



Memorandum

Federal Pre-K Legislation

July 2009

	Murray/Bond (S. 240)	Kucinich (H.R. 555)	Hirono (H.R. 702)	Casey (S. 839)/Maloney (H.R. 2184)
Bill	Ready to Learn Act	Universal Prekindergarten Act	"Providing Resources Early for Kids" or "PRE-K" Act	Prepare All Kids Act
Amended Law	Elementary and Secondary Education Act of 1965	None specified	Elementary and Secondary Education Act of 1965	Title I of the Elementary and Secondary Education Act of 1965
Funding Authorization	"Such sums as may be necessary"	\$10 B in FY 08, \$150 B through FY 12	\$1B annually for FY10 – FY14	"Such sums as may be necessary"
Authorization Language	Grants to "establish and administer full day voluntary prekindergarten programs for children age 4"	Grants "for the development of high-quality full-day , full-calendar-year universal prekindergarten programs for all children 3,4, and 5 years old in the state	Grants to "enhance or improve State-funded preschool programs, as defined by the State"	Grants to "establish, expand, or enhance voluntary high-quality full-day pre-kindergarten programs"
Allotment	STATE TO LOCAL: At least 25% of the grant funds awarded to community-based providers	STATE TO LOCAL: a) A state agency may set aside 5% of the grant to support professional development activities for teachers and staff in the universal pre-k program b) A maximum of 5% may be used for administrative expenses	FEDERAL TO STATE: a) Proportional to number of children birth to five living below the federal poverty threshold b) 1% of annual authorization reserved for Indian tribes and tribal organizations c) No state shall receive less than .25% of the amounts appropriated to be awarded under this grant program	STATE TO LOCAL: a) At least 25% of funded providers must be community-based b) At least 15% of funds earmarked for birth-to-three program quality and teacher development c) At least 10% of funds earmarked to extend program hours d) A maximum of 5% may be used for administrative expenses

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Eligibility	<p>ELIGIBLE PROVIDERS: “Schools, child care agencies, Head Start programs, or other community-based providers of pre-kindergarten programs”</p> <p>ELIGIBLE STATES: a) For fiscal year in which eligibility is determined, state per-child pre-k expenditures must meet or exceed the prior year’s expenditures; and must b) Use federal funds to supplement, not supplant, existing pre-k expenditures.</p>	<p>ELIGIBLE PROVIDERS: An eligible pre-k provider receiving funding must—</p> <p>a) Maintain a maximum class size of 20 children; b) Maintain a ratio of no more than 10 children for each member of the teaching staff; c) Ensure that all pre-k teachers meet state licensing requirements; d) Document that the state is demonstrating significant progress in assisting pre-k teachers on working toward a BA degree with training in early childhood development or early childhood education; e) Be accredited by a national organization with experience in accrediting pre-k programs, or obtain such accreditation not later than 3 years after first receiving a grant; and f) Meet state and local child care licensing, health, and safety standards.</p>	<p>ELIGIBLE PROVIDERS: Program eligibility determined by the state</p> <p>“QUALIFIED STATES” must: a) Require the use of research-based curricula that include: • Language development, • Literacy, • Mathematics, • Science, • Creative arts, • Social and emotional development, • Approaches to learning, and • Physical and health development; b) Require nationally established best practices for group size and student-teacher ratios; c) Require an AA degree of each teacher in an early ed field; d) Require programs to operate for at least the length of an academic year; e) Have a plan for developing a requirement that all teachers have a BA in 5 years after receiving grant; f) Maintain, at a minimum, the average per-child expenditure of the previous 2 fiscal years in applicant state’s pre-k programs; and g) Maintain, at a minimum, yearly expenditure on pre-k and child care services.</p> <p>“SELECTED STATES” must: a) Maintain average per-child state pre-k expenditures, and b) Maintain total yearly expenditures on pre-k and child care services.</p>	<p>ELIGIBLE PROVIDERS: “A provider of a pre-kindergarten program, a Head Start agency, a provider of a child care program, a school, and a for-profit or nonprofit organization that [meets State requirements and is in existence on date of qualification determination]”</p> <p>ELIGIBLE STATES: a) Funds must be used to supplement, not supplant, existing early childhood education programs b) Maintain, at a minimum, expenditures for early childhood programs at a level that is at least equal to the prior year’s level.</p>

