

111TH CONGRESS
1ST SESSION

S. 839

To assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

IN THE SENATE OF THE UNITED STATES

APRIL 21, 2009

Mr. CASEY (for himself, Mr. KAUFMAN, Mr. WHITEHOUSE, Mr. SANDERS, and Mr. BEGICH) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To assist States in making voluntary high quality universal prekindergarten programs available to 3- to 5-year olds for at least 1 year preceding kindergarten.

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 2009”.

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 children in the lowest socioeconomic 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 academic
15 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 children’s performance on
20 standardized tests;

21 “(C) reducing grade repetition;

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

24 “(E) increasing high school graduation
25 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 **“SEC. 1842. DEFINITIONS.**

23 “‘In this part:

1 “(1) FULL-DAY.—The term ‘full-day’, used with
2 respect to a program, means a program with a min-
3 imum of a 6-hour schedule per day.

4 “(2) POVERTY LINE.—The term ‘poverty line’
5 has the meaning given the term in section 673(2) of
6 the Community Services Block Grant Act (42 U.S.C.
7 9902(2)) and includes any revision required by that
8 section.

9 “(3) PREKINDERGARTEN.—The term ‘pre-
10 kindergarten’ means a program that—

11 “(A) serves children who are ages 3
12 through 5;

13 “(B) supports children’s cognitive, social,
14 emotional, and physical development and ap-
15 proaches to learning; and

16 “(C) helps prepare children for a success-
17 ful transition to kindergarten.

18 “(4) PREKINDERGARTEN TEACHER.—The term
19 ‘prekindergarten teacher’ means an individual who—

20 “(A) has a bachelor of arts degree with a
21 specialization in early childhood education or
22 early childhood development; or

23 “(B) during the 6-year period following the
24 first date on which the individual is employed

1 as such a teacher under this part, is working
 2 toward that degree.

3 “(5) QUALIFIED PREKINDERGARTEN PRO-
 4 VIDER.—The term ‘qualified prekindergarten pro-
 5 vider’ includes a provider of a prekindergarten pro-
 6 gram, a Head Start agency, a provider of a child
 7 care program, a school, and a for-profit or nonprofit
 8 organization that—

9 “(A) is in existence on the date of the
 10 qualification determination; and

11 “(B) has met applicable requirements
 12 under State or local law that are designed to
 13 protect the health and safety of children and
 14 that are applicable to child care providers.

15 **“SEC. 1843. PROGRAM AUTHORIZATION.**

16 “(a) PREKINDERGARTEN INCENTIVE FUND.—The
 17 Secretary, in collaboration and consultation with the Sec-
 18 retary of Health and Human Services, shall create a Pre-
 19 kindergarten Incentive Fund, to be administered by the
 20 Secretary of Education.

21 “(b) GRANTS.—In administering the Fund, the Sec-
 22 retary shall award grants to eligible States based on a for-
 23 mula established by the Secretary in accordance with sub-
 24 section (c), to pay for the Federal share of the cost of
 25 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 that are
22 sufficient to provide a high quality prekindergarten
23 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 programs that meet the standards of high qual-
21 ity early education, and use funds appropriately;

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

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

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

6 “(c) FEDERAL SHARE.—The Federal share of the
7 cost described in section 1843(b) shall be 50 percent. The
8 State shall provide the non-Federal share of the cost in
9 cash.

10 “(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds
11 made available under this part may be used only to supple-
12 ment and not supplant other Federal, State, local, or pri-
13 vate funds that would, in the absence of the funds made
14 available under this part, be made available for early child-
15 hood programs.

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

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

22 “(a) INFANT AND TODDLER SET ASIDE.—Notwith-
23 standing sections 1842 and 1843, a State shall set aside
24 not less than 15 percent of the funds made available
25 through a grant awarded under this part for the purpose

1 of funding high quality early childhood development pro-
 2 grams for children who are ages 0 through 3. Funds made
 3 available under this subsection may also be used for pro-
 4 fessional development for teachers and teacher aides in
 5 classrooms for children who are ages 0 through 3.

6 “(b) EXTENDED DAY AND EXTENDED YEAR SET
 7 ASIDE.—Notwithstanding section 1843, a State shall set
 8 aside not less than 10 percent of the funds made available
 9 through a grant awarded under this part for the purpose
 10 of extending the hours of early childhood programs to cre-
 11 ate extended day and extended year programs.

12 “(c) ADMINISTRATIVE EXPENSES.—Not more than 5
 13 percent of the funds made available through such a grant
 14 may be used for administrative expenses, including moni-
 15 toring.

