

114TH CONGRESS  
2D SESSION

# H. R. 6264

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

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IN THE HOUSE OF REPRESENTATIVES

SEPTEMBER 28, 2016

Mrs. CAROLYN B. MALONEY of New York introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 2016”.

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 F as part G; and

10 (2) by inserting after part E the following:

1     **“PART F—HIGH-QUALITY PREKINDERGARTEN**  
2                                     **PROGRAMS**

3     **“SEC. 1521. FINDINGS.**

4             “Congress makes the following findings:

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

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

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

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

24                    “(5) For low-income preschoolers, research  
25            shows that high-quality early education and develop-

1 ment is vital to closing the achievement gap between  
2 them and their more advantaged peers.

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

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

7 “(B) are cost-effective.

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

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

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

19 “(B) improving students’ performance on  
20 standardized tests;

21 “(C) reducing grade repetition;

22 “(D) reducing the number of students  
23 placed in special education; and

24 “(E) increasing secondary school gradua-  
25 tion rates.

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

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

7                   “(B) lowering rates of teen pregnancy;

8                   “(C) leading to greater employment and  
9                   higher wages for adults; and

10                  “(D) contributing to more stable families.

11           “(10) High-quality prekindergarten programs  
12           prepare children to—

13                   “(A) succeed in school;

14                   “(B) achieve higher levels of education;

15                   and

16                   “(C) become citizens who—

17                           “(i) earn more in adulthood;

18                           “(ii) compete in the global economy;

19                   and

20                           “(iii) contribute to our national pros-  
21                   perity.

22           “(11) The gap in developmental progress prior  
23           to preschool is significant for thousands of young  
24           children, and needs to be addressed in order to have

1 a strong foundation for children’s progress in pre-  
2 school and later years.

3 **“SEC. 1522. DEFINITIONS.**

4 “In this part:

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

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

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

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

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

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

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

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

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

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

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

18                   “(A) is in existence on the date of the  
19                   qualification determination;

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

23                   “(C) has met applicable requirements  
24                   under State or local law that are designed to  
25                   protect the health and safety of children and

1 that are applicable to child care providers, or  
2 similar health and safety standards for public  
3 elementary and secondary schools.

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

11 **“SEC. 1523. PROGRAM AUTHORIZATION.**

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

17 “(b) GRANTS.—In administering the Fund, the Sec-  
18 retary shall award grants to eligible States based on a for-  
19 mula established by the Secretary in accordance with sub-  
20 section (c), to pay for the Federal share of the cost of  
21 awarding subgrants to qualified prekindergarten providers  
22 to establish, expand, or enhance voluntary high-quality  
23 full-day prekindergarten programs.

24 “(c) MINIMUM ALLOTMENT.—No State shall receive  
25 a grant allotment under subsection (b) for a fiscal year

1 that is less than one-half of 1 percent of the total amount  
2 made available to carry out this part for such fiscal year.

3 **“SEC. 1524. STATE APPLICATIONS AND REQUIREMENTS.**

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

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

16 “(1) an assurance that the State will award  
17 subgrants for prekindergarten programs in amounts  
18 that are sufficient to provide a high-quality pre-  
19 kindergarten experience;

20 “(2) an assurance that not less than 25 percent  
21 of the qualified prekindergarten providers receiving  
22 such subgrants will be providers of community-based  
23 programs;

24 “(3) a description of the number of children in  
25 the State who are eligible for the prekindergarten

1 programs and the needs that will be served through  
2 the prekindergarten programs;

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

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

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

19 “(7) a description of how the State will meet  
20 the needs of the most disadvantaged students, in-  
21 cluding families at or below 200 percent of the pov-  
22 erty line;

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

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

4           “(c) STATE AND FEDERAL CONTRIBUTIONS.—

5           “(1) FEDERAL SHARE.—The Federal share of  
6           the cost described in section 1523(b) shall be 50  
7           percent.

8           “(2) NON-FEDERAL SHARE.—The State shall  
9           provide the non-Federal share of the cost described  
10          in section 1523(b) in cash. A State may include, as  
11          the State’s non-Federal share, State funds des-  
12          ignated for State prekindergarten programs or to  
13          supplement Head Start programs, but may not in-  
14          clude any funds that are attributed as matching  
15          funds, as part of a non-Federal share, or as a main-  
16          tenance of effort requirement, for any other Federal  
17          program.

18          “(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds  
19          made available under this part may be used only to supple-  
20          ment and not supplant other Federal, State, local, or pri-  
21          vate funds that would, in the absence of the funds made  
22          available under this part, be made available for early child-  
23          hood programs.

24          “(e) MAINTENANCE OF EFFORT.—A State that re-  
25          ceives a grant under this part for a fiscal year shall main-

1 tain the expenditures of the State for early childhood pro-  
2 grams at a level not less than the level of such expendi-  
3 tures of the State for the preceding fiscal year.

