

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2205 Session of 2010

INTRODUCED BY CLYMER, S. H. SMITH, BRENNAN, DENLINGER, FLECK, GINGRICH, GROVE, HENNESSEY, KAUFFMAN, MAJOR, McILVAINE SMITH, MILLER, MILNE, MOUL, MURT, O'NEILL, PHILLIPS, QUIGLEY, RAPP, REESE, REICHLEY, ROCK, SAYLOR, STERN, TALLMAN, TURZAI AND VULAKOVICH, JANUARY 19, 2010

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 19, 2010

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," in early learning programs, further
6 providing for establishment of program, for duties of
7 department, for grant awards and for duties of approved
8 providers; and providing for study.

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

11 Section 1. Section 1512-D of the act of March 10, 1949
12 (P.L.30, No.14), known as the Public School Code of 1949, added
13 July 20, 2007 (P.L.278, No.45), is amended to read:

14 Section 1512-D. Establishment of program.

15 (a) General rule.--To the extent that funds are appropriated
16 by the General Assembly, the department shall establish the
17 Pennsylvania Pre-K Counts Program as a competitive grant program
18 to expand pre-kindergarten opportunities for eligible students.

19 (b) Construction.--Nothing in this section shall be

1 construed to prevent families with children who participate in
2 early learning programs and are willing and able to pay part or
3 all of the cost of such participation from doing so.

4 Section 2. Section 1513-D(1) of the act, added July 20, 2007
5 (P.L.278, No.45), is amended and the section is amended by
6 adding paragraphs to read:

7 Section 1513-D. Duties of department.

8 The department shall have the following powers and duties:

9 (1) To promulgate regulations and establish guidelines
10 and standards necessary to implement this subarticle. In
11 promulgating the initial regulations, the department shall
12 follow the procedures provided in the act of July 31, 1968
13 (P.L.769, No.240), referred to as the Commonwealth Documents
14 Law, and the act of June 25, 1982 (P.L.633, No.181), known as
15 the Regulatory Review Act, for promulgation and review of
16 final-omitted regulations. Subsequent regulations promulgated
17 under this subarticle or amendments to the initial
18 regulations shall not be in final-omitted form. Guidelines
19 established by the department under this subarticle shall be
20 considered as statements of policy under the act of July 31,
21 1968 (P.L.769, No.240), referred to as the Commonwealth
22 Documents Law.

23 * * *

24 (8) To establish a fee schedule for persons enrolling in
25 the program, taking into consideration the findings and
26 recommendations of the study required under section 1517-D.
27 The fee schedule shall be published on the department's
28 Internet website and in the Pennsylvania Bulletin and shall
29 be applied to program applicants beginning with the 2011-2012
30 school year.

1 (9) To establish guidelines for approved providers to
2 engage in outreach and partnership with Head Start, Child
3 Care Works and other child-care programs:

4 (i) to inform the programs and client families about
5 the availability of pre-kindergarten services under this
6 subarticle, including the eligibility requirements for
7 enrollment of children; and

8 (ii) to coordinate the number and availability of
9 openings for children on the waiting lists of these other
10 programs.

11 (10) To exempt eligible providers from complying with
12 program guidelines established in paragraph (1) upon proof of
13 accreditation, in good standing, from a national education
14 accrediting agency.

15 Section 3. Section 1514-D of the act, added July 20, 2007
16 (P.L.278, No.45), is amended to read:

17 Section 1514-D. Grant awards.

18 The department shall award grants under this subarticle to
19 the extent that funds are appropriated for the program by the
20 General Assembly. The grants shall be awarded on a per-student
21 basis for each eligible student served by an approved provider
22 and shall not exceed the per-student cost of administering the
23 approved provider's pre-kindergarten program. [To the greatest
24 extent possible, the] The department shall:

25 (1) Give higher priority in grant funding to approved
26 providers serving [the highest number or the highest
27 percentage of] at-risk eligible students as follows:

28 (i) First, those students who, prior to enrollment,
29 were or are on the waiting lists for Head Start programs
30 authorized by the Omnibus Budget Reconciliation Act of

1 1981 (Public Law 97-35, 95 Stat. 357) or Child Care Works
2 programs authorized by the act of June 13, 1967 (P.L.31,
3 No.21), known as the Public Welfare Code.

4 (ii) Second, other at-risk eligible students.

