

113TH CONGRESS
1ST SESSION

H. R. 1041

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

IN THE HOUSE OF REPRESENTATIVES

MARCH 11, 2013

Mrs. MCCARTHY of New York introduced the following bill; which was referred to the Committee on Education and the Workforce

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. SHORT TITLE.**

4 This Act may be cited as the “Providing Resources
5 Early for Kids Act of 2013” or the “PRE-K Act”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

8 (1) Children’s experiences in the first 5 years of
9 life influence the developing brain and have a signifi-
10 cant and lasting impact.

1 (2) All children deserve access to high-quality
2 early learning experiences that can support chil-
3 dren’s cognitive, social, and emotional development
4 and help prepare children to succeed in school and
5 in life.

6 (3) Research shows that high-quality early edu-
7 cation programs can improve early reading and early
8 mathematics skills, decrease grade retention, de-
9 crease the need for special education services, and
10 increase the likelihood that children will graduate
11 from secondary school and become productive mem-
12 bers of society.

13 (4) The economic benefits of early education ex-
14 periences are clear, and providing parents with
15 greater access to high-quality early learning pro-
16 grams will benefit children, families, and our Nation.

17 (5) High-quality early education programs have
18 well-trained and well-compensated teachers, small
19 class sizes, a full-day program, comprehensive serv-
20 ices, family participation, and a research-based cur-
21 riculum that aligns with strong early learning stand-
22 ards. The quality of State early education programs
23 varies significantly across the United States.

24 (6) While nearly three-quarters of children ages
25 3 through 5 who are not in kindergarten spend time

1 in non-parental care each week, research suggests
2 that most are not in high-quality settings that meet
3 the full range of their developmental needs.

4 (7) A Federal partnership with States—

5 (A) will help increase access to voluntary,
6 high-quality preschool programs;

7 (B) is a necessary step to improving the
8 Nation's elementary and secondary schools and
9 helping States close the achievement gap and
10 improve graduation rates; and

11 (C) should be a national priority.

12 **SEC. 3. EARLY EDUCATION GRANTS.**

13 (a) PROGRAM ESTABLISHED.—From amounts made
14 available to carry out this Act, the Secretary, in consulta-
15 tion with the Secretary of Health and Human Services,
16 shall make grants each fiscal year to States to enhance
17 or improve State-funded preschool programs.

18 (b) ALLOTMENT.—

19 (1) DETERMINATION.—From funds appro-
20 priated under section 13, and not reserved under
21 subsection (c), the Secretary shall make a base allot-
22 ment to each State that has submitted an approved
23 application and is either—

24 (A) a qualified State (as defined in section
25 4(a)); or

1 (B) a selected State (as designated under
2 section 4(b)).

3 (2) AMOUNT.—The amount of the base allot-
4 ment described under paragraph (1) for each State
5 shall be based on the number of children who are
6 under age 5 from a family with income below the
7 poverty line for each State, compared to the number
8 of such children from all States, except that no
9 State shall have a base allotment that is less than
10 0.25 percent of the amounts appropriated under this
11 Act.

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

16 (4) REMAINDER.—In any fiscal year for which
17 not every State is to receive a base allotment, the
18 Secretary shall reallocate any funds remaining after the
19 determination of a base allotment under paragraph
20 (2) to each State that has submitted an approved
21 application and is a qualified State. Such remaining
22 funds shall be reallocated among such qualified States
23 and shall be determined by comparing the number of
24 children who are under age 5 from a family with in-

1 come below the poverty line for each such qualified
2 State to such number for all such qualified States.

3 (c) RESERVATION.—From the amount appropriated
4 each fiscal year to carry out this Act, the Secretary shall
5 reserve 1 percent for the purpose of making grants to In-
6 dian tribes and tribal organizations, as described in sec-
7 tion 10.

8 **SEC. 4. STATE ELIGIBILITY.**

9 (a) QUALIFIED STATES.—For purposes of this Act,
10 the term “qualified State” means a State that meets each
11 of the following criteria:

12 (1) The State carries out a voluntary State-
13 funded preschool program that includes, at a min-
14 imum, the following:

15 (A) Use of research-based curricula that
16 are aligned with State early learning standards
17 that are developmentally appropriate and in-
18 clude, at a minimum, each of the following do-
19 mains:

20 (i) Language development.

21 (ii) Literacy.

22 (iii) Mathematics.

