

113TH CONGRESS  
1ST SESSION

# S. 519

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

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## IN THE SENATE OF THE UNITED STATES

MARCH 11, 2013

Ms. HIRONO (for herself, Mr. BEGICH, Mr. CARDIN, Mr. DURBIN, Mr. FRANKEN, Mrs. GILLIBRAND, Mr. JOHNSON of South Dakota, Mr. LAUTENBERG, Mrs. MURRAY, Mr. SCHATZ, Mr. SCHUMER, and Mr. WYDEN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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## 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:

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

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

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

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

20           (5) High-quality early education programs have  
21 well-trained and well-compensated teachers, small  
22 class sizes, a full-day program, comprehensive serv-  
23 ices, family participation, and a research-based cur-  
24 riculum that aligns with strong early learning stand-

1 ards. The quality of State early education programs  
 2 varies significantly across the United States.

3 (6) While nearly three-quarters of children ages  
 4 3 through 5 who are not in kindergarten spend time  
 5 in non-parental care each week, research suggests  
 6 that most are not in high-quality settings that meet  
 7 the full range of their developmental needs.

8 (7) A Federal partnership with States—

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

11 (B) is a necessary step to improving the  
 12 Nation’s elementary and secondary schools and  
 13 helping States close the achievement gap and  
 14 improve graduation rates; and

15 (C) should be a national priority.

16 **SEC. 3. EARLY EDUCATION GRANTS.**

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

22 (b) ALLOTMENT.—

23 (1) DETERMINATION.—From funds appro-  
 24 priated under section 13, and not reserved under  
 25 subsection (c), the Secretary shall make a base allot-

1 ment to each State that has submitted an approved  
2 application and is either—

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

5 (B) a selected State (as designated under  
6 section 4(b)).

7 (2) AMOUNT.—The amount of the base allot-  
8 ment described under paragraph (1) for each State  
9 shall be based on the number of children who are  
10 under age 5 from a family with income below the  
11 poverty line for each State, compared to the number  
12 of such children from all States, except that no  
13 State shall have a base allotment that is less than  
14 0.25 percent of the amounts appropriated under this  
15 Act.

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

20 (4) REMAINDER.—In any fiscal year for which  
21 not every State is to receive a base allotment, the  
22 Secretary shall reallocate any funds remaining after the  
23 determination of a base allotment under paragraph  
24 (2) to each State that has submitted an approved  
25 application and is a qualified State. Such remaining

1 funds shall be reallocated among such qualified States  
2 and shall be determined by comparing the number of  
3 children who are under age 5 from a family with in-  
4 come below the poverty line for each such qualified  
5 State to such number for all such qualified States.

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

11 **SEC. 4. STATE ELIGIBILITY.**

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

15 (1) The State carries out a voluntary State-  
16 funded preschool program that includes, at a min-  
17 imum, the following:

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

23 (i) Language development.

24 (ii) Literacy.

25 (iii) Mathematics.

- 1 (iv) Science.
- 2 (v) Creative arts.
- 3 (vi) Social and emotional development.
- 4 (vii) Approaches to learning.
- 5 (viii) Physical and health develop-
- 6 ment.

7 (B) Use of nationally established, or bet-

8 ter, best practices for group size and teacher-to-

9 student ratios, appropriate to the age group

10 being served.

11 (C) A requirement that each teacher holds

12 an associate degree, or higher, in early child-

13 hood education or a related field.

14 (D) A requirement to operate for at least

15 the length of an academic year.

16 (2) The State shall have developed a plan, in-

17 cluding a timetable, for moving toward a require-

18 ment for State-funded preschool programs that each

19 teacher holds a baccalaureate degree in early child-

20 hood education, or in a related field if specialized

21 training in early childhood education has also been

22 completed, not more than 5 years after the State

23 first receives a grant as a qualified State under this

24 Act.

1           (3) The State, at a minimum, shall ensure that  
2           the average per-child expenditure by the State and  
3           the State's political subdivisions to support State-  
4           funded preschool programs for the fiscal year for  
5           which the grant is made is equal to, or greater than,  
6           the average of such per-child expenditure for the  
7           previous 2 fiscal years.

