

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 641 Session of 2019

INTRODUCED BY FITZGERALD, KINSEY, DERMODY, HARRIS, McCLINTON, YOUNGBLOOD, ROEBUCK, HARKINS, SCHLOSSBERG, HILL-EVANS, CALTAGIRONE, ISAACSON, KENYATTA, FREEMAN, NEILSON, MURT, DEASY, OTTEN, WARREN, BULLOCK, COMITTA, HOHENSTEIN, DONATUCCI, SOLOMON, SAPPEY, SIMS, CEPHAS, KIM, RABB, WHEATLEY AND KORTZ, MARCH 1, 2019

REFERRED TO COMMITTEE ON EDUCATION, MARCH 1, 2019

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 duties and powers of boards of  
 6 school directors, further providing for kindergartens; in  
 7 pupils and attendance, further providing for age limits and  
 8 temporary residence, for definitions and for when provided;  
 9 and providing for full-day kindergarten.

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

12 Section 1. Sections 503 and 1301 of the act of March 10,  
 13 1949 (P.L.30, No.14), known as the Public School Code of 1949,  
 14 are amended to read:

15 Section 503. Kindergartens.--(a) The board of school  
 16 directors in [any] each school district [may] shall establish  
 17 and maintain kindergartens for children between the ages of  
 18 [four] three and [six] five years. When established, the  
 19 kindergartens shall be an integral part of the elementary school

1 system of the district, and be kept open on a full-time basis  
2 for [not less than two and one-half hours each day for] the full  
3 school term as provided in section 1501.

4 (b) The number of full-day kindergartens in any one district  
5 shall be fixed by the board of school directors, and shall be  
6 open during the school year and made available to all children  
7 residing in the district who are of the age fixed pursuant to  
8 subsection (a).

9 [If the average attendance in any one kindergarten in any  
10 district is ten or less for the school year, the school  
11 directors shall, at the close of the school year, discontinue  
12 the same.]

13 (c) The board of school directors shall appoint and assign a  
14 sufficient number of teachers to such kindergartens, who shall  
15 be certified in accordance with the rules and regulations  
16 prescribed by the [Council of Basic Education] State Board of  
17 Education.

18 Section 1301. Age Limits; Temporary Residence.--(1) Every  
19 child, being a resident of any school district, between the ages  
20 of six (6) and twenty-one (21) years, may attend the public  
21 schools in his district, subject to the provisions of this act.  
22 Notwithstanding any other provision of law to the contrary, a  
23 child who attains the age of twenty-one (21) years during the  
24 school term and who has not graduated from high school may  
25 continue to attend the public schools in his district free of  
26 charge until the end of the school term. The board of school  
27 directors of any school district may admit to the schools of the  
28 district, with or without the payment of tuition, any non-  
29 resident child temporarily residing in the district, and may  
30 require the attendance of such non-resident child in the same

1 manner and on the same conditions as it requires the attendance  
2 of a resident child.

3 (2) Notwithstanding paragraph (1) or any other provision of  
4 law or regulation to the contrary, a child, being a resident of  
5 a school district, between the ages of three and five years may  
6 attend full-day kindergarten in accordance with the provisions  
7 of this subarticle and the rules, regulations or standards  
8 prescribed by the State Board of Education without the payment  
9 of tuition, provided:

10 (i) the school district of the non-resident child is  
11 in the same intermediate unit; and

12 (ii) the school districts have entered an agreement  
13 to offer full-day kindergarten jointly in accordance with  
14 regulations of the State Board of Education.

15 Section 2. The definition of "compulsory school age" in  
16 section 1326 of the act is amended to read:

17 Section 1326. Definitions.--When used in this article, the  
18 following words and phrases shall have the following meanings:

19 \* \* \*

20 "Compulsory school age" shall mean the period of a child's  
21 life from the time the child's parents elect to have the child  
22 enter school and which shall be no later than [eight (8)] six  
23 (6) years of age until the child reaches seventeen (17) years of  
24 age. Nothing in this section shall be construed to preclude a  
25 child's parents from electing to have the child attend full-day  
26 kindergarten at the age of three (3) years. The term does not  
27 include a child who holds a certificate of graduation from a  
28 regularly accredited, licensed, registered or approved high  
29 school.