23 (iv) Science.

24 (v) Creative arts.

25 (vi) Social and emotional development.

1 (vii) Approaches to learning.

2 (viii) Physical and health develop-
3 ment.

4 (B) Use of nationally established, or bet-
5 ter, best practices for group size and teacher-to-
6 student ratios, appropriate to the age group
7 being served.

8 (C) A requirement that each teacher holds
9 an associate degree, or higher, in early child-
10 hood education or a related field.

11 (D) A requirement to operate for at least
12 the length of an academic year.

13 (2) The State shall have developed a plan, in-
14 cluding a timetable, for moving toward a require-
15 ment for State-funded preschool programs that each
16 teacher holds a baccalaureate degree in early child-
17 hood education, or in a related field if specialized
18 training in early childhood education has also been
19 completed, not more than 5 years after the State
20 first receives a grant as a qualified State under this
21 Act.

22 (3) The State, at a minimum, shall ensure that
23 the average per-child expenditure by the State and
24 the State's political subdivisions to support State-
25 funded preschool programs for the fiscal year for

1 which the grant is made is equal to, or greater than,
2 the average of such per-child expenditure for the
3 previous 2 fiscal years.

4 (4) The State, at a minimum, shall ensure that
5 the total expenditure by the State to support State-
6 funded preschool programs for the fiscal year for
7 which the grant is made is equal to, or greater than,
8 such expenditure for the preceding fiscal year.

9 (5) The State, at a minimum, shall ensure that
10 the total expenditure by the State to support State-
11 funded child care services and activities for the fiscal
12 year for which the grant is made is equal to, or
13 greater than, such expenditure for the preceding fis-
14 cal year.

15 (b) SELECTED STATES.—

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

23 (2) BASIS FOR DETERMINATIONS.—The deter-
24 minations required by paragraph (1) shall be based
25 on—

1 (A) a State meeting the requirements of
2 paragraphs (3) through (5) of subsection (a);

3 (B) the quality of the applications sub-
4 mitted; and

5 (C) the extent to which a State dem-
6 onstrates that the State, if designated, will be-
7 come a qualified State within 2 fiscal years.

8 (3) PERIOD OF DESIGNATION.—A designation
9 as a selected State under this subsection shall apply
10 to a State for 2 fiscal years. If a State is both a
11 qualified State and a selected State for a fiscal year,
12 the State shall be treated for purposes of this Act
13 as a qualified State rather than a selected State.

14 **SEC. 5. APPLICATIONS.**

15 (a) IN GENERAL.—A State desiring to receive funds
16 under this Act shall submit an application to the Secretary
17 at such time and in such manner as the Secretary may
18 reasonably require. In developing such application, the
19 State shall consult with the State Advisory Council on
20 Early Childhood Education and Care (described in section
21 642B(b) of the Head Start Act (42 U.S.C. 9837b(b))) or
22 a similar State entity, and providers of early childhood
23 programs operating in the State.

1 (b) REQUIRED CONTENTS.—The application referred
2 to in subsection (a) shall include, at a minimum, the fol-
3 lowing:

4 (1) If the State desires to be treated as a quali-
5 fied State, information sufficient for the Secretary to
6 determine whether the State is a qualified State.

7 (2) If the State desires to be designated as a
8 selected State—

9 (A) assurances that the State, if des-
10 igned as a selected State, will become a quali-
11 fied State within 2 fiscal years;

12 (B) information sufficient for the Sec-
13 retary to determine whether the State meets the
14 requirements of paragraphs (3) through (5) of
15 section 4(a); and

16 (C) information relating to any competitive
17 criteria that the Secretary may establish.

18 (3) A description of how the funds received
19 under this Act will be used to enhance or improve
20 preschool programs in the State.

21 (4) A description of how the State is working
22 to build the State's capacity to serve more children
23 in high-quality early education programs, including
24 the building of new facilities, as appropriate.

1 (5) A description of how the State will ensure
2 that any funds made available to State-funded pre-
3 school program providers are made available to a
4 range of types of such preschool providers, including
5 local educational agencies and community-based pro-
6 viders such as child care and Head Start, as appro-
7 priate.

8 (6) Assurances that amounts received by the
9 State under this Act will be used only to supple-
10 ment, and not to supplant, Federal, State, and local
11 funds otherwise available to support existing early
12 childhood services and activities.