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

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

19          (b) SELECTED STATES.—

20               (1) IN GENERAL.—Each fiscal year, the Sec-  
21               retary shall carry out, on a competitive basis, a proc-  
22               ess for the designation of States as selected States  
23               for purposes of this Act. The Secretary shall deter-  
24               mine whether to designate any States as selected

1 States and, if so, shall determine the States that are  
2 to be designated as selected States.

3 (2) BASIS FOR DETERMINATIONS.—The deter-  
4 minations required by paragraph (1) shall be based  
5 on—

6 (A) a State meeting the requirements of  
7 paragraphs (3) through (5) of subsection (a);

8 (B) the quality of the applications sub-  
9 mitted; and

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

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

19 **SEC. 5. APPLICATIONS.**

20 (a) IN GENERAL.—A State desiring to receive funds  
21 under this Act shall submit an application to the Secretary  
22 at such time and in such manner as the Secretary may  
23 reasonably require. In developing such application, the  
24 State shall consult with the State Advisory Council on  
25 Early Childhood Education and Care (described in section



1 642B(b) of the Head Start Act (42 U.S.C. 9837b(b))) or  
2 a similar State entity, and providers of early childhood  
3 programs operating in the State.

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

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

10 (2) If the State desires to be designated as a  
11 selected State—

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

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

19 (C) information relating to any competitive  
20 criteria that the Secretary may establish.

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

24 (4) A description of how the State is working  
25 to build the State's capacity to serve more children

1 in high-quality early education programs, including  
2 the building of new facilities, as appropriate.

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

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

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

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

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

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

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

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

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

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

22          (15) A description of how the State monitoring  
23          process will effectively assess and ensure the quality  
24          of State-funded preschool programs.

1           (16) A description of how the State will coordi-  
2           nate this grant with the efforts of the State Advisory  
3           Council on Early Childhood Education and Care (de-  
4           scribed in section 642B(b) of the Head Start Act  
5           (42 U.S.C. 9837b(b))) or another State entity that  
6           is coordinating a system of early childhood develop-  
7           ment and education for children from birth to kin-  
8           dergarten entry.

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

12          (18) A description of how the State is working  
13          to eliminate barriers and improve access to State-  
14          funded preschool programs for children who live in  
15          rural areas.

16          (19) A description of how the State is working  
17          to address the transportation needs of families for  
18          whom lack of transportation is a significant barrier  
19          to accessing State-funded preschool.

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

23   **SEC. 6. USE OF FUNDS.**

24          (a) PRIORITY.—In using funds provided under this  
25          Act, a State shall give priority to improving the quality

1 of State-funded preschool in communities with high con-  
2 centrations of low-income children.

3 (b) SPECIFIC USES.—Subject to subsections (c) and  
4 (d), a State that receives funds under this Act shall use  
5 such funds to carry out 1 or more of the following activi-  
6 ties:

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

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

18 (3) To increase the number of program direc-  
19 tors, teachers, and teacher aides who have special-  
20 ized training in working with children and families  
21 with limited English proficiency.

22 (4) To increase the number of program direc-  
23 tors, teachers, and teacher aides who have special-  
24 ized training in working with children with disabili-  
25 ties.

1           (5) To increase the compensation or benefits  
2 provided to teachers, program directors, and teacher  
3 aides in State-funded preschool programs in order to  
4 improve the ability of those programs to recruit and  
5 retain such teachers, program directors, and teacher  
6 aides.

7           (6) To decrease group size in classrooms in  
8 State-funded preschool programs.

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

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

15           (A) Vision and hearing screenings and re-  
16 ferrals.

17           (B) Health and mental health screenings  
18 and referrals.

19           (C) Parent involvement opportunities.

20           (D) Nutrition services.

21           (9) To extend the number of—

22           (A) hours per day of program operation of  
23 State-funded preschool programs;

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

1 (C) weeks per year of program operation of  
2 State-funded preschool programs.

3 (10) To improve the State's system for moni-  
4 toring the quality of State-funded preschool pro-  
5 grams.

6 (11) To provide opportunities for intensive and  
7 on-going research- and evidence-based professional  
8 development in the domains described in section  
9 4(a)(1)(A) for staff of State-funded preschool pro-  
10 grams.

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

20 (13) To renovate existing facilities, except that  
21 such renovation must be limited to minor rehabilita-  
22 tion or remodeling needed to ensure that State-fund-  
23 ed preschool program facilities are age and develop-  
24 mentally appropriate.

1           (14) To provide preschool classroom supplies or  
2           equipment.

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

8           (d) SPECIAL RULE.—

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

18                   (A) the amount appropriated under section  
19                   13 is not less than \$250,000,000; or

20                   (B) the State-funded preschool program  
21                   meets or exceeds the following criteria:

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

24                           (ii) Each teacher holds a bacca-  
25                           laureate degree in early childhood edu-



1 cation (or a related field if specialized  
2 training in early childhood education has  
3 also been completed).