30 \* \* \*

1 Section 3. Section 1361 of the act is amended to read:

2 Section 1361. When Provided.--(1) The board of school  
3 directors in any school district may, out of the funds of the  
4 district, provide for the free transportation of any resident  
5 pupil to and from the kindergarten, including full-day  
6 kindergarten, elementary school, or secondary school in which he  
7 is lawfully enrolled, provided that such school is not operated  
8 for profit and is located within the district boundaries or  
9 outside the district boundaries at a distance not exceeding ten  
10 miles by the nearest public highway, except that such ten-mile  
11 limit shall not apply to area vocational technical schools which  
12 regularly serve eligible district pupils or to special schools  
13 and classes approved by the Department of Education, and to and  
14 from any points within or without the Commonwealth in order to  
15 provide field trips for any purpose connected with the  
16 educational pursuits of the pupils. When provision is made by a  
17 board of school directors for the transportation of public  
18 school pupils to and from such schools or to and from any points  
19 within or without the Commonwealth in order to provide field  
20 trips as herein provided, the board of school directors shall  
21 also make identical provision for the free transportation of  
22 pupils who regularly attend nonpublic kindergarten, elementary  
23 and high schools not operated for profit to and from such  
24 schools or to and from any points within or without the  
25 Commonwealth in order to provide field trips as herein provided.  
26 Such transportation of pupils attending nonpublic schools shall  
27 be provided during regular school hours on such dates and  
28 periods that the nonpublic school not operated for profit is in  
29 regular session, according to the school calendar officially  
30 adopted by the directors of the same in accordance with

1 provisions of law. The board of school directors shall provide  
2 such transportation whenever so required by any of the  
3 provisions of this act or of any other act of Assembly.

4 (1.1) Nothing in this section shall be construed to prohibit  
5 a board of school directors from entering into an agreement with  
6 another school district in the same intermediate unit to provide  
7 for the free transportation of resident and nonresident pupils  
8 enrolled in full-day kindergarten jointly in accordance with  
9 regulations of the State Board of Education.

10 (2) The board of school directors in any school district  
11 may, if the board deems it to the best interest of the school  
12 district, for the purposes of transporting pupils as required or  
13 authorized by any of the provisions of this act or of any other  
14 act of the Assembly, appropriate funds for urban common carrier  
15 mass transportation purposes from current revenues to urban  
16 common carrier mass transportation authorities to assist the  
17 authorities to meet costs of operation, maintenance, capital  
18 improvements, and debt service. Said contributions shall not be  
19 subject to reimbursement by the Commonwealth of Pennsylvania.

20 (3) The State Board of Education shall adopt regulations,  
21 including qualifications of school bus drivers, to govern the  
22 transportation of school pupils and transportation of pupils  
23 enrolled in full-day kindergarten by and between school  
24 districts in the same intermediate unit.

25 Section 4. Article XV-D of the act is amended by adding a  
26 subarticle to read:

27 (c) Full-Day Kindergarten

28 Section 1520-D. Findings and purpose.

29 The General Assembly finds and declares that:

30 (1) Numerous national and international studies have

1 found that high-quality early childhood education gives  
2 children the best possible start in life.

3 (2) The studies conclude that early childhood education,  
4 inherent in full-day kindergarten, is essential to supporting  
5 the cognitive, social, emotional and physical development of  
6 young children.

7 (3) Kindergarten is essential to ensuring the school  
8 readiness of children when they enter first grade.

9 (4) Full-day kindergarten should be established and  
10 implemented as a formal, integral component of basic  
11 education instruction in the public school system of this  
12 Commonwealth.

13 (5) The purpose of this subarticle is to provide for the  
14 development of a State plan to facilitate the establishment  
15 and implementation of full-day kindergarten in this  
16 Commonwealth.

17 Section 1521-D. Definitions.

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

21 "Approved provider." A full-day kindergarten provider that  
22 is:

23 (1) a school entity;

24 (2) a Head Start program as defined under section 1501-  
25 D; or

26 (3) a private provider approved by the department.

27 "Charter school." As defined under section 1703-A.

28 "Committee." The Full-Day Kindergarten Implementation  
29 Advisory Committee established under section 1523-D.

30 "Department." The Department of Education of the

1 Commonwealth.

2 "Eligible student." A child between three and five years of  
3 age who is a resident of a school district.

4 "Full-day kindergarten." A program of instruction for  
5 children between three and five years of age that conforms to  
6 the regulations, rules and standards adopted by the Department  
7 of Education in accordance with the requirements of this  
8 subarticle.

9 "Intermediate unit." The regional arrangements of school  
10 districts to serve given geographic areas in accordance with  
11 section 902-A.

