

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 907 Session of
2007

INTRODUCED BY M. WHITE, EARLL, ERICKSON, CORMAN, RAFFERTY,
PICCOLA, WONDERLING, ORIE AND COSTA, MAY 29, 2007

REFERRED TO EDUCATION, MAY 29, 2007

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," providing for the funding of
6 preschool education for financially needy persons, for
7 educational support services for preschool children, for
8 student loan forgiveness and for distribution of books to
9 parents of preschool-age children.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. The act of March 10, 1949 (P.L.30, No.14), known
13 as the Public School Code of 1949, is amended by adding an
14 article to read:

15 ARTICLE XIII-B

16 PRESCHOOL EDUCATION

17 Section 1301-B. Legislative findings.

18 The General Assembly finds and declares as follows:

19 (1) Parents are best suited to choose the most
20 appropriate means of education for their preschool-age
21 children, including the selection of preschool programs of

1 their choice or the selection of in-home care and education.

2 (2) Enabling parents to be closely involved in the
3 education of their children at an early age is the most
4 effective means of promoting school readiness.

5 (3) Providing diverse educational opportunities for the
6 children of this Commonwealth is a civic imperative and a
7 matter of serious public concern.

8 (4) The importance of educational choices that will meet
9 the needs of parents and the need to maintain and operate an
10 effective system of education make it imperative to provide
11 for the increased availability of diverse opportunities,
12 including both public and nonpublic programs of preschool
13 education, to benefit all citizens of this Commonwealth.

14 (5) Many disadvantaged preschool-age residents of this
15 Commonwealth enjoy comparatively fewer educational
16 opportunities or options than preschool-age residents who
17 possess greater economic means.

18 (6) The accessibility to families of nonpublic
19 educational alternatives decreases the burdens on the
20 Commonwealth and local school districts and increases the
21 range of educational choices available to Pennsylvania
22 families, thus providing a benefit to all citizens of this
23 Commonwealth.

24 (7) The General Assembly intends the program of funding
25 and supplemental for preschool education provided in this
26 article to be one element of its overall program of providing
27 funds and related services to assure the availability of
28 educational opportunities for students enrolled in the
29 schools of this Commonwealth. A comparatively far greater
30 proportion of public funds are and, upon implementation of a

1 preschool educational choice program, will continue to be
2 devoted to the benefit of students enrolled in the public
3 schools of this Commonwealth. Therefore, the General Assembly
4 intends that a program for funding preschool educational
5 choice and supplemental services be viewed as an integral
6 part of its overall program of educational funding and not as
7 an isolated individual program.

8 (8) A program of financial assistance and supplemental
9 services to enhance educational choice in this Commonwealth,
10 as one element of the Commonwealth's plan for funding of
11 diverse educational opportunities, will greatly aid efforts
12 to equalize educational opportunities for the citizens of
13 this Commonwealth, will better prepare Commonwealth citizens
14 to succeed in school and ultimately to compete for employment
15 opportunities, will foster development of a more capable and
16 better-educated work force and will better enable the
17 Commonwealth to fulfill its obligation of providing children
18 the opportunity of receiving a quality education.

19 Section 1302-B. Definitions.

20 The following words and phrases when used in this article
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 "Agency." The Pennsylvania Higher Education Assistance
24 Agency.

25 "Charter school." A charter school established under the
26 provisions of Article XVII-A.

27 "Child day-care center." A child day-care center that is
28 licensed under Article X of the act of June 13, 1967 (P.L.31,
29 No.21), known as the Public Welfare Code.

30 "Children's institution." A child day-care center that is

1 supervised by the Department of Public Welfare under Article IX
2 of the act of June 13, 1967 (P.L.31, No.21), known as the Public
3 Welfare Code.

4 "Civil Rights Act." The Civil Rights Act of 1964 (Public Law
5 88-352, 78 Stat. 241).

6 "Department" The Department of Education of the
7 Commonwealth.

8 "Eligible grant recipient." The parent of a preschool-age
9 child who attends or is about to attend a preschool program in
10 this Commonwealth and who meets the income qualification
11 provisions of section 1303-B.

12 "Head Start." A program funded under the Head Start Act
13 (Public Law 97-35, 42 U.S.C. § 9831, et seq.), established by
14 the Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,
15 95 Stat. 357) and carried out by a Head Start agency or delegate
16 agency that provides ongoing comprehensive child development
17 services.

18 "Household income." All income, as defined in section 301 of
19 the act of March 4, 1971 (P.L.6, No.2), known as the Tax Reform
20 Code of 1971, of an eligible grant recipient and any other adult
21 member of the same household.