13 (7) A description of how the State will evaluate
14 the effectiveness of the use of funds received under
15 this Act.

16 (8) A description of how the State will use the
17 funds to better meet the needs of low-income work-
18 ing parents.

19 (9) A description of how the use of funds will
20 help meet the developmental needs of children in the
21 State.

22 (10) A description of how the State will ensure
23 that State-funded preschool programs are available
24 to, and appropriate for, children with disabilities.

1 (11) A description of how the State-funded pre-
2 school programs will be culturally and linguistically
3 appropriate and how the State plans to meet the
4 early education needs of children with limited
5 English proficiency.

6 (12) A description of how the State is working
7 to develop and use research-based curricula that are
8 aligned with State early learning standards and are
9 linguistically and culturally appropriate for children
10 with limited English proficiency.

11 (13) A description of how the State agency des-
12 ignated under subsection (c) will coordinate with
13 other State agencies delivering early childhood devel-
14 opment programs or services.

15 (14) A description of how the State will ensure
16 that State-funded preschool programs will coordinate
17 with local educational agencies in the area to ensure
18 a smooth and successful transition to kindergarten.

19 (15) A description of how the State monitoring
20 process will effectively assess and ensure the quality
21 of State-funded preschool programs.

22 (16) A description of how the State will coordi-
23 nate this grant with the efforts of the State Advisory
24 Council on Early Childhood Education and Care (de-
25 scribed in section 642B(b) of the Head Start Act

1 (42 U.S.C. 9837b(b))) or another State entity that
2 is coordinating a system of early childhood develop-
3 ment and education for children from birth to kin-
4 dergarten entry.

5 (17) A description of how the State-funded pre-
6 school programs that are not universal prioritize
7 children from low-income families.

8 (18) A description of how the State is working
9 to eliminate barriers and improve access to State-
10 funded preschool programs for children who live in
11 rural areas.

12 (19) A description of how the State is working
13 to address the transportation needs of families for
14 whom lack of transportation is a significant barrier
15 to accessing State-funded preschool.

16 (c) STATE AGENCY.—The application shall designate
17 a State agency to administer and oversee grant funds and
18 the activities carried out under this Act.

19 **SEC. 6. USE OF FUNDS.**

20 (a) PRIORITY.—In using funds provided under this
21 Act, a State shall give priority to improving the quality
22 of State-funded preschool in communities with high con-
23 centrations of low-income children.

24 (b) SPECIFIC USES.—Subject to subsections (c) and
25 (d), a State that receives funds under this Act shall use

1 such funds to carry out 1 or more of the following activi-
2 ties:

3 (1) To increase the number of teachers and
4 program directors in State-funded preschool pro-
5 grams who hold a baccalaureate degree in early
6 childhood education, or in a related field if special-
7 ized training in early childhood education has also
8 been completed.

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

14 (3) To increase the number of program direc-
15 tors, teachers, and teacher aides who have special-
16 ized training in working with children and families
17 with limited English proficiency.

18 (4) To increase the number of program direc-
19 tors, teachers, and teacher aides who have special-
20 ized training in working with children with disabil-
21 ities.

22 (5) To increase the compensation or benefits
23 provided to teachers, program directors, and teacher
24 aides in State-funded preschool programs in order to
25 improve the ability of those programs to recruit and

1 retain such teachers, program directors, and teacher
2 aides.

3 (6) To decrease group size in classrooms in
4 State-funded preschool programs.

5 (7) To improve the teacher-to-student ratios in
6 classrooms in State-funded preschool programs.

7 (8) To provide, in State-funded preschool pro-
8 grams, 1 or more of the following comprehensive
9 services that support healthy child development and
10 positive child outcomes and school readiness:

11 (A) Vision and hearing screenings and re-
12 ferrals.

13 (B) Health and mental health screenings
14 and referrals.

15 (C) Parent involvement opportunities.

16 (D) Nutrition services.

17 (9) To extend the number of—

18 (A) hours per day of program operation of
19 State-funded preschool programs;

20 (B) days per week of program operation of
21 State-funded preschool programs; or

22 (C) weeks per year of program operation of
23 State-funded preschool programs.

1 (10) To improve the State’s system for moni-
2 toring the quality of State-funded preschool pro-
3 grams.

4 (11) To provide opportunities for intensive and
5 on-going research- and evidence-based professional
6 development in the domains described in section
7 4(a)(1)(A) for staff of State-funded preschool pro-
8 grams.

