out-
8 comes for children; and

9 “(B) are cost-effective.

10 “(7) The provision of high-quality prekindergarten
11 is a cost-effective investment for children and
12 for the Nation. Research shows that for every \$1 in-
13 vested in high-quality early childhood programs, tax-
14 payers save up to \$7 in crime, welfare, remedial and
15 special education, and other costs.

16 “(8) High-quality early education increases aca-
17 demic success for schoolchildren who received that
18 education by—

19 “(A) improving skills in areas such as fol-
20 lowing directions and problem solving;

21 “(B) improving students’ performance on
22 standardized tests;

23 “(C) reducing grade repetition;

24 “(D) reducing the number of students
25 placed in special education; and

1 “(E) increasing secondary school gradua-
2 tion rates.

3 “(9) High-quality early education promotes re-
4 sponsible behavior by teens and adults who received
5 that education by—

6 “(A) reducing crime, delinquency, and
7 unhealthy behaviors such as smoking and drug
8 use;

9 “(B) lowering rates of teen pregnancy;

10 “(C) leading to greater employment and
11 higher wages for adults; and

12 “(D) contributing to more stable families.

13 “(10) High-quality prekindergarten programs
14 prepare children to—

15 “(A) succeed in school;

16 “(B) achieve higher levels of education;
17 and

18 “(C) become citizens who—

19 “(i) earn more in adulthood;

20 “(ii) compete in the global economy;

21 and

22 “(iii) contribute to our national pros-
23 perity.

24 “(11) The gap in developmental progress prior
25 to preschool is significant for thousands of young

1 children, and needs to be addressed in order to have
2 a strong foundation for children’s progress in pre-
3 school and later years.

4 **“SEC. 1842. DEFINITIONS.**

5 “In this part:

6 “(1) CHILD.—The term ‘child’ means an indi-
7 vidual between the ages of birth and the legal entry
8 age for which the State provides free kindergarten.

9 “(2) FULL-DAY.—The term ‘full-day’ means a
10 school day that is equivalent to a full school day at
11 the public elementary schools in the State.

12 “(3) POVERTY LINE.—The term ‘poverty line’
13 has the meaning given the term in section 673(2) of
14 the Community Services Block Grant Act (42 U.S.C.
15 9902(2)) and includes any revision required by that
16 section.

17 “(4) PREKINDERGARTEN PROGRAM.—The term
18 ‘prekindergarten program’ means a program that—

19 “(A) serves children who have attained the
20 State’s legal age for State-funded prekindergarten;
21

22 “(B) addresses all domains, including chil-
23 dren’s cognitive, social, emotional, and physical
24 development and approaches to learning; and

1 “(C) helps prepare such children for a suc-
2 cessful transition to kindergarten.

3 “(5) PREKINDERGARTEN TEACHER.—The term
4 ‘prekindergarten teacher’ means an individual who
5 teaches in a prekindergarten program and—

6 “(A) has a baccalaureate degree with a
7 specialization in early childhood education or
8 early childhood development; or

9 “(B) during the 6-year period following the
10 first date on which the individual is employed
11 as a teacher in a prekindergarten program as-
12 sisted under this part, is working toward such
13 degree.

14 “(6) QUALIFIED PREKINDERGARTEN PRO-
15 VIDER.—The term ‘qualified prekindergarten pro-
16 vider’ includes a provider of a prekindergarten pro-
17 gram, a Head Start agency, a provider of a child
18 care program, a school, or other entities providing
19 prekindergarten services for eligible children that—

20 “(A) is in existence on the date of the
21 qualification determination;

22 “(B) has demonstrated experience in pro-
23 viding early childhood education services to chil-
24 dren; and

1 “(C) has met applicable requirements
2 under State or local law that are designed to
3 protect the health and safety of children and
4 that are applicable to child care providers, or
5 similar health and safety standards for public
6 elementary and secondary schools.

