

110TH CONGRESS
1ST SESSION

H. R. 3289

To amend the Elementary and Secondary Education Act of 1965 to improve early education.

IN THE HOUSE OF REPRESENTATIVES

AUGUST 1, 2007

Ms. HIRONO (for herself, Mr. GEORGE MILLER of California, Mr. ANDREWS, Mr. TIERNEY, and Mrs. DAVIS of California) introduced the following bill; which was referred to the Committee on Education and Labor

A BILL

To amend the Elementary and Secondary Education Act of 1965 to improve early education.

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. EARLY EDUCATION.**

4 The Elementary and Secondary Education Act of
5 1965 is amended by adding at the end the following:

6 **“TITLE X—EARLY EDUCATION**

7 **“SEC. 10001. SHORT TITLE.**

8 “‘This title may be cited as the ‘Providing Resources
9 Early for Kids Act of 2007’ or the ‘PRE–K Act’.

1 **“SEC. 10002. FINDINGS.**

2 “Congress finds the following:

3 “(1) Children’s experiences in the first five
4 years of life influence the developing brain and have
5 significant and lasting impact.

6 “(2) All children deserve access to high quality
7 early learning experiences that can support their
8 cognitive, social, and emotional development and
9 help prepare them to succeed in school and in life.

10 “(3) Research shows that high quality early
11 education programs can improve early reading and
12 early math skills, decrease grade retention, decrease
13 the need for special education services, and increase
14 the likelihood that children will graduate from high
15 school and become productive members of society.

16 “(4) The economic benefits of early education
17 experiences are clear and providing parents greater
18 access to high-quality early learning programs will
19 benefit children, families, and our Nation.

20 “(5) High quality early education programs
21 have well-trained and well-compensated teachers,
22 small class sizes, a full-day program, comprehensive
23 services, family participation, and a research-based
24 curriculum that aligns with strong early learning
25 standards. The quality of State early education pro-
26 grams varies significantly across the country.

1 “(6) While nearly three-quarters of three-
 2 through five-year-olds not in kindergarten spend
 3 time in nonparental care each week, research sug-
 4 gests that most are not in high quality settings that
 5 meet the full range of their developmental needs.

6 “(7) A Federal partnership with States—

7 “(A) will help increase access to voluntary
 8 high quality preschool programs;

9 “(B) is a necessary step to improving the
 10 Nation’s elementary and secondary schools and
 11 helping States close the achievement gap and
 12 improve graduation rates; and

13 “(C) should be a national priority.

14 **“SEC. 10003. EARLY EDUCATION GRANTS.**

15 “(a) PROGRAM ESTABLISHED.—Each fiscal year,
 16 from amounts made available to carry out this title, the
 17 Secretary, in consultation with the Secretary of Health
 18 and Human Services, shall make grants to States to en-
 19 hance or improve State-funded preschool programs, as de-
 20 fined by the State.

21 “(b) ALLOTMENT.—

22 “(1) DETERMINATION.—After making the res-
 23 ervation described under subsection (c), from funds
 24 appropriated under section 10011, the Secretary

1 shall make a base allotment to each State that has
2 submitted an approved application and is either—

3 “(A) a qualified State (as defined in sec-
4 tion 10004(a)); or

5 “(B) a selected State (as designated under
6 section 10004(b)).

7 “(2) AMOUNT.—The amount of the base allot-
8 ment described under paragraph (1) for each State
9 shall be based on the number of children up to age
10 5 from families with incomes below the poverty line
11 for each State, compared to the number of such chil-
12 dren from all States, except that no State shall have
13 a base allotment less than .25 percent of the
14 amounts appropriated under this title.

15 “(3) BASIS FOR THE BASE ALLOTMENT.—The
16 Secretary shall determine the amount of the base al-
17 lotment determined under paragraph (2) as if every
18 State was to receive a base allotment.

19 “(4) REMAINDER.—In any fiscal year for which
20 not every State is to receive a base allotment, the
21 Secretary shall reallocate any funds remaining after the
22 determination of a base allotment under paragraph
23 (2) to each State that has submitted an approved
24 application and is a qualified State. Such remaining
25 funds shall be reallocated among such qualified States

1 and shall be determined by comparing the number of
2 children up to age 5 from families with incomes
3 below the poverty line for each such qualified State
4 to such number for all such qualified States.