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Application	<p>STATE: States must submit a plan that outlines “how and when such State expects to provide voluntary pre-kindergarten for every four-year old in the State”</p>	<p>STATE application must describe:</p> <p>a) How the state agency responsible for pre-k will coordinate with other state agencies responsible for early childhood education and health programs;</p> <p>b) A State plan to establish an implement a universal pre-k program, including a description of:</p> <ul style="list-style-type: none"> • The universal pre-k program and how it will support children’s cognitive, emotional, social, and physical development; • Goals for the universal pre-k program and how program outcomes will be measured; • How funding will be distributed to pre-k program providers based on the need for early childhood education among the population served; • How the state agency will involve representatives of early childhood program providers including child care providers, Head Start programs, and state and local agencies); • How the state agency will coordinate with existing state-funded pre-k programs, federally funded programs such as Head Start, public school programs, and child care; • How the state agency will raise awareness about the universal pre-k program; • Application procedures for pre-k providers to apply to the state agency for funding; • A plan to address the shortages of qualified early childhood education teachers; • How the state agency will provide ongoing professional development opportunities; • How the universal pre-k program will serve children with disabilities, limited English proficiency, or other special needs including homeless children and in foster care; • A plan to provide transportation for children to and from the universal pre-k program; and • How the state will provide the 20% match 	<p>“QUALIFIED STATES” must demonstrate fulfillment of the criteria for eligibility listed above and provide:</p> <p>a) A description of how funds will be used to improve state-funded pre-k programs;</p> <p>b) A description of how the state is working to build capacity to serve more children in high-quality programs;</p> <p>c) A description of how the state will ensure that funds are available to a range of providers, including local educational agencies, Head Start, child care, and community-based providers;</p> <p>d) Assurances that funds will be used to supplement, not supplant, other early childhood funds;</p> <p>e) A description of how the state will evaluate the use of grant funds;</p> <p>f) A description of how the state will use funds to meet the needs of low-income working parents;</p> <p>g) A description of how the state will help meet children’s developmental needs;</p> <p>h) A description of how the state will ensure that state-funded programs are available to and appropriate for children with disabilities;</p> <p>i) A description of how the state-funded pre-k programs will be culturally and linguistically appropriate to meet the needs of English language learners;</p> <p>j) A description of how the state is working to develop and use research-based curricula that are aligned with State early learning standards and linguistically and culturally appropriate for children with limited English proficiency;</p>	<p>STATE applications must contain:</p> <p>a) Assurance that subgrants will be sufficient to provide for high-quality programs;</p> <p>b) Assurance that 25% of funded providers will be community-based;</p> <p>c) The number of eligible children and the needs that will be served;</p> <p>d) A description of how the state will ensure that a wide range of providers will receive subgrants;</p> <p>e) A description of how the designated state agency will collaborate and coordinate activities with State Advisory Council on Early Childhood Education and Care, state-funded providers of pre-kindergarten programs, providers of federally funded programs such as Head Start, local educational agencies, and child care providers;</p> <p>f) A description of how the state will ensure, through a monitoring process, that qualified providers receiving subgrants provide programs that meet standards of high quality early-ed, and use funds appropriately;</p> <p>g) A description of how the State will meet the needs of the most disadvantaged students, including families earning up to 200% of the federal poverty threshold;</p> <p>h) A description of how the state will meet the needs of working parents, and</p> <p>i) A description of how the state will support professional development for pre-k teachers and aides.</p>

