

113TH CONGRESS
1ST SESSION

S. 502

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

IN THE SENATE OF THE UNITED STATES

MARCH 7, 2013

Mr. CASEY 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 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

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

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

3 **“SEC. 1841. 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.

“(9) High-quality early education promotes responsible behavior by teens and adults who received that education by—

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

“(B) lowering rates of teen pregnancy;

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

“(D) contributing to more stable families.

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

“(A) succeed in school;

“(B) achieve higher levels of education;

and

“(C) become citizens who—

“(i) earn more in adulthood;

“(ii) compete in the global economy;

and

“(iii) contribute to our national prosperity.

“(11) The gap in developmental progress prior to preschool is significant for thousands of young 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. 1842. 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 entities 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. 1843. 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. 1844. 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 1843(b) shall be 50
7 percent. The State shall provide the non-Federal
8 share of the cost in cash.

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

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

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

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

7 “(a) INFANT AND TODDLER SET ASIDE.—Notwith-
8 standing section 1843, a State shall set aside not less than
9 15 percent of the funds made available through a grant
10 awarded under this part for the purpose of funding high-
11 quality early childhood development programs for children
12 from birth through age 3. Funds made available under
13 this subsection may also be used for professional develop-
14 ment for teachers and teacher aides in classrooms for chil-
15 dren from birth through age 3.

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

23 “(c) ADMINISTRATIVE EXPENSES.—Not more than 5
24 percent of the funds made available through a grant

1 awarded under this part may be used for administrative
 2 expenses, including monitoring.

3 **“SEC. 1846. LOCAL APPLICATIONS.**

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

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

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

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

23 “(4) a description of how children in the pre-
 24 kindergarten program, and their parents and fami-
 25 lies, will receive referrals to, or assistance with, ac-

1 cessing supportive services provided within the com-
 2 munity;

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

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

17 **“SEC. 1847. LOCAL PREKINDERGARTEN PROGRAM RE-**
 18 **QUIREMENTS.**

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

24 “(1) providing a prekindergarten program that
 25 supports children’s cognitive, social, emotional, and

1 physical development and approaches to learning,
2 and helps prepare children for a successful transi-
3 tion to kindergarten; and

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

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

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

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

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

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

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

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

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

9 “(4) ensuring that prekindergarten teachers
 10 meet the requirements of this part.

11 **“SEC. 1848. REPORTING.**

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

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

21 “(2) a description of—

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

23 “(B) how the curriculum supports the en-
 24 rolled children’s cognitive, social, emotional, and

1 physical development and approaches to learn-
2 ing; and

3 “(C) how the curriculum is appropriate for
4 children of the culture, language, and ages of
5 the children served; and

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

9 “(b) STATE REPORTS.—Each State that receives a
10 grant under this part shall submit an annual report to
11 the Secretary detailing the effectiveness of all prekinderg-
12 garten programs funded under this part in the State.

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

17 **“SEC. 1849. PROHIBITED USE OF ASSESSMENTS FOR YOUNG**
18 **CHILDREN.**

19 “Funds available under this part, including funds
20 provided as the non-Federal share required under section
21 1844(c)(2), may not be used for assessments of children
22 in prekindergarten programs or early childhood develop-
23 ment programs for any of the following:

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”.

○