**Casey_TitleI_Amendment#1**

Bob Casey, Jr.

AMENDMENT NO._____ Calendar No._____

Purpose: 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—112th Cong., 1st Sess.**

**S.____**

To amend the Elementary and Secondary Education Act of 1965.

Referred to the Committee on _____ and ordered to be printed

Ordered to lie on the table and to be printed

AMENDMENT intended to be proposed by Mr. CASEY **r. Franken, and Mr. Sanders**

Viz:

1 At the end of title I, insert the following:

2 **PART F—HIGH QUALITY PREKINDERGARTEN**

3 **SEC. 1601. HIGH QUALITY PREKINDERGARTEN PROGRAMS.**

4 Title I (20 U.S.C. 6301 et seq.) is amended—

5 (1) by redesignating part E (as redesignated by

6 section 1501 of this Act) as part F; and

7 (2) by redesignating sections 1501 through

8 1508 (as redesignated by section 1501 of this Act)

9 as sections 1601 through 1608, respectively; and

10 (3) by inserting after part D the following:

1 **"SEC. 1501. DEFINITIONS.**

2 "In this part:

3 "(1) FULL-DAY.—The term 'full-day', used with
4 respect to a program, means a program with a min-
5 imum of a 6-hour schedule per day.

6 "(2) POVERTY LINE.—The term 'poverty line'
7 has the meaning given the term in section 673(2) of
8 the Community Services Block Grant Act (42 U.S.C.
9 9902(2)) and includes any revision required by that
10 section.

11 "(3) PREKINDERGARTEN.—The term 'pre-
12 kindergarten' means a program that—

13 "(A) serves children who are ages 3
14 through 5;

15 "(B) supports children's cognitive, social,
16 emotional, and physical development and ap-
17 proaches to learning; and

18 "(C) helps prepare children for a success-
19 ful transition to kindergarten.

20 "(4) PREKINDERGARTEN TEACHER.—The term
21 'prekindergarten teacher' means an individual who—

22 "(A) has a bachelor of arts degree with a
23 specialization in early childhood education or
24 early childhood development; or

25 "(B) during the 6-year period following the
26 first date on which the individual is employed

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

"(5) QUALIFIED PREKINDERGARTEN PROVIDER.—The term 'qualified prekindergarten provider' includes a provider of a prekindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that—

"(A) is in existence on the date of the qualification determination; and

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

**"SEC. 1502. PROGRAM AUTHORIZATION.**

"(a) PREKINDERGARTEN INCENTIVE FUND.—The Secretary of Education, in collaboration and consultation with the Secretary of Health and Human Services, shall create a Prekindergarten Incentive Fund, to be administered by the Secretary of Education.

"(b) GRANTS.—In administering the Fund, the Secretary shall award grants to eligible States based on a formula established by the Secretary in accordance with subsection (c), to pay for the Federal share of the cost of 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. 1503. 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

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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;

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

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

"(c) FEDERAL SHARE.—The Federal share of the cost described in section 1502(b) shall be 50 percent. The State shall provide the non-Federal share of the cost in cash.

"(d) SUPPLEMENTARY FEDERAL FUNDING.—Funds made available under this part may be used only to supplement and not supplant other Federal, State, local, or private funds that would, in the absence of the funds made available under this part, be made available for early childhood programs.

"(e) MAINTENANCE OF EFFORT.—A State that receives a grant under this part for a fiscal year shall maintain the expenditures of the State for early childhood programs at a level not less than the level of such expenditures of the State for the preceding fiscal year.

**"SEC. 1504. STATE SET ASIDES AND EXPENDITURES.**

"(a) INFANT AND TODDLER SET ASIDE.—Notwithstanding sections 1501 and 1502, a State shall set aside not less than 15 percent of the funds made available through a grant awarded under this part for the purpose

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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 1502, 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 a grant
14 awarded under this part may be used for administrative
15 expenses, including monitoring.

16 **"SEC. 1505. 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

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

"(2) a description of how the qualified prekindergarten provider will serve eligible children who are not served through similar services or programs;

"(3) a description of a plan for actively involving parents and families in the prekindergarten program and the success of their children in the program;

"(4) a description of how children in the prekindergarten program, and their parents and families, will receive referrals to, or assistance with, accessing supportive services provided within the community;

"(5) a description of how the qualified prekindergarten provider collaborates with the State Advisory Council on Early Childhood Education and Care and providers of other programs serving children and families, including Head Start agencies, providers of child care programs, and local educational agencies, to meet the needs of children, families, and working families, as appropriate; and

"(6) a description of how the qualified prekindergarten provider will collaborate with local educational agencies to ensure a smooth transition for

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

4 **"SEC. 1506. 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. 1507. 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-

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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 prekinder-
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. 1508. 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 2012 through 2016.".

5 **SEC. 1602. CONFORMING AMENDMENTS.**

6 (a) TABLE OF CONTENTS.—The table of contents in
7 section 1(b) is amended—

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

"PART F—GENERAL PROVISIONS";

11 and

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

"PART E—HIGH QUALITY FULL-DAY PREKINDERGARTEN PROGRAMS

"Sec. 1501. Definitions.
"Sec. 1502. Program authorization.
"Sec. 1503. State applications and requirements.
"Sec. 1504. State set asides and expenditures.
"Sec. 1505. Local applications.
"Sec. 1506. Local prekindergarten program requirements.
"Sec. 1507. Reporting.
"Sec. 1508. Authorization of appropriations.".

14 (b) CONFORMING PROVISIONS.—

15 (1) Section 1111(b)(1)(H) (as amended by sec-
16 tion 1111 of this Act) is amended by striking
17 "1903(b)" and inserting "1603(b)".

18 (2) Sections 1304(c)(2) and 1415(a)(2)(C) (20
19 U.S.C. 6394(c)(2), 6435(a)(2)(C)) are each amend-
20 ed by striking "part I" and inserting "part F".

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(3) Section 1502(a) (as amended by section 1501 of this Act) is amended by striking "1501" and inserting "1601".