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<p>Application (cont.)</p>		<p>c) If the state wishes to set aside 5% of the grant for professional development, it must describe:</p> <ul style="list-style-type: none"> • How the state agency will ensure that pre-k program providers in a range of settings (including child care, Head Start, and schools) will participate in the professional development program; • An assurance that the professional development provider will continue to consult with relevant agencies, early child education organizations, early childhood education experts, and early childhood education program providers; • How the state agency will ensure that the professional development is ongoing and accessible to educators in all geographic areas of the state; • How the state agency will ensure that set-aside funds will be used to pay the cost of additional education and training; • How the state educational agency will provide a financial incentive to educators who complete such professional development; • How the professional development activities will be carried out; • How programs and educators will be selected to participate; • How professional development providers will be selected; • The research-based professional development activities to be carried out; • How the program will train early childhood educators to meet the diverse needs of children in the community, including children with limited English proficiency, disabilities, and other special needs; • How the program will coordinate with and build upon existing professional development opportunities; 	<p>k) A description of how the designated state agency will coordinate with other state agencies on delivery of early childhood services and programs;</p> <p>l) A description of how the State will ensure that state-funded pre-k programs coordinate with the local area educational agencies to ensure a smooth and successful transition to kindergarten;</p> <p>m) A description of how the monitoring process will ensure program quality;</p> <p>n) A description of how the state will coordinate this grant with the State Advisory Council on Early Childhood Education and Care or other state entity designed to coordinate early learning services; and</p> <p>o) A description of how state-funded programs will prioritize children from low-income families;</p> <p>p) A description of how the State is working to eliminate barriers and improve access to pre-k programs for children in rural areas;</p> <p>q) A description of how the State is working to address the transportation needs of families for whom lack of transportation is a significant barrier to accessing pre-k.</p> <p>“SELECTED STATES” must include all of the above, and:</p> <p>d) Assurances that the state will become qualified within two fiscal years;</p> <p>e) A demonstration that the state maintains average per-child and total expenditures on state pre-k programs; and</p> <p>f) Information relating to any criteria established by the Secretary of Education</p> <p>GENERAL: In developing the application, the State shall consult with the State Advisory Council on Early Childhood Education and Care or similar state entity and with the providers operating in the state.</p>	<p>LOCAL: Pre-k providers shall submit an application to the designated state agency containing information required by the agency, including descriptions of:</p> <p>a) How the provider will meet children’s needs, including children with disabilities, children in foster care, English language learners, homeless children, or children with other special needs;</p> <p>b) How the provider will serve eligible children who are not served through similar programs;</p> <p>c) A plan for actively involving parents and families in the pre-k program and success of their children in the program;</p> <p>d) How children and their parents and families will receive referrals to, or assistance with, accessing support services within the community;</p> <p>e) How the provider collaborates with the State Advisory Council on Early Childhood Education and Care and other providers of services to children and families, including Head Start, child care, and local education agencies to meet the needs of children, families, and working families; and</p> <p>f) How the provider will collaborate with local educational agencies to facilitate the transition to kindergarten.</p>

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Application (cont.)		<p>LOCAL application shall describe:</p> <ul style="list-style-type: none"> a) The pre-k program; b) A statement of the demonstrated need for a program, or an enhanced or expanded program, in the area served; c) Age-appropriate and developmentally appropriate educational curriculum that will help prepare children for school and assist them in the transition to kindergarten; d) How the program provider will collaborate with community-based child care and Head Start programs; e) How students and families will be assisted in obtaining supportive services in their communities; f) A plan to promote parental involvement; g) How teachers will receive ongoing professional development; and h) An assurance that pre-k programs receiving grant funds comply with reporting requirements in this act 		a)