12 "Program." A full-day kindergarten.

13 "School district." Includes school districts of all classes.

14 "School entity." Any public school district, intermediate  
15 unit, area vocational-technical school or charter school.

16 "Secretary." The Secretary of Education of the Commonwealth.

17 "State plan" or "plan." The plan developed by the Department  
18 of Education for the establishment and implementation of full-  
19 day kindergarten by school districts in this Commonwealth.

20 Section 1522-D. Authority, powers and duty of department.

21 (a) Authorization to develop plan.--

22 (1) Notwithstanding any other provision of law or  
23 regulation to the contrary, the department, in collaboration  
24 with the committee, shall develop a State plan for the  
25 establishment and implementation of full-day kindergarten for  
26 eligible students in each school district in this  
27 Commonwealth. The plan developed by the department shall be  
28 based on the recommendations of the committee established  
29 under section 1523-D(a).

30 (2) A school district may satisfy the requirements of

1 this subarticle by offering full-day kindergarten jointly  
2 with another school district in the same intermediate unit or  
3 with an approved provider in accordance with regulations  
4 adopted and promulgated by the State Board of Education.

5 (3) The plan developed by the department in accordance  
6 with paragraph (1) shall make full-day kindergarten available  
7 to eligible students in this Commonwealth by the 2020-2021  
8 school year.

9 (b) Duties of department.--The department shall have the  
10 following powers and duties:

11 (1) To develop a State plan in collaboration with the  
12 committee for the establishment and implementation of full-  
13 day kindergarten in accordance with subsection (a).

14 (2) To adopt and promulgate rules and regulations  
15 necessary to carry out the provisions of this subarticle.  
16 Regulations promulgated by the department shall be subject to  
17 the act of July 31, 1968 (P.L.769, No.240), referred to as  
18 the Commonwealth Documents Law, and the act of June 25, 1982  
19 (P.L.633, No.181), known as the Regulatory Review Act. The  
20 regulations shall include, but not be limited to, the  
21 following:

22 (i) Standards for full-day kindergarten.

23 (ii) The minimum number of instructional hours  
24 required for full-day kindergarten.

25 (iii) Standards and procedures to govern the  
26 operation of full-day kindergarten by a school district  
27 jointly with another school district or school districts  
28 in the same intermediate unit.

29 (iv) Standards and procedures a school district must  
30 follow to contract with approved providers of full-day



1           kindergarten.

2 Section 1523-D. Full-Day Kindergarten Implementation Advisory  
3 Committee.

4       (a) Establishment.--The Full-Day Kindergarten Implementation  
5 Advisory Committee is established for the purpose of assisting  
6 and advising the department in the development and  
7 implementation of a State plan for full-day kindergarten in  
8 school districts in this Commonwealth by the 2020-2021 school  
9 year in accordance with section 1524-D(a). The committee shall  
10 be staffed by employees of the department as designated by the  
11 secretary.

12       (b) Membership of advisory committee.--

13           (1) Except as provided in subsection (c), the secretary  
14 shall determine the public membership, terms of service and  
15 organization of the committee and shall appoint the public  
16 members of the committee in accordance with paragraph (2).

17           (2) In appointing the membership of the committee, the  
18 secretary shall ensure geographic and demographic diversity  
19 in membership, including individuals representing rural and  
20 urban areas of this Commonwealth. The secretary shall ensure  
21 that the composition of the committee includes the following:

22           (i) Three individuals representing boards of school  
23 directors.

24           (ii) Two early childhood education teachers.

25           (iii) Two individuals who have expertise in early  
26 childhood development.

27           (iv) One individual representing charter schools.

28           (v) Two individuals representing special education.

29           (vi) Three individuals, including at least two from  
30 academia, who by reason of employment or profession, have

1 proven expertise in early childhood education and one who  
2 shall have expertise in English as a second language.

3 (vii) Two individuals representing the business  
4 community.

5 (viii) Two parents or guardians.

6 (c) Legislative appointments.--

7 (1) The following shall apply:

8 (i) The Majority Leader of the Senate and the  
9 Minority Leader of the Senate shall each appoint one  
10 Senator to serve as a nonvoting member of the committee.

11 (ii) The Majority Leader of the House of  
12 Representatives and the Minority Leader of the House of  
13 Representatives shall each appoint one representative to  
14 serve as a nonvoting member of the committee.