5 (2) In awarding grants to the providers identified under
6 paragraph (1), to:

7 (i) Give [priority] consideration in grant funding
8 to approved providers that received grant funds in the
9 immediately preceding school year, have met the program
10 standards and have demonstrated satisfactory
11 implementation of the program.

12 [(3)] (ii) Ensure that grant funding is
13 geographically dispersed to approved providers throughout
14 this Commonwealth.

15 Section 4. Section 1515-D(a) of the act, added July 20, 2007
16 (P.L.278, No.45), is amended and the section is amended by
17 adding a subsection to read:

18 Section 1515-D. Duties of approved providers.

19 (a) General rule.--An approved provider that receives grant
20 funds under this subarticle shall have the following duties:

21 (1) Maintain separate accounts in its budget to
22 facilitate monitoring and auditing of the use of the grant
23 funds[.] subject to the following:

24 (i) If the approved provider is a school district,
25 the school district shall not place grant funds in a
26 reserve account.

27 (ii) In no case shall the approved provider use
28 grant funds for administrative costs as defined by the
29 department.

30 (iii) In no case shall the approved provider use

grants funds for lobbying activities as defined by 65 Pa.C.S. Ch. 13A (relating to lobbying disclosure).

(2) Plan to provide no fewer than 180 days of pre-kindergarten over the course of the school year. A half-day program shall provide no fewer than two and one-half hours of instructional activities per day. A full-day program shall provide no fewer than five hours of instructional activities per day.

(3) Align the pre-kindergarten program's curriculum with early learning standards established by the department or school district.

(4) Perform all other duties pursuant to applicable regulations and standards.

(5) Verify or cause to be verified by a third party the residency and income of applicants to the program through examination of any of the following: individual income tax Form 1040, W-2 forms, pay stubs, pay envelopes, written statements from employers and documentation showing current status as recipients of public assistance.

* * *

(c) (1) The department or the Auditor General may conduct such audits and reviews of the grant program including average daily membership calculations in subsection (b), reporting requirements as specified in section 1516-D and as the department or the Auditor General determines to be necessary or appropriate. The scope of the audits shall be limited to the use of all State funds accessed for the Pre-K Counts Program.

(2) Copies of all audit reports or reviews conducted by the department or the Auditor General shall be made available

1 to the chairman and minority chairman of the Education
2 Committee of the Senate and the chairman and minority
3 chairman of the Education Committee of the House of
4 Representatives.

5 Section 5. The act is amended by adding a section to read:

6 Section 1517-D. Study.

7 (a) General rule.--The Legislative Budget and Finance
8 Committee shall conduct a study on the appropriateness and
9 efficacy of fees and copayments as an element of the program.

10 The study shall include:

11 (1) The policy issues associated with fees and
12 copayments, including the at-risk nature of the children, the
13 availability of services to this population and the economic
14 means of families to purchase high-quality pre-kindergarten
15 services. The relationship between fees, copayments and
16 tuition charged to private pay program enrollees should also
17 be included.

18 (2) The use of copayments in state-funded pre-
19 kindergarten programs of other states.

20 (3) The benefits and detriments of imposing a fee or
21 copayment system including approaches to implementation that
22 create the least burden for providers and the possibility of
23 allowing access to the fee payment processing systems in
24 place for such programs as Child Care Works or other child
25 care programs, in order to ensure the lowest and most
26 effective imposition of administrative costs upon the
27 Commonwealth and so that such benefits and detriments do not
28 impede the intent of the program.

29 (b) Limitations.--

30 (1) The study shall focus on income levels greater than

1 \$100 of Federal poverty guidelines, but less than 300% of
2 Federal poverty guidelines.

3 (2) Income levels that meet eligibility requirements for
4 Head Start or subsidized day care shall be outside the scope
5 of the study.

6 (3) No recommendations of the study to establish a
7 schedule of fees or copayments may include program
8 participants who meet income eligibility requirements for
9 Head Start or subsidized day care.

10 (c) Consultations.--The Legislative Budget and Finance
11 Committee may consult with the department and the Department of
12 Public Welfare, including the Office of Child Development and
13 Early Learning, and other entities in conducting the study.

14 (d) Deadline.--The report shall be completed and submitted
15 to the Governor and the General Assembly no later than December
16 30, 2010.

17 Section 6. This act shall take effect in 60 days.