22 "Library." A library that is eligible to receive State aid
23 under the act of June 14, 1961 (P.L.324, No.188), known as The
24 Library Code.

25 "Nonpublic school." A school, other than a public school,
26 located within this Commonwealth, at which a Commonwealth
27 resident may lawfully fulfill the compulsory attendance
28 requirements of this act and which meets the applicable
29 requirements of Title VI of the Civil Rights Act of 1964 (Public
30 Law 88-352, 78 Stat. 241).

1 "Parent." A Commonwealth resident who is a parent or
2 guardian of, or person in parental relation to, a preschool-age
3 child.

4 "Preschool-age child." A resident of this Commonwealth who
5 is four years of age as of September 1 of the school year for
6 which a preschool education grant is sought.

7 "Preschool program." A program of education for preschool-
8 age children that meets the requirements of section 1304-B, is
9 operated by a public school district, a charter school, a
10 private academic school, a nonpublic school, a child day-care
11 center, a Head Start program or a children's institution and
12 meets the applicable requirements of Title VI of the Civil
13 Rights Act of 1964 (Public Law 88-352, 78 Stat. 241).

14 "Public Welfare Code." The act of June 13, 1967 (P.L.31,
15 No.21), known as the Public Welfare Code.

16 "Secretary." The Secretary of Education of the Commonwealth.
17 Section 1303-B. Preschool education grants.

18 (a) Program established.--The department shall establish a
19 program for awarding grants for preschool education to persons
20 who qualify as eligible grant recipients to the extent permitted
21 by annual appropriations made by the General Assembly.

22 (b) Parental qualification.--To qualify for a preschool
23 education grant, a parent must:

24 (1) be a member of a household that has total household
25 income that does not exceed an amount equal to 235% of the
26 Federal poverty guidelines as reported by the Department of
27 Health and Human Services; and

28 (2) make application to the department for a grant on
29 forms to be developed and distributed by the department.

30 (c) Amounts.--

1 (1) Subject to paragraph (2), grants shall be awarded in
2 the maximum amount of \$6 per hour of actual attendance at a
3 preschool program or the actual hourly charge for such
4 program, whichever is less. Grants may not be used to pay for
5 more than seven hours of instruction per day or for more than
6 180 days per school year.

7 (2) At the beginning of each fiscal year, the secretary
8 shall increase the maximum amount of the grant by a
9 percentage factor equal to the percentage increase in the
10 Consumer Price Index for All Urban Consumers (CPI-U) for the
11 Pennsylvania, New Jersey and Maryland area, officially
12 reported by the United States Department of Labor, Bureau of
13 Labor Statistics, for the fiscal year immediately prior to
14 the date the adjustment is to take place. The secretary shall
15 publish the maximum grant amount, as adjusted, as a statement
16 of policy in the Pennsylvania Bulletin.

17 (d) Poverty guidelines.--

18 (1) Grant recipients whose household income falls at or
19 below 155% of the Federal poverty guidelines shall be
20 eligible for 100% of the maximum grant amount set forth in
21 subsection (c).

22 (2) Grant recipients whose household income falls
23 between 155% and 165% of the Federal poverty guidelines shall
24 be eligible for 90% of the maximum grant amount set forth in
25 subsection (c).

26 (3) Grant recipients whose household income falls
27 between 165% and 175% of the Federal poverty guidelines shall
28 be eligible for 80% of the maximum grant amount set forth in
29 subsection (c).

30 (4) Grant recipients whose household income falls

1 between 175% and 185% of the Federal poverty guidelines shall
2 be eligible for 70% of the maximum grant amount set forth in
3 subsection (c).

4 (5) Grant recipients whose household income falls
5 between 185% and 195% of the Federal poverty guidelines shall
6 be eligible for 60% of the maximum grant amount set forth in
7 subsection (c).

8 (6) Grant recipients whose household income falls
9 between 195% and 205% of the Federal poverty guidelines shall
10 be eligible for 50% of the maximum grant amount set forth in
11 subsection (c).

12 (7) Grant recipients whose household income falls
13 between 205% and 215% of the Federal poverty guidelines shall
14 be eligible for 40% of the maximum grant amount set forth in
15 subsection (c).

16 (8) Grant recipients whose household income falls
17 between 215% and 225% of the Federal poverty guidelines shall
18 be eligible for 30% of the maximum grant amount set forth in
19 subsection (c).