9 (12) To provide induction and support for pre-
10 school program directors, teachers, and staff during
11 the first 3 years of employment in a new position,
12 and to provide on-going mentoring to such individ-
13 uals by persons with education and expertise in sup-
14 porting teachers in effective teaching practices with
15 young children and in supporting program directors
16 in early childhood education and program manage-
17 ment.

18 (13) 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 (14) To provide preschool classroom supplies or
24 equipment.

1 (c) SET-ASIDE.—A State that receives funds under
2 this Act shall use 10 percent of such funds to improve
3 the quality of early learning environments for children
4 from birth to age 3 through research- and evidence-based
5 methods.

6 (d) SPECIAL RULE.—

7 (1) IN GENERAL.—Notwithstanding subsection
8 (b), a qualified State that receives funds under this
9 Act may use not more than 50 percent of the funds
10 remaining after the set-aside described under sub-
11 section (c) for the purpose of expanding a State-
12 funded preschool program, with priority for such ex-
13 pansion to communities with high concentrations of
14 low-income children, that meets or exceeds the cri-
15 teria in section 4(a) if—

16 (A) the amount appropriated under section
17 13 is not less than \$250,000,000; or

18 (B) the State-funded preschool program
19 meets or exceeds the following criteria:

20 (i) The standards described in sub-
21 paragraphs (A) and (B) of section 4(a)(1).

22 (ii) Each teacher holds a bacca-
23 laurate degree in early childhood edu-
24 cation (or a related field if specialized

1 training in early childhood education has
2 also been completed).

3 (iii) Each provider provides full-day
4 services at all locations.

5 (iv) Each provider provides com-
6 prehensive services to at-risk children par-
7 ticipating in the State-funded preschool
8 program.

9 (v) Each teacher participates in on-
10 going professional development in child de-
11 velopment and learning.

12 (vi) Each provider provides linguis-
13 tically and culturally appropriate standards
14 for serving children with limited English
15 proficiency participating in the State-fund-
16 ed preschool program.

17 (2) STATE DEFINITION AND APPLICABILITY.—

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

1 (e) RULE OF CONSTRUCTION.—Funds provided
2 under this Act shall be used only to improve or enhance
3 a State-funded preschool program. Nothing in this Act
4 shall be construed such that a State may use these funds
5 only for existing State-funded preschool program pro-
6 viders.

7 **SEC. 7. MATCHING REQUIREMENTS.**

8 The Secretary shall not make a grant to a State
9 under this Act unless the State agrees to the following:

10 (1) QUALIFIED STATE.—In the case of a quali-
11 fied State, the State will make available non-Federal
12 contributions in an amount equal to not less than 30
13 percent of that portion of the Federal funds pro-
14 vided under the grant that represent the base allot-
15 ment under section 3(b)(2).

16 (2) SELECTED STATE.—In the case of a se-
17 lected State, the State will make available non-Fed-
18 eral contributions in an amount equal to not less
19 than 50 percent of that portion of the Federal funds
20 provided under the grant that represent the base al-
21 lotment under section 3(b)(2).

22 **SEC. 8. REPORTING REQUIREMENTS.**

23 (a) REPORT TO CONGRESS.—For each year in which
24 funding is provided under this Act, the Secretary shall
25 submit an annual report to Congress on the activities car-

1 ried out under this Act, including, at a minimum, informa-
2 tion on the following:

3 (1) The activities undertaken by qualified
4 States and selected States that improved or en-
5 hanced State-funded preschool programs.

6 (2) The progress of selected States in moving
7 toward fulfilling criteria to become a qualified State.

8 (3) The extent to which the State used funds
9 to expand a State-funded preschool program, as al-
10 lowed under section 6(d).

11 (4) The costs and barriers to expansion, includ-
12 ing building and renovating preschool facilities so
13 that such facilities are high-quality and age and de-
14 velopmentally appropriate.

15 (b) REPORT TO SECRETARY.—Each State that re-
16 ceives a grant under this Act shall submit to the Secretary
17 an annual report on the following:

18 (1) The activities carried out by the State
19 under this Act, including—

20 (A) how funds provided under this Act
21 were used to enhance and improve the quality
22 of State-funded preschool programs, including
23 enhancing and improving the quality of State-
24 funded preschool programs serving children who
25 live in a rural area; and

1 (B) such other information as the Sec-
2 retary may reasonably require.