16 **“SEC. 1846. LOCAL APPLICATIONS.**

17 “To be eligible to receive a subgrant under this part,
 18 a qualified prekindergarten provider shall submit an appli-
 19 cation to the designated State agency at such time, in such
 20 manner, and containing such information as the agency
 21 may reasonably require, including—

22 “(1) a description of how the qualified pre-
 23 kindergarten provider will meet the diverse needs of
 24 children in the community to be served, including
 25 children with disabilities, whose native language is

1 not English, or with other special needs, children in
2 the State foster care system, and homeless children;

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

6 “(3) a description of a plan for actively involv-
7 ing parents and families in the prekindergarten pro-
8 gram and the success of their children in the pro-
9 gram;

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

15 “(5) a description of how the qualified pre-
16 kindergarten provider collaborates with the State
17 Advisory Council on Early Childhood Education and
18 Care and providers of other programs serving chil-
19 dren and families, including Head Start agencies,
20 providers of child care programs, and local edu-
21 cational agencies, to meet the needs of children,
22 families, and working families, as appropriate; and

23 “(6) a description of how the qualified pre-
24 kindergarten provider will collaborate with local edu-
25 cational agencies to ensure a smooth transition for

1 participating students from the prekindergarten pro-
 2 gram to kindergarten and early elementary edu-
 3 cation.

4 **“SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM RE-**
 5 **QUIREMENTS.**

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

11 “(1) providing a prekindergarten program that
 12 supports children’s cognitive, social, emotional, and
 13 physical development and approaches to learning,
 14 and helps prepare children for a successful transi-
 15 tion to kindergarten; and

16 “(2) purchasing educational equipment, includ-
 17 ing educational materials, necessary to provide a
 18 high quality prekindergarten program.

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

22 “(1) extend part-day prekindergarten programs
 23 to full-day prekindergarten programs and year-round
 24 programs;

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

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

5 “(c) PROGRAM REQUIREMENTS.—A qualified pre-
6 kindergarten provider that receives a subgrant under this
7 part shall carry out a high quality prekindergarten pro-
8 gram by—

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

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

15 “(3) utilizing a prekindergarten curriculum that
16 is research- and evidence-based, developmentally ap-
17 propriate, and designed to support children’s cog-
18 nitive, social, emotional, and physical development,
19 and approaches to learning; and

20 “(4) ensuring that prekindergarten teachers
21 meet the requirements of this part.

22 **“SEC. 1848. REPORTING.**

23 “(a) QUALIFIED PREKINDERGARTEN PROVIDER RE-
24 PORTS.—Each qualified prekindergarten provider that re-
25 ceives a subgrant from a State under this part shall sub-

1 mit an annual report, to the designated State agency, that
 2 reviews the effectiveness of the prekindergarten program
 3 provided. Such annual report shall include—

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

7 “(2) a description of—

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

9 “(B) how the curriculum supports chil-
 10 dren’s cognitive, social, emotional, and physical
 11 development and approaches to learning; and

12 “(C) how the curriculum is appropriate for
 13 children of the culture, language, and ages of
 14 the children served; and

15 “(3) a statement of all sources of funding re-
 16 ceived by the program, including Federal, State,
 17 local, and private funds.

18 “(b) STATE REPORTS.—Each State that receives a
 19 grant under this part shall submit an annual report to
 20 the Secretary detailing the effectiveness of all prekind-
 21 garten programs funded under this part in the State.

22 “(c) REPORT TO CONGRESS.—The Secretary shall
 23 submit an annual report to Congress that describes the
 24 State programs of assistance for prekindergarten pro-
 25 grams funded under this part.

1 **“SEC. 1849. AUTHORIZATION OF APPROPRIATIONS.**

2 “There are authorized to be appropriated to carry out
3 this part such sums as may be necessary for fiscal years
4 2010 through 2014.”.

5 **SEC. 3. CONFORMING AMENDMENTS.**

6 (a) TABLE OF CONTENTS.—The table of contents in
7 section 1(b) of the Elementary and Secondary Education
8 Act of 1965 is amended—

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

“PART J—GENERAL PROVISIONS”;

12 and

13 (2) by inserting after the items relating to part
14 I of title I and inserting the following:

“PART I—HIGH QUALITY FULL-DAY 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. Authorization of appropriations.”.

15 (b) PROVISIONS.—Sections 1304(c)(2) and
16 1415(a)(2)(C) of the Elementary and Secondary Edu-
17 cation Act of 1965 (20 U.S.C. 6394(c)(2), 6435(a)(2)(C))
18 are amended by striking “part I” and inserting “part J”.

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