20 (9) Grant recipients whose household income falls
21 between 225% and 235% of the Federal poverty guidelines shall
22 be eligible for 20% of the maximum grant amount set forth in
23 subsection (c).

24 (e) Appropriation shortfall.--In any school year in which
25 the amounts appropriated by the General Assembly for the program
26 established under this article shall not be sufficient to make
27 awards in the maximum amount permitted for all eligible
28 recipients, each grant recipient shall be awarded a pro rata
29 amount of the award for which the grant recipient would
30 otherwise be eligible.

1 (f) Maximum allowance.--The grants awarded may be used only
2 for payment of actual charges for attendance at a preschool
3 program. The department may reduce the amount of a grant award
4 to offset any other payments made from State-appropriated funds
5 to avoid the making of payments in excess of the actual charges
6 incurred for attendance at the preschool program.

7 (g) Grant guidelines.--The department shall issue guidelines
8 for the awarding of grants that shall include:

9 (1) grant application and award notification dates;

10 (2) standards for the verification of income
11 information;

12 (3) confirmation of attendance by grant recipients;

13 (4) distribution of information to schools, school
14 districts, child day-care centers, children's institutions
15 and the general public concerning the preschool education
16 funding program established under this article;

17 (5) restricted endorsement of grant award checks by
18 grant recipients to the preschool program attended by the
19 recipient's child;

20 (6) transfer of a child between preschool programs; and

21 (7) disqualification for eligibility for future
22 preschool grant awards for fraud or misrepresentations in
23 connection with the program established under this article.

24 The guidelines shall be published as a statement of policy in
25 the Pennsylvania Bulletin and shall be mailed by the department
26 to each school in this Commonwealth.

27 (h) Nontaxable income.--Grants awarded shall not be
28 considered to be taxable income for State or local income tax
29 purposes in this Commonwealth.

30 (i) Attendance.--Attendance by a child at a preschool

program shall not constitute entry into a school for purposes of section 1326.

Section 1304-B. Preschool programs.

(a) Requirements.--Grants may be awarded for attendance at a preschool program that meets the following requirements:

(1) The preschool program shall meet all applicable State and local fire safety and building code requirements and all applicable State laws relating to health and safety that are administered by the Department of Agriculture, the Department of Environmental Protection, the Department of Health, the Department of Labor and Industry, the Department of Transportation and county health departments. The preschool program shall also comply with all applicable provisions of section 1517.

(2) The preschool program shall comply with all requirements of section 111 and with all requirements of 23 Pa.C.S. § 6355 (relating to requirement).

(3) The preschool program shall have a director who is at least 21 years of age, has completed a program of instruction in general first aid training, including instruction in childhood injury prevention and infectious diseases, has had fire safety training and has at least 1,250 hours of experience in teaching or working with children.

(4) The preschool program shall employ only individuals who meet the applicable provisions of this act for employment as teachers or as teacher's aides in the school, child day-care center or children's institution that operates the preschool program.

(5) The preschool program shall maintain instructional materials and indoor/outdoor equipment compatible with the

1 preschool program's philosophy, objectives and teaching
2 methodology which will accommodate the number of children in
3 the preschool.

4 (6) The preschool program of instruction shall include
5 those motor, creative, manipulative, imaginative, rhythmic,
6 language and science activities and experiences that tend to
7 promote effectively the physical, mental, social, emotional
8 and aesthetic development of children of preschool age.
9 Objectives and daily plans shall be kept on file and shall be
10 available to the department or to parents upon request.

11 (7) Learning experiences at the preschool program, both
12 informal and planned, shall include: free play, which shall
13 include outdoor play, weather permitting; gross motor skill
14 development; fine motor skill development; perceptual
15 activities; language arts activities; mathematical
16 activities; science activities; expressive arts, including
17 music, art and dramatic play; socialization and social
18 development activities; nutrition; and health and safety.

19 (8) The preschool program shall be planned for a minimum
20 of two hours of instruction per day and establish the number
21 of days that the program shall remain open.

22 (9) The preschool program shall require age-appropriate
23 immunizations for enrolled children, as prescribed by the
24 department.

25 (b) Program registration.--

26 (1) A preschool program at which grant recipients may
27 utilize their grant awards shall register with the department
28 and certify that the program meets the requirements of this
29 article.

30 (2) The department may make such announced and

unannounced inspections as may be necessary to ascertain compliance with each of the requirements of this article.

(c) Public education.--

(1) Notwithstanding any other provision of this act, a public school district or a charter school may establish a reasonable charge for attendance at a preschool program that it operates under guidelines to be established by the department.

