

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1073 Session of 2009

INTRODUCED BY PICCOLA, PILEGGI, BOSCOLA, EARLL, M. WHITE, WARD, ERICKSON, BAKER AND DINNIMAN, AUGUST 19, 2009

SENATOR PICCOLA, EDUCATION, AS AMENDED, DECEMBER 16, 2009

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 A STUDY.



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

11 Section 1. ~~Section 1513 D of the act of March 10, 1949~~
12 ~~(P.L.30, No.14), known as the Public School Code of 1949, is~~
13 ~~amended by adding a paragraph to read:~~



14 SECTION 1. SECTION 1512-D OF THE ACT OF MARCH 10, 1949
15 (P.L.30, NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, ADDED
16 JULY 20, 2007 (P.L.278, NO.45), IS AMENDED TO READ:



17 SECTION 1512-D. ESTABLISHMENT OF PROGRAM.

18 (A) GENERAL RULE.--TO THE EXTENT THAT FUNDS ARE APPROPRIATED
19 BY THE GENERAL ASSEMBLY, THE DEPARTMENT SHALL ESTABLISH THE
20 PENNSYLVANIA PRE-K COUNTS PROGRAM AS A COMPETITIVE GRANT PROGRAM
21 TO EXPAND PRE-KINDERGARTEN OPPORTUNITIES FOR ELIGIBLE STUDENTS.

1 (B) CONSTRUCTION.--NOTHING IN THIS SECTION SHALL BE
2 CONSTRUED TO PREVENT FAMILIES WITH CHILDREN WHO PARTICIPATE IN
3 EARLY LEARNING PROGRAMS AND ARE WILLING AND ABLE TO PAY PART OR
4 ALL OF THE COST OF SUCH PARTICIPATION, FROM DOING SO.

5 SECTION 2. SECTION 1513-D OF THE ACT IS AMENDED BY ADDING A
6 PARAGRAPH TO READ:

7 Section 1513-D. Duties of department.

8 The department shall have the following powers and duties:

9 * * *

10 ~~(8) (i) To establish a fee schedule for persons~~ ←
11 ~~enrolling in the program that are above the Head Start~~
12 ~~and subsidized day care income eligibility guidelines but~~
13 ~~less than the eligibility criteria as defined by the~~
14 ~~department. The fee schedule shall be published on the~~
15 ~~department's Internet website and in the Pennsylvania~~
16 ~~Bulletin within 60 days of the effective date of this~~
17 ~~paragraph and shall be applied to program applicants~~
18 ~~beginning with the 2010-2011 school year.~~

19 ~~(ii) Nothing in this paragraph shall be construed to~~
20 ~~prevent the families of children who participate in early~~
21 ~~learning programs and who are willing and able to pay the~~
22 ~~full cost of such participation from doing so. GUIDELINES~~ ←
23 FOR APPROVED PROVIDERS TO ENGAGE IN OUTREACH AND
24 PARTNERSHIP WITH HEAD START, CHILD CARE WORKS AND OTHER
25 CHILD CARE PROGRAMS:

26 (I) TO INFORM THE PROGRAMS AND CLIENT FAMILIES ABOUT
27 THE AVAILABILITY OF PRE-KINDERGARTEN SERVICES UNDER THIS
28 SUBARTICLE, INCLUDING THE ELIGIBILITY REQUIREMENTS FOR
29 ENROLLMENT OF CHILDREN; AND

30 (II) TO COORDINATE THE NUMBER AND AVAILABILITY OF

1 OPENINGS FOR CHILDREN ON THE WAITING LISTS OF THESE OTHER
2 PROGRAMS.

3 Section 2 3. Section 1514-D of the act, added July 20, 2007 ←
4 (P.L.278, No.45), is amended to read:

5 Section 1514-D. Grant awards.

6 The department shall award grants under this subarticle to
7 the extent that funds are appropriated for the program by the
8 General Assembly. The grants shall be awarded on a per-student
9 basis for each eligible student served by an approved provider
10 and shall not exceed the per-student cost of administering the
11 approved provider's pre-kindergarten program. [To the greatest
12 extent possible, the] The department shall:

13 (1) Give ~~first~~ HIGHER priority in grant funding to ←
14 approved providers serving [the highest number or the highest
15 percentage of] at-risk eligible students as follows: first,
16 those students WHO PRIOR TO ENROLLMENT WERE OR ARE on the ←
17 waiting lists for Head Start PROGRAMS authorized by the ←
18 Omnibus Budget Reconciliation Act of 1981 (Public Law 97-35,
19 95 Stat. 357) and OR Child Care Works PROGRAMS authorized by ←
20 the act of June 13, 1967 (P.L.31, No.21), known as the Public
21 Welfare Code; and second, other students deemed eligible per ←
22 the definitions in this article AT-RISK ELIGIBLE STUDENTS. ←

23 (2) To the extent possible IN AWARDING GRANTS TO THE ←
24 PROVIDERS IDENTIFIED UNDER PARAGRAPH (1), TO:

25 (i) Give [priority in grant funding] CONSIDERATION ←
26 to approved providers that received grant funds in the
27 immediately preceding school year, have met the program
28 standards and have demonstrated satisfactory
29 implementation of the program.