15 (2) Legislative appointees shall be nonvoting members of  
16 the committee and shall serve in an advisory capacity only.

17 (d) Chairman.--The secretary shall serve as chairman of the  
18 committee and may appoint a designee to serve as acting chairman  
19 in his or her absence.

20 (e) Quorum, voting and meetings of committee.--

21 (1) A majority of the public members of the committee  
22 shall constitute a quorum for the transaction of business.

23 (2) Official action by the committee shall require the  
24 approval of a majority of the voting members of the  
25 committee.

26 (3) When a vacancy occurs in public membership for any  
27 cause, the secretary shall make an appointment to fill the  
28 vacancy to become effective immediately.

29 (4) The committee shall meet at times and places  
30 specified by the call of the chair.

1           (5) The committee may adopt rules as the committee  
2 determines necessary and appropriate for the work and  
3 operation of the committee.

4 (f) Compensation.--

5           (1) Members of the committee appointed in accordance  
6 with subsection (b) shall not be entitled to compensation or  
7 reimbursement for expenses and shall serve as volunteers on  
8 the committee except that public members may be reimbursed  
9 for expenses incurred in the official discharge of duties as  
10 members of the committee in accordance with Commonwealth  
11 policy governing executive agencies under the jurisdiction of  
12 the Governor.

13           (2) Legislative appointees of the committee shall not be  
14 entitled to a per diem for service on the committee.  
15 Reimbursement for mileage expenses or any other expense  
16 incurred due to the work of the committee shall be at the  
17 discretion of the legislative appointees' appointing  
18 authority.

19 (g) Cooperation required.--Notwithstanding any other law or  
20 regulation to the contrary, all agencies of State government and  
21 all school entities shall assist the committee in the  
22 performance of the committee's duties and shall, to the extent  
23 permitted by laws relating to confidentiality, furnish  
24 assistance, advice and information as the members of the  
25 committee consider necessary to perform the committee's duties.

26 (h) Duty to provide resources.--In addition to the  
27 requirements of section 1524-D, the committee shall provide  
28 school entities with resources, including technical expertise  
29 related to capital needs, enrollment trends, funding  
30 requirements, best practices for providing full-day kindergarten

1 and other information a school entity may require to determine  
2 the following:

3 (1) whether a school district should implement a full-  
4 day kindergarten or contract with an approved provider;

5 (2) whether a full-day kindergarten should be  
6 implemented jointly with another school district in the same  
7 intermediate unit; and

8 (3) how to implement a full-day kindergarten.

9 Section 1524-D. Duties of committee and development of State  
10 plan.

11 (a) Development of plan.--The committee shall assist the  
12 department with the development of a plan to facilitate the  
13 implementation of a full-day kindergarten by the board of school  
14 directors in each school district in this Commonwealth.

15 (b) Content of plan.--The plan shall include, but not be  
16 limited to, the following:

17 (1) A description of the full-day kindergarten that will  
18 be developed and implemented and how it will:

19 (i) support students' cognitive, social, emotional  
20 and physical development; and

21 (ii) ensure school readiness.

22 (2) A statement of the goals for the full-day  
23 kindergarten and how the goals will be measured through  
24 program outcomes and other means.

25 (3) A description of how the department will involve  
26 representatives of approved providers that administer early  
27 learning programs addressing children between three and five  
28 years of age.

29 (4) A description of how the department will coordinate  
30 with existing federally funded programs, including the Head

1 Start program, State-funded prekindergarten, including the  
2 Pre-K Counts Program as defined under section 1511-D, public  
3 school programs and child care providers.

4 (5) A plan that would allow a school district or several  
5 school districts in the same intermediate unit to partner  
6 with philanthropic investors and private sector investors to  
7 develop and implement strategies designed to secure private  
8 sector capital to fund full-day kindergarten.

9 (6) A comprehensive financial analysis of:

10 (i) specific State taxes imposed under the act of  
11 March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code  
12 of 1971;

13 (ii) the rate at which taxes under subparagraph (i)  
14 could be increased; and

15 (iii) an estimate of the revenue that could be  
16 generated to fund full-day kindergarten.

17 (7) A plan to address the shortages of qualified early  
18 childhood education teachers, including how to increase  
19 compensation to that comparable to public school teachers.

20 (8) How the department will provide ongoing professional  
21 development opportunities to help increase the number of  
22 teachers in early childhood education programs who meet the  
23 State's education or credential requirements for kindergarten  
24 teachers.