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Use of Funds	<p>REQUIRED: 85% of funds must be used to:</p> <ul style="list-style-type: none"> a) Serve children age four, starting with children from families below 200% of the federal poverty threshold and English language learners; b) Within two years, provide for each classroom a teacher who holds either a BA degree in early childhood education or a BA degree in a related field with specialized training in early childhood development; c) Implement a developmentally, culturally, and linguistically appropriate curriculum aligned with state early learning standards and with valid assessments for the purpose of improving instruction; and d) Establish teacher-child ratios of not more than 1:10 and class sizes of not more than 20 students. <p>15% of funds must be used to:</p> <ul style="list-style-type: none"> a) Ensure children's health and safety in the program; b) Support professional development; and c) Provide comprehensive services <p>ALLOWABLE: After satisfying the above requirements, the state can use funding to:</p> <ul style="list-style-type: none"> a) Serve younger children; b) Increase salaries; c) Provide additional comprehensive services, as needed; and d) Build or repair facilities as needed. 	<p>PROFESSIONAL DEVELOPMENT SET-ASIDE: funds set aside for ongoing professional development may be used to:</p> <ul style="list-style-type: none"> a) Provide pre-k teachers and staff with the ability to apply research on child development, including language and literacy development, and on early childhood education pedagogy; b) Provide the cost of education needed to obtain a credential or degree with specific training in early childhood development or education; c) Work with children with limited English proficiency, disabilities, and other special needs; and d) Select and use developmentally appropriate screening and assessments to improve teaching and make appropriate referrals for services for services to support children's development and learning. <p>RESTRICTION: Grant funds may not be used to supplant other Federal, State, local, or private funds that would otherwise be made available</p>	<p>PRIORITY: A State shall give priority to improving the quality of State-funded pre-k in communities with high concentrations of low-income children.</p> <p>QUALITY: Funds may be used for any one or more of the following:</p> <ul style="list-style-type: none"> a) Increase the number of teachers and administrators with BA degrees in early education or a related BA and specialized training; b) Increase the number of teacher aides with AA degrees in early childhood education or in a related field with specialized training; c) Increase the number of program directors, teachers and teacher aides with specialized training in working with children and families with limited English proficiency. d) Increase the number of directors, teachers and aides with specialized training in working with children with disabilities. e) Increase compensation and benefits of teachers and administrators and to recruit and retain all staff; f) Decrease class sizes; g) Improve teacher: student ratios; h) Provide comprehensive services including: <ul style="list-style-type: none"> • Screenings and referrals for vision, hearing, health, and mental health, • Parent involvement, and • Nutrition services; i) Extend hours per day, days per week or weeks per year of the program; j) Improve quality-monitoring system; k) Provide for professional development; l) Provide professional support and mentoring for directors, teachers and staff in their first 3 years of work; m) Conduct minor renovations of facilities to ensure programs are developmentally appropriate; k) Use 10% of funds to improve birth-to-three services 	<p>REQUIRED: Pre-k providers shall use grant funds to establish, expand, or enhance pre-k programs for children who are ages three through five, by</p> <ul style="list-style-type: none"> a) Providing a pre-k program that is developmentally appropriate and prepares children for kindergarten; b) Purchasing educational equipment as necessary; <p>PROGRAM REQUIREMENTS: Pre-k providers that receive a subgrant shall carry out a high-quality program by:</p> <ul style="list-style-type: none"> a) Maintaining maximum class size of 20 children with at least one teacher per classroom; b) Ensure that student: instructor ratios do not exceed 10:1 c) Utilize a pre-k curriculum that is research- and evidence-based, developmentally appropriate, and that supports cognitive, social, emotional, and physical development and approaches to learning; d) Ensuring that pre-k teachers have a BA with specialization in early education or will obtain that degree within six years of employment. <p>ALLOWABLE:</p> <ul style="list-style-type: none"> b) Extend part-day pre-k programs to full-day and year-round programs; and c) Pay for student transportation; and d) Provide professional development to pre-k teachers and aides.

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Use of Funds (cont.)		.	<p>CAPACITY: A “qualified state” may use up to 50% of funds to expand pre-k programs that prioritize low-income communities, if:</p> <p>a) At least \$250M is appropriated; OR</p> <p>b) Each program:</p> <ul style="list-style-type: none"> • Meets the requirements of a “qualified” state for curriculum, classroom size, student/teacher ratios; • Requires a BA degree in early childhood education or related field with specialized training for each teacher; • Provides full-day services at every location; • Provides comprehensive services for at-risk children; • Requires ongoing professional development for teachers; and • Provides linguistically and culturally appropriate standards for children with limited English proficiency. 	
Federal Portion	<p>50%</p> <p>Note: Non-federal portion must be in cash (no in-kind matches)</p>	80%	<p>QUALIFIED STATES: Total state funding for pre-k must be at least 30% of the base allotment.</p> <p>SELECTED STATES: Total state funding for pre-k must be at least 50% of the base allotment.</p>	50%