(2) A public school district may contract for services with another public school district, with a charter school or with a private or nonpublic preschool program that meets the requirements of this article.

(d) Limitations.--Nothing in this article shall be construed to empower the Commonwealth or any of its agencies or officers to prescribe the course content or admissions criteria for any religiously affiliated preschool program, to compel any private preschool program to accept or enroll the children of eligible grant recipients, to impose any additional requirements on any private preschool program that are not otherwise authorized under this act or to require any preschool program to accept or retain the children of any eligible grant recipient if the preschool program does not offer programs or is not structured or equipped with the necessary facilities to meet the special needs of the student or does not offer a particular program requested.

(e) Grant recipients.--Grants awarded to eligible recipients shall not constitute financial assistance or appropriations to the preschool program attended by the grant recipient's child.

(f) Fairness of fees.--No preschool program may charge a grant recipient a higher fee for attendance at the preschool

1 program than the parent would have been charged had the parent
2 not received a grant.

3 Section 1305-B. Educational support services for preschool
4 children.

5 (a) Supplemental grants.--To the extent permitted by annual
6 appropriations made by the General Assembly, the department
7 shall make supplemental grants to parents who are eligible grant
8 recipients for the purposes of obtaining tutorial services in
9 reading, language arts and mathematics from providers who are
10 approved by the department to provide services under Article XV-
11 C or from a library.

12 (b) Grant guidelines.--The department shall issue guidelines
13 prescribing procedures relating to application for and
14 notification of grant awards, restrictive endorsement of grant
15 award checks, grant eligibility, distribution of information to
16 parents and prospective providers and grant amounts.

17 (c) Need-based awards.--Grants shall be awarded according to
18 need, utilizing the same percentage guidelines as are prescribed
19 in section 1303-B(d).

20 Section 1306-B. Student loan forgiveness.

21 (a) Eligibility.--A teacher or teacher's aide who is
22 employed in a preschool program that meets the requirements of
23 section 1304-B may qualify for forgiveness by the agency of debt
24 incurred under the agency-administered Federally insured student
25 loan programs if the teacher or teacher's aide:

26 (1) is enrolled in, or has graduated within the previous
27 two years from, a preschool program in a community college, a
28 college or a university leading to an associate's degree or a
29 bachelor's degree in early childhood education;

30 (2) enters into a written agreement to work on a full-

1 time basis in a preschool program within this Commonwealth
2 following the awarding of the teacher's or teacher's aide
3 degree;

4 (3) is employed in a public or private preschool program
5 located within the boundaries of a school district that is
6 certified by the Secretary of Education as having a need for
7 teacher loan forgiveness because of difficulty in attracting
8 qualified preschool teachers and teachers' aides; and

9 (4) makes application to the department for approval of
10 a loan forgiveness award.

11 (b) Loan forgiveness.--The agency shall make payments toward
12 the student loans of individuals who are eligible for loan
13 forgiveness under this section in the following amounts:

14 (1) First academic year of full-time teaching in an
15 amount up to \$2,000.

16 (2) Second academic year of full-time teaching in an
17 amount up to \$3,000.

18 (3) Third academic year of full-time teaching in an
19 amount up to \$4,000.

20 (4) Fourth academic year of full-time teaching in an
21 amount up to \$6,000.

22 (c) Certification of need.--In determining whether to
23 certify a school district as having a need for teacher loan
24 forgiveness, the secretary shall take into account the incidence
25 of poverty level families residing within the district and
26 whether the district has been placed on an empowerment list in
27 accordance with section 1703-B or for which a board of control
28 has been established pursuant to section 1705-B.

29 (d) Award distribution.--

30 (1) Loan forgiveness awards may be made to the extent

1 that funds are appropriated by the General Assembly and are
2 sufficient to cover administration of the preschool program.

3 (2) In the event that funding is insufficient to fully
4 fund administration and awards to all qualified applicants,
5 the department shall use a random lottery system for
6 determining which applicants receive loan forgiveness awards.

7 Section 1307-B. Book distribution.

8 To the extent permitted by annual appropriations made by the
9 General Assembly, the department shall establish a program for
10 the distribution of books and other instructional materials to
11 low-income parents that will assist them in learning about child
12 development and early childhood education, or that are suitable
13 for use by those parents in reading to or providing instruction
14 to their preschool-age children. The books and instructional
15 materials shall be distributed through libraries, schools,
16 community centers and such other facilities that the department
17 selects for participation in the distribution program.

18 Section 2. This act shall take effect immediately.