

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 634 Session of
2017

INTRODUCED BY QUIGLEY, V. BROWN, BULLOCK, DRISCOLL, GABLER,
GILLEN, A. HARRIS, MURT, O'BRIEN AND ROZZI, FEBRUARY 27, 2017

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 27, 2017

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," establishing the Preschool Education
6 Grant Program and providing for the funding of preschool
7 education for financially needy persons, for educational
8 support services for preschool children and for distribution
9 of books to 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 GRANT PROGRAM

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 providing educational choices that
9 will meet the needs of parents and the need to maintain and
10 operate an effective system of education makes it imperative
11 to provide for the increased availability of diverse
12 opportunities, including both public and nonpublic programs
13 of preschool education, to benefit all residents of this
14 Commonwealth.

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

19 (6) The accessibility to families of both public and
20 nonpublic preschool educational alternatives decreases the
21 burdens on the Commonwealth and increases the range of
22 educational choices available to Pennsylvania families, thus
23 providing a benefit to all residents of this Commonwealth.

24 (7) The program of funding and supplemental services for
25 preschool education provided in this article is one element
26 of the Commonwealth's overall program of providing funds and
27 related services to ensure the availability of preschool
28 educational opportunities for students living in this
29 Commonwealth.

30 (8) A program for funding preschool educational choice

1 and supplemental services must be viewed as an integral part
2 of its overall program of educational funding and not as an
3 isolated individual program.

4 (9) A program of financial assistance and supplemental
5 services to enhance preschool educational choice in this
6 Commonwealth, as one element of the Commonwealth's plan for
7 funding of diverse educational opportunities, will:

8 (i) greatly aid efforts to equalize preschool
9 educational opportunities for the residents of this
10 Commonwealth;

11 (ii) better prepare Commonwealth residents to
12 succeed in school and ultimately to compete for
13 employment opportunities;

14 (iii) foster long-term development of a more capable
15 and better-educated work force; and

16 (iv) better enable the Commonwealth to fulfill its
17 obligation of providing children the opportunity of
18 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 "Charter school." A charter school established under the
24 provisions of Article XVII-A.

25 "Child day-care center." A child day-care center that is
26 licensed under Article X of the Human Services Code.

27 "Children's institution." A child day-care center that is
28 supervised by the Department of Human Services under Article IX
29 of the Human Services Code.

30 "Civil Rights Act." The Civil Rights Act of 1964 (Public Law

1 88-352, 78 Stat. 241).

2 "Department." The Department of Education of the
3 Commonwealth.

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

8 "Grant." A grant awarded in accordance with this article.

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

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

19 "Human Services Code." The act of June 13, 1967 (P.L.31,
20 No.21), known as the Human Services Code.

21 "Library." A library that is eligible to receive State aid
22 under 24 Pa.C.S. Ch. 93 (relating to Public Library Code).

23 "Nonpublic school." A school, other than a public school,
24 located within this Commonwealth, at which a Commonwealth
25 resident may lawfully fulfill the compulsory attendance
26 requirements of this act and which meets the applicable
27 requirements of Title VI of the Civil Rights Act.

28 "Parent." A Commonwealth resident who is a parent or
29 guardian of, or person in parental relation to, a preschool-age
30 child.

1 "Preschool-age child." A resident of this Commonwealth who
2 is at least two and a half years of age as of September 1 of the
3 school year for which a preschool education grant is sought.

4 "Preschool program." A program of education for preschool-
5 age children that:

6 (1) Meets the requirements of section 1304-B(a).

7 (2) Is operated by a public school district, a charter
8 school, a private academic school, a nonpublic school, a
9 child day-care center, a Head Start program or a children's
10 institution.

11 (3) Meets the applicable requirements of Title VI of the
12 Civil Rights Act.

13 "Program." The Preschool Education Grant Program established
14 by this article.

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

17 (a) Program established.--The Preschool Education Grant
18 Program is established for the purpose of awarding grants for
19 preschool education to persons who qualify as eligible grant
20 recipients, to the extent permitted by annual appropriations
21 made by the General Assembly.

22 (b) Parental qualifications.--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 United States
27 Department of Health and Human Services.

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

30 (c) Amounts.--

1 (1) Except as otherwise provided in paragraph (2), a
2 grant shall be awarded in the maximum amount of \$12 per hour
3 of actual attendance at a preschool program or the actual
4 hourly charge for a preschool program, whichever is less.
5 Grants may not be used to pay for more than seven hours of
6 instruction per day or for more than 180 days per school
7 year.