30 (II) ENSURE THAT GRANT FUNDING IS GEOGRAPHICALLY ←

1 DISPERSED TO APPROVED PROVIDERS THROUGHOUT THIS
2 COMMONWEALTH.

3 [(3)]-~~(ii)~~ Ensure that grant funding is ←
4 geographically dispersed to approved providers throughout
5 this Commonwealth.] ←

6 Section 3 4. Section 1515-D(a) of the act is amended by ←
7 adding a paragraph and the section is amended by adding a
8 subsection to read:

9 Section 1515-D. Duties of approved providers.

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

12 * * *

13 (5) Verify the residency and income of applicants to the
14 program through examination of any of the following:
15 individual income tax Form 1040, W-2 forms, pay stubs, pay
16 envelopes, written statements from employers or documentation
17 showing current status as recipients of public assistance.

18 * * *

19 (c) The department or the Auditor General may conduct such
20 audits and reviews of the ~~grant~~ program as the department or the ←
21 Auditor General determines to be necessary or appropriate. THE ←
22 SCOPE OF THE AUDITS AND REVIEWS MAY INCLUDE, BUT NEED NOT BE
23 LIMITED TO, ISSUES RELATING TO AVERAGE DAILY MEMBERSHIP. Copies
24 of all audit reports or reviews conducted by the department or
25 the Auditor General shall be made available to the chairman and
26 minority chairman of the Education Committee of the Senate and
27 the chairman and minority chairman of the Education Committee of
28 the House of Representatives. THE SCOPE OF SUCH AUDITS SHALL BE ←
29 LIMITED TO THE USE OF STATE FUNDS APPROPRIATED UNDER THE
30 PROGRAM.

1 SECTION 5. THE ACT IS AMENDED BY ADDING A SECTION TO READ:
2 SECTION 1517-D. STUDY.

3 (A) GENERAL RULE.--THE LEGISLATIVE BUDGET AND FINANCE
4 COMMITTEE SHALL CONDUCT A STUDY ON THE APPROPRIATENESS AND
5 EFFICACY OF FEES OR COPAYMENTS AS AN ELEMENT OF THE PROGRAM. THE
6 STUDY SHALL INCLUDE:

7 (1) THE POLICY ISSUES ASSOCIATED WITH FEES AND
8 COPAYMENTS, INCLUDING THE AT-RISK NATURE OF THE CHILDREN, THE
9 AVAILABILITY OF SERVICES TO THIS POPULATION, AND THE ECONOMIC
10 MEANS OF FAMILIES TO PURCHASE HIGH QUALITY PRE-KINDERGARTEN
11 SERVICES.

12 (2) THE USE OF COPAYMENTS IN OTHER STATES' STATE-FUNDED
13 PRE-KINDERGARTEN PROGRAMS.

14 (3) THE BENEFITS AND DETRIMENTS OF IMPOSING A FEE OR
15 COPAYMENT SYSTEM INCLUDING APPROACHES TO IMPLEMENTATION THAT
16 CREATE THE LEAST BURDEN FOR PROVIDERS, IMPOSE LOW
17 ADMINISTRATIVE COSTS UPON THE COMMONWEALTH AND DO NOT IMPEDE
18 THE INTENT OF THE PROGRAM.

19 (B) LIMITATIONS.--

20 (1) THE STUDY SHALL FOCUS ON INCOME LEVELS BETWEEN THE
21 RANGE OF INCOMES IN EXCESS OF HEAD START AND SUBSIDIZED DAY-
22 CARE INCOME ELIGIBILITY GUIDELINES, BUT LESS THAN 300% OF
23 FEDERAL POVERTY GUIDELINES.

24 (2) INCOME LEVELS THAT MEET ELIGIBILITY REQUIREMENTS FOR
25 HEAD START OR SUBSIDIZED DAY CARE SHALL BE OUTSIDE THE SCOPE
26 OF THE STUDY.

27 (3) NO RECOMMENDATION OF THE STUDY TO ESTABLISH A
28 SCHEDULE OF FEES OR COPAYMENTS MAY INCLUDE PROGRAM
29 PARTICIPANTS WHO MEET INCOME ELIGIBILITY REQUIREMENTS FOR
30 HEAD START OR SUBSIDIZED DAY CARE.