5 “(c) RESERVATION.—Prior to making any allotments
6 under subsection (b), the Secretary shall reserve 2.5 per-
7 cent for the purpose of making grants to Indian tribes
8 and tribal organizations as described in section 10010.

9 **“SEC. 10004. STATE ELIGIBILITY.**

10 “(a) QUALIFIED STATES.—

11 “(1) IN GENERAL.—For purposes of this title,
12 the term ‘qualified State’ means a State that meets
13 each of the following criteria:

14 “(A) Carries out a State-funded preschool
15 program that requires, at a minimum, that
16 such programs:

17 “(i) Use research-based curricula that
18 are aligned with State early learning
19 standards that are developmentally appro-
20 priate and include, at a minimum, each of
21 the following domains:

22 “(I) Language development.

23 “(II) Literacy.

24 “(III) Mathematics.

25 “(IV) Science.

1 “(V) Creative arts.

2 “(VI) Social and emotional devel-
3 opment.

4 “(VII) Approaches to learning.

5 “(VIII) Physical and health de-
6 velopment.

7 “(ii) Follow nationally established best
8 practices for group size and teacher-to-stu-
9 dent ratios, appropriate to the age group
10 being served.

11 “(iii) Require that each teacher holds
12 an associate degree, or higher, in early
13 childhood education or a related field.

14 “(B) The State must have a plan for mov-
15 ing toward a requirement for State-funded pre-
16 school programs that each teacher holds a bac-
17 calaureate degree in early childhood education
18 within 5 years after the State first receives a
19 grant under this title.

20 “(C) The State must, at a minimum, en-
21 sure that the average per-child expenditures by
22 the State and its political subdivisions to sup-
23 port State-funded preschool programs for the
24 fiscal year for which the grant is made is equal

1 to, or greater than, such per-child expenditures
2 for the previous fiscal year.

3 “(D) The State must, at a minimum, en-
4 sure that the total expenditures by the State
5 and its political subdivisions to support State-
6 funded preschool programs for the fiscal year
7 for which the grant is made is equal to, or
8 greater than, such expenditures for the pre-
9 ceding fiscal year.

10 “(E) The State must, at a minimum, en-
11 sure that the total expenditures by the State
12 and its political subdivisions to support State-
13 funded child care services and activities for the
14 fiscal year for which the grant is made is equal
15 to, or greater than, such expenditures for the
16 preceding fiscal year.

17 “(b) SELECTED STATES.—

18 “(1) IN GENERAL.—Each fiscal year, the Sec-
19 retary shall carry out, on a competitive basis, a proc-
20 ess for the designation of States as selected States
21 for purposes of this title. Under the process, the
22 Secretary shall determine whether to designate any
23 States and, if so, shall determine the States that are
24 to be designated.

1 “(2) BASIS FOR DETERMINATIONS.—The deter-
2 minations required by paragraph (1) shall be based
3 on the State meeting the requirements of subpara-
4 graphs (C) through (E) of subsection (a)(1), and on
5 the quality of the applications submitted and the ex-
6 tent to which the State demonstrates that the State,
7 if designated, will become a qualified State within 2
8 fiscal years.

9 “(3) PERIOD OF DESIGNATION.—A designation
10 under this subsection shall apply to a State for two
11 fiscal years. However, if a State is both a qualified
12 State and a selected State for a fiscal year, it shall
13 be treated for purposes of this title as a qualified
14 State rather than a selected State.

15 **“SEC. 10005. APPLICATIONS.**

16 “(a) IN GENERAL.—A State desiring to receive funds
17 under this title shall submit an application to the Sec-
18 retary at such time and in such manner as the Secretary
19 may reasonably require.

20 “(b) REQUIRED CONTENTS.—The application re-
21 ferred to in subsection (a) shall include, at a minimum,
22 the following contents:

23 “(1) If the State desires to be treated as a
24 qualified State, information sufficient for the Sec-

1 retary to determine whether the State is a qualified
2 State.