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

19 (d) Poverty guidelines.--Poverty guidelines shall be as
20 follows:

	<u>Amount of maximum grant</u>
	<u>set forth in subsection (c)</u>
	<u>for which the grant is</u>
<u>Household income of grant recipient</u>	<u>eligible</u>
<u>At or below 155% of Federal poverty</u>	
<u>guidelines</u>	<u>100%</u>
<u>Above 155% and up to 165% of Federal</u>	
<u>poverty guidelines</u>	<u>90%</u>
<u>Above 165% and up to 175% of Federal</u>	
<u>poverty guidelines</u>	<u>80%</u>

1	<u>Above 175% and up to 185% of Federal</u>	
2	<u>poverty guidelines</u>	<u>70%</u>
3	<u>Above 185% and up to 195% of Federal</u>	
4	<u>poverty guidelines</u>	<u>60%</u>
5	<u>Above 195% and up to 205% of Federal</u>	
6	<u>poverty guidelines</u>	<u>50%</u>
7	<u>Above 205% and up to 215% of Federal</u>	
8	<u>poverty guidelines</u>	<u>40%</u>
9	<u>Above 215% and up to 225% of Federal</u>	
10	<u>poverty guidelines</u>	<u>30%</u>
11	<u>Above 225% and up to 235% of Federal</u>	
12	<u>poverty guidelines</u>	<u>20%</u>

13 (e) Appropriation shortfall.--In any school year in which
14 the amounts appropriated by the General Assembly for the program
15 are insufficient to make awards in the maximum amount permitted
16 for all eligible grant recipients, each eligible grant recipient
17 shall be awarded a pro rata amount of the award for which the
18 eligible grant recipient would otherwise be eligible, determined
19 by dividing the amounts appropriated by the General Assembly for
20 the program by the total number of eligible grant recipients.

21 (f) Maximum allowance.--The grants awarded may be used only
22 for payment of actual charges for attendance at a preschool
23 program. The department may reduce the amount of the grant award
24 to offset any other payments made from State-appropriated funds
25 to avoid payments in excess of the actual charges incurred for
26 attendance at the preschool program.

27 (g) Grant guidelines.--

28 (1) The department shall issue guidelines for the
29 awarding of grants that shall include:

30 (i) Grant application and award notification dates.

1 (ii) Standards for the verification of income
2 information.

3 (iii) Confirmation of attendance by eligible grant
4 recipients.

5 (iv) Distribution of information to preschool
6 programs and the general public concerning the program.

7 (v) Restricted endorsement of grant award checks by
8 eligible grant recipients to the preschool program
9 attended by the eligible grant recipient's child.

10 (vi) Transfer of a child between preschool programs.

11 (vii) Disqualification for eligibility for future
12 preschool grant awards for fraud or misrepresentations in
13 connection with the program.

14 (2) The guidelines shall be published as a statement of
15 policy in the Pennsylvania Bulletin and shall be mailed by
16 the department to each preschool program in this
17 Commonwealth.

18 (h) Nontaxable income.--A grant awarded may not be
19 considered taxable income for State or local income tax purposes
20 in this Commonwealth.

21 (i) Attendance.--Attendance by a child at a preschool
22 program shall not constitute entry into a school for purposes of
23 Article XIII.

24 Section 1304-B. Preschool programs.

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

27 (1) The preschool program shall meet all applicable
28 State and local fire safety and building code requirements
29 and all applicable State laws relating to health and safety
30 that are administered by the Department of Agriculture, the

1 Department of Environmental Protection, the Department of
2 Health, the Department of Human Services, the Department of
3 Labor and Industry, the Department of Transportation and
4 county health departments. The preschool program shall comply
5 with all applicable provisions of section 1517.

6 (2) The preschool program shall comply with all
7 applicable requirements of sections 111 and 111.1 and with
8 all applicable requirements of 23 Pa.C.S. Ch. 63 (relating to
9 child protective services) as to requirements for background
10 checks and certifications for employees or volunteers.

11 (3) The preschool program shall have a director who is
12 at least 21 years of age, has completed a program of
13 instruction in general first aid training, including
14 instruction in childhood injury prevention and infectious
15 diseases, has completed fire safety training and any
16 applicable requirements for training in the recognition and
17 reporting of child abuse and has at least 1,250 hours of
18 employment experience in teaching or working with children.