7 “(7) STATE ADVISORY COUNCIL ON EARLY
8 CHILDHOOD EDUCATION AND CARE.—The term
9 ‘State Advisory Council on Early Childhood Edu-
10 cation and Care’ means the State Advisory Council
11 on Early Childhood Education and Care designated
12 or established under section 642B of the Head Start
13 Act (42 U.S.C. 9837b) for a State.

14 **“SEC. 1843. PROGRAM AUTHORIZATION.**

15 “(a) PREKINDERGARTEN INCENTIVE FUND.—The
16 Secretary of Education, in collaboration and consultation
17 with the Secretary of Health and Human Services, shall
18 create a Prekindergarten Incentive Fund, to be adminis-
19 tered by the Secretary of Education.

20 “(b) GRANTS.—In administering the Fund, the Sec-
21 retary shall award grants to eligible States based on a for-
22 mula established by the Secretary in accordance with sub-
23 section (c), to pay for the Federal share of the cost of
24 awarding subgrants to qualified prekindergarten providers

1 to establish, expand, or enhance voluntary high-quality
2 full-day prekindergarten programs.

3 “(c) **MINIMUM ALLOTMENT.**—No State shall receive
4 a grant allotment under subsection (b) for a fiscal year
5 that is less than one-half of 1 percent of the total amount
6 made available to carry out this part for such fiscal year.

7 **“SEC. 1844. STATE APPLICATIONS AND REQUIREMENTS.**

8 “(a) **DESIGNATED STATE AGENCY.**—To be eligible to
9 receive a grant under this part, a State shall designate
10 a State agency to administer the State program of assist-
11 ance for prekindergarten programs funded through the
12 grant, including receiving and administering funds and
13 monitoring the programs.

14 “(b) **STATE APPLICATION.**—In order for a State to
15 be eligible to receive a grant under this part, the des-
16 ignated State agency shall submit an application to the
17 Secretary at such time, in such manner, and containing
18 such information as the Secretary may reasonably require,
19 including—

20 “(1) an assurance that the State will award
21 subgrants for prekindergarten programs in amounts
22 that are sufficient to provide a high-quality pre-
23 kindergarten experience;

24 “(2) an assurance that not less than 25 percent
25 of the qualified prekindergarten providers receiving

1 such subgrants will be providers of community-based
2 programs;

3 “(3) a description of the number of children in
4 the State who are eligible for the prekindergarten
5 programs and the needs that will be served through
6 the prekindergarten programs;

7 “(4) a description of how the State will ensure
8 that the subgrants are awarded to a wide range of
9 types of qualified prekindergarten providers;

10 “(5) a description of how the designated State
11 agency will collaborate and coordinate activities with
12 the State Advisory Council on Early Childhood Edu-
13 cation and Care, State-funded providers of pre-
14 kindergarten programs, providers of federally funded
15 programs such as Head Start agencies, local edu-
16 cational agencies, and child care providers;

17 “(6) a description of how the State will ensure,
18 through a monitoring process, that qualified pre-
19 kindergarten providers receiving the subgrants pro-
20 vide prekindergarten programs that meet the stand-
21 ards of high-quality early education, and use funds
22 appropriately;

23 “(7) a description of how the State will meet
24 the needs of the most disadvantaged students, in-

1 including families at or below 200 percent of the pov-
2 erty line;

3 “(8) a description of how the State will meet
4 the needs of working parents; and

5 “(9) a description of how the State will assist
6 in providing professional development assistance to
7 prekindergarten teachers and teacher aides.

8 “(c) STATE AND FEDERAL CONTRIBUTIONS.—

9 “(1) FEDERAL SHARE.—The Federal share of
10 the cost described in section 1843(b) shall be 50
11 percent. The State shall provide the non-Federal
12 share of the cost in cash.

13 “(2) NON-FEDERAL SHARE.—The State shall
14 provide the non-Federal share of the cost described
15 in section 1843(b) in cash. A State may include, as
16 the State’s non-Federal share, State funds des-
17 ignated for State prekindergarten programs or to
18 supplement Head Start programs, but may not in-
19 clude any funds that are attributed as matching
20 funds, as part of a non-Federal share, or as a main-
21 tenance of effort requirement, for any other Federal
22 program.