3 “(2) If the State desires to be designated as a
4 selected State—

5 “(A) assurances that the State, if des-
6 ignated as a selected State, will become a quali-
7 fied State within two fiscal years;

8 “(B) information sufficient for the Sec-
9 retary to determine whether the State meets the
10 requirements of subparagraphs (C) through (E)
11 of section 10004(a)(1); and

12 “(C) information relating to any competi-
13 tive criteria that the Secretary may establish.

14 “(3) A description of how the funds received
15 under this title will be used to enhance or improve
16 preschool programs in the State.

17 “(4) A description of how the State is working
18 to build its capacity to serve more children in high
19 quality early education programs, including the
20 building of new facilities, as appropriate.

21 “(5) A description of how the State will ensure
22 that any funds made available to preschool providers
23 are made available to a range of types of preschool
24 providers, including local educational agencies and

1 community based providers such as child care and
2 Head Start, as appropriate.

3 “(6) Assurances that amounts received by the
4 State under this title will be used only to supple-
5 ment, and not to supplant, Federal, State, and local
6 funds otherwise available to support existing early
7 childhood services and activities.

8 “(7) A description of how the State will evalu-
9 ate the effectiveness of the use of these funds.

10 “(8) A description of how the State will use the
11 funds to better meet the needs of working parents.

12 “(9) A description of how the use of funds will
13 help meet the developmental needs of children in the
14 State.

15 “(10) A description of how the State will ensure
16 that State-funded preschool programs are available
17 to and appropriate for children with disabilities.

18 “(11) A description of how the State-funded
19 preschool programs will be culturally and linguis-
20 tically appropriate and how the State plans to meet
21 the early education needs of children with limited
22 English proficiency.

23 “(12) A description of how the State agency
24 designated under subsection (c) will coordinate with

1 other State agencies delivering early childhood devel-
2 opment programs or services.

3 “(13) A description of how the State-funded
4 preschool programs will ensure a smooth and suc-
5 cessful transition to kindergarten.

6 “(14) A description of how the State moni-
7 toring process will effectively assess and ensure pro-
8 gram quality of State-funded preschool programs.

9 “(15) A description of how the State will co-
10 ordinate this grant with the efforts of the State
11 early learning council or other State entity that is
12 coordinating a system of early childhood develop-
13 ment and education birth to kindergarten.

14 “(16) A description of how the State-funded
15 preschool programs prioritize children from low-in-
16 come families.

17 “(c) STATE AGENCY.—The application shall des-
18 ignate a State agency to administer and oversee those
19 funds and the activities carried out under this title.

20 **“SEC. 10006. USE OF FUNDS.**

21 “(a) IN GENERAL.—A State that receives funds
22 under this title shall use such funds for any one or more
23 of the following:

24 “(1) To increase the number of teachers and
25 program directors in State-funded preschool pro-

1 grams who hold a baccalaureate degree in early
2 childhood education, or in a related field if special-
3 ized training in early childhood education has also
4 been completed.

5 “(2) To increase the number of teacher aides in
6 State-funded preschool programs who hold an asso-
7 ciate degree in early childhood education, or in a re-
8 lated field if specialized training in early childhood
9 education has also been completed.

10 “(3) To increase the compensation or benefits
11 provided to teachers, program directors, and teacher
12 aides in State-funded preschool programs in order to
13 improve the ability of those programs to recruit and
14 retain such teachers, program directors, and teacher
15 aides.

16 “(4) To decrease group size in classrooms in
17 State-funded preschool programs.

18 “(5) To improve the teacher-to-student ratios in
19 classrooms in State-funded preschool programs.

20 “(6) To provide, in State-funded preschool pro-
21 grams, one or more of the following comprehensive
22 services that support healthy child development and
23 positive child outcomes:

24 “(A) Vision and hearing screenings and re-
25 ferrals.

1 “(B) Health and mental health screenings
2 and referrals.

3 “(C) Parent involvement opportunities.

4 “(D) Nutrition services.

5 “(7) To extend the number of hours per day of
6 program operation of State-funded preschool pro-
7 grams.

8 “(8) To extend the number of weeks per year
9 of program operation of State-funded preschool pro-
10 grams.

11 “(9) To improve the State’s system for moni-
12 toring the quality of State-funded preschool pro-
13 grams.

14 “(10) To provide opportunities for intensive
15 and on-going research- and evidence-based profes-
16 sional development in the domains described in sec-
17 tion 10004(a)(1)(A)(i).