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

24 (5) The preschool program shall maintain instructional
25 materials and equipment compatible with the preschool
26 program's philosophy, objectives and teaching methodology and
27 that accommodate the number of children in the preschool
28 program.

29 (6) The program of instruction shall include those
30 motor, creative, manipulative, imaginative, rhythmic,

1 language and science activities and experiences that are
2 designed to promote the physical, mental, social, emotional
3 and aesthetic development of children of preschool age.
4 Objectives and daily plans shall be kept on file and shall be
5 available to the department or to parents upon request.

6 (7) Learning experiences at the preschool program, both
7 informal and planned, shall include:

8 (i) Free play, which shall include outdoor play,
9 when permitted by weather conditions.

10 (ii) Gross motor skill development.

11 (iii) Fine motor skill development.

12 (iv) Perceptual activities.

13 (v) Language arts activities.

14 (vi) Mathematical activities.

15 (vii) Science activities; expressive arts, including
16 music, art and dramatic play.

17 (viii) Socialization and social development
18 activities.

19 (ix) Nutrition.

20 (x) Health and safety.

21 (8) The preschool program shall be planned to provide a
22 minimum of two hours of instruction per day. The preschool
23 program shall establish the number of days per week and per
24 year that the preschool program will operate.

25 (9) The preschool program shall require age-appropriate
26 immunizations for enrolled children as prescribed under
27 section 1303.

28 (b) Preschool program registration.--

29 (1) A preschool program at which eligible grant
30 recipients may utilize their grant awards shall register with

1 the department and certify that the program meets the
2 requirements of this article.

3 (2) The Department of Human Services and the Department
4 of Health may make announced and unannounced inspections as
5 may be necessary to ascertain compliance with each of the
6 requirements of this article.

7 (c) Public education.--

8 (1) Notwithstanding any other provision of this act, a
9 school district or charter school may establish a reasonable
10 charge for attendance at a preschool program operated by the
11 school district or charter school under guidelines to be
12 established by the department.

13 (2) A school district may contract for services with
14 another preschool program provided by a school district,
15 charter school, private academic school or nonpublic school
16 that meets the requirements of this article.

17 (d) Limitations.--Nothing in this article shall be construed
18 to:

19 (1) Empower the Commonwealth or any of its agencies or
20 officers to prescribe the course content or admissions
21 criteria for any religiously affiliated preschool program.

22 (2) Compel any nonpublic preschool program to accept or
23 enroll the child of an eligible grant recipient.

24 (3) Impose any additional requirements on any nonpublic
25 preschool program that are not otherwise authorized under
26 this act.

27 (4) Require any preschool program to accept or retain
28 the child of any eligible grant recipient, if the preschool
29 program does not offer programs or is not structured or
30 equipped with the necessary facilities to meet the special

1 needs of the student or does not offer a particular program
2 requested.

3 (e) Grant recipients.--A grant awarded to an eligible grant
4 recipient shall not constitute financial assistance or
5 appropriations to the preschool program attended by the eligible
6 grant recipient's child.

7 (f) Fairness of fees.--No preschool program may charge a
8 parent who is an eligible grant recipient a higher fee for
9 attendance at the preschool program than the parent would have
10 been charged had the parent not received a grant.

11 Section 1305-B. Educational support services for preschool
12 children.

13 (a) Supplemental grants.--To the extent permitted by annual
14 appropriations made by the General Assembly, the department
15 shall make supplemental grants to parents who are eligible grant
16 recipients for the purposes of obtaining tutorial services in
17 reading, language arts and mathematics from providers who are
18 approved by the department to provide services under Article XV-
19 C or from a library.

20 (b) Grant guidelines.--The department shall issue guidelines
21 prescribing procedures relating to application for and
22 notification of grant awards, restrictive endorsement of grant
23 award checks, grant eligibility, distribution of information to
24 parents and prospective providers and grant amounts.

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

28 Section 1306-B. Book distribution.

29 To the extent permitted by annual appropriations of the
30 General Assembly, the department shall establish a program for

1 the distribution of books and other instructional materials to
2 low-income parents that will provide the parents with
3 instruction in child development and early childhood education,
4 or that are suitable for use by the parents in reading to or
5 providing instruction to their preschool-age children. The books
6 and instructional materials distributed under this section shall
7 be distributed through libraries, schools, community centers and
8 other facilities selected by the department.

9 Section 2. This act shall take effect immediately.