4 **“SEC. 1525. STATE SET ASIDES AND EXPENDITURES.**

5       “(a) INFANT AND TODDLER SET ASIDE.—Notwith-  
6 standing section 1523, a State shall set aside not less than  
7 15 percent of the funds made available through a grant  
8 awarded under this part for the purpose of funding high-  
9 quality early childhood development programs for children  
10 from birth through age 3. Funds made available under  
11 this subsection may also be used for professional develop-  
12 ment for teachers and teacher aides in classrooms for chil-  
13 dren from birth through age 3.

14       “(b) EXTENDED DAY AND EXTENDED YEAR SET  
15 ASIDE.—Notwithstanding section 1523, a State shall set  
16 aside not less than 10 percent of the funds made available  
17 through a grant awarded under this part for the purpose  
18 of extending the hours of early childhood development pro-  
19 grams to create extended day and extended year pro-  
20 grams.

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

1 **“SEC. 1526. LOCAL APPLICATIONS.**

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

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

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

17 “(3) a description of a plan for actively involv-  
18 ing parents and families in the prekindergarten pro-  
19 gram and the success of their children in the pro-  
20 gram;

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

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

9           “(6) a description of how the qualified pre-  
10 kindergarten provider will collaborate with local edu-  
11 cational agencies to ensure a smooth transition for  
12 participating students from the prekindergarten pro-  
13 gram to kindergarten and early elementary edu-  
14 cation.

15 **“SEC. 1527. LOCAL PREKINDERGARTEN PROGRAM RE-**  
16 **QUIREMENTS.**

17           “(a) MANDATORY USES OF FUNDS.—A qualified pre-  
18 kindergarten provider that receives a subgrant under this  
19 part shall use funds received through the grant to estab-  
20 lish, expand, or enhance prekindergarten programs for  
21 children who are ages 3 through 5, including—

22           “(1) providing a prekindergarten program that  
23 supports children’s cognitive, social, emotional, and  
24 physical development and approaches to learning,

1 and helps prepare children for a successful transi-  
2 tion to kindergarten; and

3 “(2) purchasing educational equipment, includ-  
4 ing educational materials, necessary to provide a  
5 high-quality prekindergarten program.

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

9 “(1) extend part-day prekindergarten programs  
10 to full-day prekindergarten programs and year-round  
11 programs;

12 “(2) pay for transporting students to and from  
13 a prekindergarten program; and

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

16 “(c) PROGRAM REQUIREMENTS.—A qualified pre-  
17 kindergarten provider that receives a subgrant under this  
18 part shall carry out a high-quality prekindergarten pro-  
19 gram by—

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

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

1           “(3) utilizing a prekindergarten curriculum that  
2           is research- and evidence-based, developmentally ap-  
3           propriate, and designed to support children’s cog-  
4           nitive, social, emotional, and physical development,  
5           and approaches to learning; and

6           “(4) ensuring that prekindergarten teachers  
7           meet the requirements of this part.

8   **“SEC. 1528. REPORTING.**

9           “(a) **QUALIFIED PREKINDERGARTEN PROVIDER RE-**  
10 **PORTS.**—Each qualified prekindergarten provider that re-  
11 ceives a subgrant from a State under this part shall sub-  
12 mit an annual report, to the designated State agency, that  
13 reviews the effectiveness of the prekindergarten program  
14 provided. Such annual report shall include—

15           “(1) data specifying the number and ages of en-  
16           rolled children, and the family income, race, gender,  
17           type of disability (if applicable), and native language  
18           of such children;

19           “(2) a description of—

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

21                   “(B) how the curriculum supports the en-  
22           rolled children’s cognitive, social, emotional, and  
23           physical development and approaches to learn-  
24           ing; and



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

3 “(c) Evaluating children other than for—

4 “(1) improving instruction or classroom envi-  
5 ronment;

6 “(2) targeting high-quality, evidence-based pro-  
7 fessional development;

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

10 “(4) informing the quality improvement process  
11 at the State level;

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

14 “(6) research conducted as part of a national  
15 evaluation.

16 **“SEC. 1530. AUTHORIZATION OF APPROPRIATIONS.**

17 “There are authorized to be appropriated to carry out  
18 this part such sums as may be necessary for fiscal years  
19 2017 through 2021.”.

20 **SEC. 3. CONFORMING AMENDMENTS.**

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

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

“PART G. GENERAL PROVISIONS”;

4           and

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

“PART I. HIGH-QUALITY PREKINDERGARTEN PROGRAMS

“Sec. 1521. Findings.  
 “Sec. 1522. Definitions.  
 “Sec. 1523. Program authorization.  
 “Sec. 1524. State applications and requirements.  
 “Sec. 1525. State set asides and expenditures.  
 “Sec. 1526. Local applications.  
 “Sec. 1527. Local prekindergarten program requirements.  
 “Sec. 1528. Reporting.  
 “Sec. 1529. Prohibited use of assessments for young children.  
 “Sec. 1530. Authorization of appropriations.”.

7           (b) CONFORMING PROVISIONS.—Sections 1304(c)(2)  
 8           and 1415(a)(2)(C) of the Elementary and Secondary Edu-  
 9           cation Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C))  
 10          are each amended by striking “part F” and inserting  
 11          “part G”.

○