18 “(11) To renovate existing facilities, except that
19 such renovation must be limited to minor rehabilita-
20 tion or remodeling needed to ensure that State-fund-
21 ed preschool program facilities are age- and develop-
22 mentally-appropriate.

23 “(12) To use up to 10 percent of the funds re-
24 ceived by the State under this title to improve the
25 early learning environments for children from birth

1 to age three through research- and evidence-based
2 methods.

3 “(b) RULE OF CONSTRUCTION.—Funds provided
4 under this title shall be used only to improve or enhance
5 services that are required in a State-funded preschool pro-
6 gram. Nothing in this title shall be construed such that
7 a State may use these funds only for existing State-funded
8 preschool programs.

9 “(c) SPECIAL RULE.—

10 “(1) IN GENERAL.—Notwithstanding subsection
11 (a), a qualified State that receives funds under this
12 title may use up to 50 percent of those funds for the
13 purposes of expanding a State-funded preschool pro-
14 gram, with priority for such expansion to commu-
15 nities with high concentrations of low-income chil-
16 dren, that meets or exceeds the criteria in section
17 10004(a) if—

18 “(A) the amount appropriated under sec-
19 tion 10011 is at least \$250,000,000; or

20 “(B) the State-funded preschool program
21 meets or exceeds the following criteria:

22 “(i) Require the standards described
23 in clauses (i) and (ii) of section
24 10004(a)(1)(A).

1 “(ii) Require that each teacher holds
2 a baccalaureate degree in early childhood
3 education or a related field if specialized
4 training in early childhood education has
5 also been completed.

6 “(iii) Require that each program pro-
7 vides full-day services at all locations.

8 “(iv) Require that each program pro-
9 vides comprehensive services to at-risk chil-
10 dren participating in the State-funded pre-
11 school program.

12 “(v) Require that each teacher partici-
13 pates in on-going professional development
14 in child development and learning.

15 “(2) STATE DEFINITION AND APPLICABILITY.—
16 For the purpose of establishing a priority for expan-
17 sion under paragraph (1), the State shall define
18 what constitutes a high concentration of low-income
19 children. In any State described in paragraph (1) in
20 which all communities with high concentrations of
21 low-income children are served by a State-funded
22 preschool program, the priority for expansion de-
23 scribed in such paragraph shall not apply.

1 **“SEC. 10007. MATCHING REQUIREMENTS.**

2 “The Secretary shall not make a grant to a State
3 under this title unless the State agrees to the following:

4 “(1) QUALIFIED STATE.—In the case of a
5 qualified State, the State will make available non-
6 Federal contributions in an amount equal to not less
7 than 50 percent of that portion of the Federal funds
8 provided under the grant that represent the base al-
9 lotment under section 10003(b)(2).

10 “(2) SELECTED STATE.—In the case of a se-
11 lected State, the State will make available non-Fed-
12 eral contributions for State-funded preschool pro-
13 grams in an amount that exceeds, by at least 30
14 percent, the amount of non-Federal contributions
15 that the State made available for State-funded pre-
16 school programs for the most recent fiscal year for
17 which it was not a selected State.

18 **“SEC. 10008. REPORTING REQUIREMENTS.**

19 “Each State receiving funds under this title shall re-
20 port annually to the Secretary on the activities carried out
21 under this title, including data on how the funds improved
22 the quality of State-funded preschool programs.

23 **“SEC. 10009. SPECIAL RULE.**

24 “Funds under this title may not be used for the pur-
25 poses of assessments that provide rewards or sanctions for
26 individual children or teachers.

1 **“SEC. 10010. APPLICATIONS FOR INDIAN TRIBES.**

2 “The Secretary shall award competitive grants to In-
3 dian tribes and tribal organizations to carry out a program
4 under this title. An Indian tribe or tribal organization de-
5 siring to receive funds under this title shall submit an ap-
6 plication to the Secretary at such time and in such manner
7 as the Secretary may reasonably require.

8 **“SEC. 10011. AUTHORIZATION.**

9 “There are authorized to be appropriated to carry out
10 this title \$1,000,000,000 for each of fiscal years 2008
11 through 2013.”.

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