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Reporting	<p>STATE: Must report annually on the effectiveness of pre-k programs funded under this title.</p> <p>FEDERAL: Secretary of Education to report annually to Congress and coordinate with the Department of Health and Human Services.</p> <p>BOTH: Reports must describe:</p> <ul style="list-style-type: none"> a) Actions taken to move toward providing high-quality pre-k to all four year olds; b) A timetable for implementing a high-quality pre-k program. c) All efforts to improve the integration of full-day pre-k with the K-12 system; and d) Efforts to educate parents about best practices in their role in early education. 	<p>LOCAL: Each pre-k provider receiving a grant to report annually to the designated state agency, describing:</p> <ul style="list-style-type: none"> a) The type of program and the number and ages of children served by the program b) The number and ages of children served with a disability or a native language other than English c) The qualifications of the staff and the type of professional development available d) All sources of federal, state, and private funds received by the program e) The curricula, materials, and activities used by the program for early childhood education f) Other information as the designated state agency may require <p>STATE: Designated state agency that awards grants will report annually to the Secretary of Health and Human Services on the implementation and effectiveness of programs supported by this act, including such information as the Secretary may require</p> <p>FEDERAL: Secretary of Health and Human Services will report annually to Congress on the implementation and effectiveness of the universal pre-k program</p>	<p>ALL STATES: Must report annually on activities carried out, including data on improvements in the quality of state pre-k such as:</p> <ul style="list-style-type: none"> a) Activities carried out by the State; b) Activities carried out by the state-funded pre-k program including: <ul style="list-style-type: none"> 1) The number and ages of children served 2) The number and ages of children in the program who have a disability, demonstrate limited English proficiency, are from a low-income family or live in a rural area. <p>FEDERAL: Secretary of Education will report annually to Congress on the implementation and effectiveness of the universal pre-k program</p>	<p>LOCAL: Report annually with data including:</p> <ul style="list-style-type: none"> a) The number and ages, family income, race, gender, disability, and native language of enrolled children; b) A description of the curriculum and how it supports cognitive, social, emotional, and physical development; c) A description of how the curriculum is culturally, linguistically, and developmentally appropriate; and d) A statement of all funding sources used to support the program. <p>STATE: Must report annually on the effectiveness of all pre-k programs receiving grants.</p> <p>FEDERAL: Department of Education must report to Congress annually.</p>
Teacher Training and Credentials	<p>All teachers must have a BA degree in early childhood education or a BA in a related field with specialized training within two years of the awarding of the grant.</p>	<p>Local grant recipients required to demonstrate progress in recruiting teachers with BA degrees</p> <p>Funds are available to pay the cost of obtaining a BA degree or certification</p>	<p>Funds are available to help states develop and fulfill a requirement for pre-k teachers to obtain a BA degree in early childhood education or a BA in a related field with specialized training.</p> <p>Funds are available to help states develop and fulfill an AA requirement for assistant teachers.</p>	<p>All teachers have a BA degree in early childhood education or a BA in a related field with specialized training within six years of the awarding of the grant.</p>
Infant/Toddler Set-Aside	<p>No specific set-aside; after satisfying preliminary requirements, states may use funds to serve children younger than 4</p>	<p>No set-aside for infants and toddlers</p>	<p>States must use 10% of funds to improve birth-to-three services</p>	<p>At least 15% of funds to be used for ages birth to three</p>

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Designated Federal Department	Department of Education	Department of Health and Human Services	Department of Education	Department of Education
Designated State Officer	Governor with the instruction to designate a lead agency	State agency	State agency	State agency

Additional bills that are supportive of expanding access to quality pre-kindergarten programs:

Bill Number	Sponsor	Date Introduced	Bill Title
S. 206	Senator Barbara Boxer (D-CA)	1/4/2007	Early Education Act of 2007
	Purpose: To create a Title X within the Elementary and Secondary Education Act to provide grants to support early education, defined as at least half day per week		
H.R. 555	Representative Dennis Kucinich (D-OH)	1/15/2009	Universal Pre-Kindergarten Act
	Purpose: Directs the Secretary of Health and Human Services to provide grants to designated state agencies for development of universal prekindergarten programs for all children three, four, and five years old in the state.		
H.R. 1685	Representative Carolyn McCarthy (D-NY)	3/24/2009	Child Care Facilities Financing Act of 2009
	Purpose: To provide technical and financial assistance for the acquisition, construction, or improvement of child care facilities or equipment, or for technical assistance for facilities improvement and expansion.		
H.R. 1755	Representative Phil Hare (D-IL)	3/26/2009	Rural Early Education Access Act
	Purpose: To award states with incentive grants to establish, enhance, or expand high-quality pre-k programs and to improve the quality of existing programs in rural areas		
S. 1000	Senator Bob Casey (D-PA)	5/7/2009	Starting Early Starting Right Act
	Purpose: To amend the Child Care and Development Block Grant Act of 1990 to improve access to high-quality early learning and child care for low-income children and working families, and for other purposes. Quality improvement is guaranteed through a 15% dedication of funds to this mission.		