3 (2) The activities carried out by the State-fund-
4 ed preschool program, including—

5 (A) the number and ages of children
6 served by the State-funded preschool program;
7 and

8 (B) the number and ages of children in
9 such program with a disability, with limited
10 English proficiency, from low-income families,
11 and from rural areas.

12 **SEC. 9. SPECIAL RULE.**

13 Funds under this Act may not be used for the pur-
14 poses of assessments that provide rewards or sanctions for
15 individual children or teachers.

16 **SEC. 10. APPLICATIONS FOR INDIAN TRIBES.**

17 The Secretary shall award competitive grants to In-
18 dian tribes and tribal organizations to carry out a program
19 under this Act. An Indian tribe or tribal organization de-
20 siring to receive funds under this Act shall submit an ap-
21 plication to the Secretary at such time and in such manner
22 as the Secretary may reasonably require. For purposes of
23 submitting such application and for expending funds re-
24 ceived under this Act, Indian tribes and tribal organiza-
25 tions shall comply with sections 4 through 9.

1 **SEC. 11. DEFINITIONS.**

2 For purposes of this Act:

3 (1) LOCAL EDUCATIONAL AGENCY.—The term
4 “local educational agency” has the meaning given
5 such term in section 9101 of the Elementary and
6 Secondary Education Act of 1965 (20 U.S.C. 7801).

7 (2) POVERTY LINE.—The term “poverty line”
8 has the meaning given such term in section 9101 of
9 the Elementary and Secondary Education Act of
10 1965 (20 U.S.C. 7801).

11 (3) RURAL AREA.—The term “rural area”
12 means a geographic area served by a rural local edu-
13 cational agency.

14 (4) RURAL LOCAL EDUCATION AGENCY.—The
15 term “rural local educational agency” means a local
16 educational agency having administrative control or
17 direction of schools which meet a metro-centric lo-
18 cale code of 41, 42, or 43 as determined by the Na-
19 tional Center for Education Statistics, in conjunc-
20 tion with the Bureau of the Census, using the sys-
21 tem of the National Center for Education Statistics
22 for classifying local educational agencies.

23 (5) SECRETARY.—The term “Secretary” means
24 the Secretary of Education.

25 (6) STATE.—The term “State” has the mean-
26 ing given such term in section 9101 of the Elemen-

1 tary and Secondary Education Act of 1965 (20
2 U.S.C. 7801).

3 (7) STATE-FUNDED PRESCHOOL PROGRAM.—

4 The term “State-funded preschool program” means
5 a program that—

6 (A) serves children who are ages 3 through
7 5;

8 (B) has a primary focus of supporting
9 early childhood education, including supporting
10 children’s cognitive, social, emotional, and phys-
11 ical development and approaches to learning;

12 (C) helps prepare children for a successful
13 transition to kindergarten; and

14 (D) is funded either in whole or in part by
15 a State through a State agency with authority
16 to promulgate regulations and monitor partici-
17 pating programs.

18 (8) LIMITED ENGLISH PROFICIENCY.—The
19 term “limited English proficiency”, when used with
20 respect to a child, means a child—

21 (A)(i) who was not born in the United
22 States or whose native language is a language
23 other than English;

24 (ii)(I) who is a Native American (as de-
25 fined in section 9101 of the Elementary and

1 Secondary Education Act of 1965 (20 U.S.C.
2 7801)), an Alaska Native, or a native resident
3 of an outlying area (as defined in such section
4 9101); and

5 (II) who comes from an environment where
6 a language other than English has had a sig-
7 nificant impact on the child's level of English
8 language proficiency; or

9 (iii) who is migratory, whose native lan-
10 guage is a language other than English, and
11 who comes from an environment where a lan-
12 guage other than English is dominant; and

13 (B) whose difficulties in speaking or un-
14 derstanding the English language may be suffi-
15 cient to deny the child—

16 (i) the ability to successfully achieve
17 in a classroom in which the language of in-
18 struction is English; or

19 (ii) the opportunity to participate fully
20 in society.

21 **SEC. 12. CONSTRUCTION.**

22 Nothing in this Act shall be construed to require a
23 child to attend a preschool program.

1 **SEC. 13. AUTHORIZATION.**

2 There are authorized to be appropriated to carry out
3 this Act such sums as may be necessary for each of the
4 fiscal years 2014 through 2018.

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