25 (9) A plan to address how the programs will meet the  
26 needs of children with disabilities, limited English  
27 proficiency and other special needs.

28 (10) A plan to provide transportation for children to  
29 and from the programs.

30 (11) A plan to ensure that parents and guardians of

1 children enrolled in the program are actively involved with  
2 and engaged in the child's education.

3 (c) Report.--The committee shall:

4 (1) Submit a comprehensive report of the committee's  
5 findings to the department.

6 (2) Submit proposed legislation containing the  
7 committee's statutory recommendation for full-day  
8 kindergarten to the department, the chairman and minority  
9 chairman of the Education Committee of the Senate and the  
10 chairman and minority chairman of the Education Committee of  
11 the House of Representatives no later than January 1, 2020.

12 (d) Content of report.--The report and proposed legislation  
13 shall:

14 (1) Establish a method for providing funding for full-  
15 day kindergarten to school districts.

16 (2) Include options for implementation of full-day  
17 kindergarten.

18 (3) Consider the feasibility of developing and  
19 implementing pilot programs in geographically diverse school  
20 districts in this Commonwealth.

21 (4) Consider options for phasing in funding described in  
22 paragraph (1).

23 (5) Not consider any other issues or proposed  
24 legislation that is not directly and specifically related to  
25 the establishment and implementation of full-day  
26 kindergarten.

27 Section 1525-D. Local requirements.

28 (a) Duties of school districts.--A school district shall  
29 provide kindergarten facilities free of charge for eligible  
30 students residing in the school district by operating the

1 facilities either singly or jointly with other school districts  
2 in the same intermediate unit or by contracting with an approved  
3 provider in accordance with regulations of the State Board of  
4 Education.

5 (b) General requirements; approved providers.--An approved  
6 provider receiving funding under this subarticle shall:

7 (1) Maintain a maximum class size of no more than 18  
8 children.

9 (2) Maintain a ratio of no more than 10 children for  
10 each member of the teaching staff.

11 (3) Ensure that all kindergarten teachers meet State  
12 certification requirements in accordance with the  
13 requirements of this subarticle.

14 (4) Meet all health and safety standards as required by  
15 the department.

16 (c) Duties of certain approved providers.--An approved  
17 provider that is not a school entity under this subarticle shall  
18 submit an application to the department. The application shall  
19 contain all of the following:

20 (1) A description of the full-day kindergarten to be  
21 provided.

22 (2) A statement demonstrating the need for a program or  
23 an enhanced or expanded program in the area served by the  
24 approved provider.

25 (3) A description of the age-appropriate educational  
26 curriculum and student outcomes and developmentally  
27 appropriate educational curriculum and student outcomes.

28 (4) A description of how the approved provider will  
29 collaborate with existing community-based child care  
30 providers, school entities, Head Start programs and other

1 providers of early learning programs, as appropriate.

2 (5) A description of how students and families will be  
3 assisted in obtaining any needed social and human services.

4 (6) A plan to promote and achieve parental and guardian  
5 involvement in the program.

6 (7) A description of how teachers will receive ongoing  
7 professional development in early childhood development and  
8 early childhood education.

9 (8) Any other information the department may require.

10 Section 1526-D. Professional development.

11 (a) Availability of funding.--The department may provide a  
12 portion of any funds made available under this subarticle for  
13 ongoing professional development activities for kindergarten  
14 teachers.

15 (b) Use of funds.--Any funds that may be made available to  
16 approved providers under this section shall be used for ongoing  
17 professional development to accomplish the following:

18 (1) Provide kindergarten teachers and staff with the  
19 knowledge and skills for the application of recent research  
20 on child cognitive, social, emotional and physical  
21 development, including, but not limited to, language and  
22 literacy development and early childhood pedagogy.

23 (2) Work with children enrolled in full-day kindergarten  
24 who have limited English proficiency, disabilities and other  
25 special needs.

26 (3) Select and use developmentally appropriate screening  
27 and diagnostic assessments to improve teaching and learning  
28 and make appropriate referrals for services to support the  
29 development and learning of children in full-day  
30 kindergarten.



1           (4) Provide the cost of education needed to obtain a  
2           credential or degree with specific training in early  
3           childhood development or education, if approved through  
4           regulation of the department.

5           Section 5. The amendment of sections 503, 1301, 1326 and  
6           1361 of the act shall apply beginning with the 2022-2023 school  
7           year.

8           Section 6. This act shall take effect immediately.