23 “(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds
24 made available under this part may be used only to supple-
25 ment and not supplant other Federal, State, local, or pri-

1 vate funds that would, in the absence of the funds made
2 available under this part, be made available for early child-
3 hood programs.

4 “(e) MAINTENANCE OF EFFORT.—A State that re-
5 ceives a grant under this part for a fiscal year shall main-
6 tain the expenditures of the State for early childhood pro-
7 grams at a level not less than the level of such expendi-
8 tures of the State for the preceding fiscal year.

9 **“SEC. 1845. STATE SET ASIDES AND EXPENDITURES.**

10 “(a) INFANT AND TODDLER SET ASIDE.—Notwith-
11 standing section 1843, a State shall set aside not less than
12 15 percent of the funds made available through a grant
13 awarded under this part for the purpose of funding high-
14 quality early childhood development programs for children
15 from birth through age 3. Funds made available under
16 this subsection may also be used for professional develop-
17 ment for teachers and teacher aides in classrooms for chil-
18 dren from birth through age 3.

19 “(b) EXTENDED DAY AND EXTENDED YEAR SET
20 ASIDE.—Notwithstanding section 1843, a State shall set
21 aside not less than 10 percent of the funds made available
22 through a grant awarded under this part for the purpose
23 of extending the hours of early childhood development pro-
24 grams to create extended day and extended year pro-
25 grams.

1 “(c) ADMINISTRATIVE EXPENSES.—Not more than 5
2 percent of the funds made available through a grant
3 awarded under this part may be used for administrative
4 expenses, including monitoring.

5 **“SEC. 1846. LOCAL APPLICATIONS.**

6 “To be eligible to receive a subgrant under this part,
7 a qualified prekindergarten provider shall submit an appli-
8 cation to the designated State agency at such time, in such
9 manner, and containing such information as the agency
10 may reasonably require, including—

11 “(1) a description of how the qualified pre-
12 kindergarten provider will meet the diverse needs of
13 children in the community to be served, including
14 children with disabilities, children whose native lan-
15 guage is not English, children with other special
16 needs, children in the State foster care system, and
17 homeless children;

18 “(2) a description of how the qualified pre-
19 kindergarten provider will serve eligible children who
20 are not served through similar services or programs;

21 “(3) a description of a plan for actively involv-
22 ing parents and families in the prekindergarten pro-
23 gram and the success of their children in the pro-
24 gram;

1 “(4) a description of how children in the pre-
2 kindergarten program, and their parents and fami-
3 lies, will receive referrals to, or assistance with, ac-
4 cessing supportive services provided within the com-
5 munity;

6 “(5) a description of how the qualified pre-
7 kindergarten provider collaborates with the State
8 Advisory Council on Early Childhood Education and
9 Care and providers of other programs serving chil-
10 dren and families, including Head Start agencies,
11 providers of child care programs, and local edu-
12 cational agencies, to meet the needs of children,
13 families, and working families, as appropriate; and

14 “(6) a description of how the qualified pre-
15 kindergarten provider will collaborate with local edu-
16 cational agencies to ensure a smooth transition for
17 participating students from the prekindergarten pro-
18 gram to kindergarten and early elementary edu-
19 cation.

20 **“SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM RE-**
21 **QUIREMENTS.**

22 “(a) MANDATORY USES OF FUNDS.—A qualified pre-
23 kindergarten provider that receives a subgrant under this
24 part shall use funds received through the grant to estab-

1 lish, expand, or enhance prekindergarten programs for
2 children who are ages 3 through 5, including—

3 “(1) providing a prekindergarten program that
4 supports children’s cognitive, social, emotional, and
5 physical development and approaches to learning,
6 and helps prepare children for a successful transi-
7 tion to kindergarten; and

8 “(2) purchasing educational equipment, includ-
9 ing educational materials, necessary to provide a
10 high-quality prekindergarten program.