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

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

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

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

18 (2) STATE DEFINITION AND APPLICABILITY.—

19 For the purpose of establishing a priority for expan-  
20 sion under paragraph (1), the State shall define  
21 what constitutes a high concentration of low-income  
22 children. In any State described in paragraph (1) in  
23 which all communities with high concentrations of  
24 low-income children are served by a State-funded

1 preschool program, the priority for expansion de-  
2 scribed in such paragraph shall not apply.

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

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

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

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

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

1 **SEC. 8. REPORTING REQUIREMENTS.**

2 (a) REPORT TO CONGRESS.—For each year in which  
3 funding is provided under this Act, the Secretary shall  
4 submit an annual report to Congress on the activities car-  
5 ried out under this Act, including, at a minimum, informa-  
6 tion on the following:

7 (1) The activities undertaken by qualified  
8 States and selected States that improved or en-  
9 hanced State-funded preschool programs.

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

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

15 (4) The costs and barriers to expansion, includ-  
16 ing building and renovating preschool facilities so  
17 that such facilities are high-quality and age and de-  
18 velopmentally appropriate.

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

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

24 (A) how funds provided under this Act  
25 were used to enhance and improve the quality  
26 of State-funded preschool programs, including

1 enhancing and improving the quality of State-  
2 funded preschool programs serving children who  
3 live in a rural area; and

4 (B) such other information as the Sec-  
5 retary may reasonably require.

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

8 (A) the number and ages of children  
9 served by the State-funded preschool program;  
10 and

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

15 **SEC. 9. SPECIAL RULE.**

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

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

20 The Secretary shall award competitive grants to In-  
21 dian tribes and tribal organizations to carry out a program  
22 under this Act. An Indian tribe or tribal organization de-  
23 siring to receive funds under this Act shall submit an ap-  
24 plication to the Secretary at such time and in such manner  
25 as the Secretary may reasonably require. For purposes of

1 submitting such application and for expending funds re-  
2 ceived under this Act, Indian tribes and tribal organiza-  
3 tions shall comply with sections 4 through 9.

4 **SEC. 11. DEFINITIONS.**

5 For purposes of this Act:

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

10 (2) POVERTY LINE.—The term “poverty line”  
11 has the meaning given such term in section 9101 of  
12 the Elementary and Secondary Education Act of  
13 1965 (20 U.S.C. 7801).

14 (3) RURAL AREA.—The term “rural area”  
15 means a geographic area served by a rural local edu-  
16 cational agency.

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

1           (5) SECRETARY.—The term “Secretary” means  
2 the Secretary of Education.

3           (6) STATE.—The term “State” has the mean-  
4 ing given such term in section 9101 of the Elemen-  
5 tary and Secondary Education Act of 1965 (20  
6 U.S.C. 7801).

7           (7) STATE-FUNDED PRESCHOOL PROGRAM.—  
8 The term “State-funded preschool program” means  
9 a program that—

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

12           (B) has a primary focus of supporting  
13 early childhood education, including supporting  
14 children’s cognitive, social, emotional, and phys-  
15 ical development and approaches to learning;

16           (C) helps prepare children for a successful  
17 transition to kindergarten; and

18           (D) is funded either in whole or in part by  
19 a State through a State agency with authority  
20 to promulgate regulations and monitor partici-  
21 pating programs.

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

1 (A)(i) who was not born in the United  
2 States or whose native language is a language  
3 other than English;

4 (ii)(I) who is a Native American (as de-  
5 fined in section 9101 of the Elementary and  
6 Secondary Education Act of 1965 (20 U.S.C.  
7 7801)), an Alaska Native, or a native resident  
8 of an outlying area (as defined in such section  
9 9101); and

10 (II) who comes from an environment where  
11 a language other than English has had a sig-  
12 nificant impact on the child's level of English  
13 language proficiency; or

14 (iii) who is migratory, whose native lan-  
15 guage is a language other than English, and  
16 who comes from an environment where a lan-  
17 guage other than English is dominant; and

18 (B) whose difficulties in speaking or un-  
19 derstanding the English language may be suffi-  
20 cient to deny the child—

21 (i) the ability to successfully achieve  
22 in a classroom in which the language of in-  
23 struction is English; or

24 (ii) the opportunity to participate fully  
25 in society.

1 **SEC. 12. CONSTRUCTION.**

2       Nothing in this Act shall be construed to require a  
3 child to attend a preschool program.

4 **SEC. 13. AUTHORIZATION.**

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

○