11 “(b) PERMISSIBLE USE OF FUNDS.—A qualified pre-
12 kindergarten provider that receives a subgrant under this
13 part may use funds received through the grant to—

14 “(1) extend part-day prekindergarten programs
15 to full-day prekindergarten programs and year-round
16 programs;

17 “(2) pay for transporting students to and from
18 a prekindergarten program; and

19 “(3) provide professional development assist-
20 ance to prekindergarten teachers and teacher aides.

21 “(c) PROGRAM REQUIREMENTS.—A qualified pre-
22 kindergarten provider that receives a subgrant under this
23 part shall carry out a high-quality prekindergarten pro-
24 gram by—

1 “(1) maintaining a maximum class size of 20
2 children, with at least 1 prekindergarten teacher per
3 classroom;

4 “(2) ensuring that the ratio of children to pre-
5 kindergarten teachers and teacher aides shall not ex-
6 ceed 10 to 1;

7 “(3) utilizing a prekindergarten curriculum that
8 is research- and evidence-based, developmentally ap-
9 propriate, and designed to support children’s cog-
10 nitive, social, emotional, and physical development,
11 and approaches to learning; and

12 “(4) ensuring that prekindergarten teachers
13 meet the requirements of this part.

14 **“SEC. 1848. REPORTING.**

15 “(a) **QUALIFIED PREKINDERGARTEN PROVIDER RE-**
16 **PORTS.**—Each qualified prekindergarten provider that re-
17 ceives a subgrant from a State under this part shall sub-
18 mit an annual report, to the designated State agency, that
19 reviews the effectiveness of the prekindergarten program
20 provided. Such annual report shall include—

21 “(1) data specifying the number and ages of en-
22 rolled children, and the family income, race, gender,
23 disability, and native language of such children;

24 “(2) a description of—

25 “(A) the curriculum used by the program;

1 “(a) Assessments that provide or lead to rewards or
2 sanctions for individual children, teachers, programs, or
3 schools.

4 “(b) A single assessment used as the primary or sole
5 method for assessing program effectiveness.

6 “(c) Evaluating children other than for—

7 “(1) improving instruction or classroom envi-
8 ronment;

9 “(2) targeting high-quality, evidence-based pro-
10 fessional development;

11 “(3) determining the need for health, mental
12 health, disability, or family support services;

13 “(4) informing the quality improvement process
14 at the State level;

15 “(5) program evaluation for the purposes of
16 program improvement and parent information; or

17 “(6) research conducted as part of a national
18 evaluation.

19 **“SEC. 1850. AUTHORIZATION OF APPROPRIATIONS.**

20 “‘There are authorized to be appropriated to carry out
21 this part such sums as may be necessary for fiscal years
22 2014 through 2018.’”.

1 **SEC. 3. CONFORMING AMENDMENTS.**

2 (a) TABLE OF CONTENTS.—The table of contents in
3 section 2 of the Elementary and Secondary Education Act
4 of 1965 is amended—

5 (1) by striking the item relating to the part
6 heading for part I of title I and inserting the fol-
7 lowing:

“PART J—GENERAL PROVISIONS”;

8 and

9 (2) by inserting after the item relating to sec-
10 tion 1830 the following:

“PART I—HIGH-QUALITY PREKINDERGARTEN PROGRAMS

“Sec. 1841. Findings.
“Sec. 1842. Definitions.
“Sec. 1843. Program authorization.
“Sec. 1844. State applications and requirements.
“Sec. 1845. State set asides and expenditures.
“Sec. 1846. Local applications.
“Sec. 1847. Local prekindergarten program requirements.
“Sec. 1848. Reporting.
“Sec. 1849. Prohibited use of assessments for young children.
“Sec. 1850. Authorization of appropriations.”.

11 (b) CONFORMING PROVISIONS.—Sections 1304(c)(2)
12 and 1415(a)(2)(C) of the Elementary and Secondary Edu-
13 cation Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C))
14 are each amended by striking “part I” and inserting “part
15 J”.

○