

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 689 Session of 2021

INTRODUCED BY FITZGERALD, KINSEY, HILL-EVANS, SANCHEZ, KENYATTA, CONKLIN, GUZMAN, HANBIDGE, A. DAVIS, SCHWEYER, DeLUCA, SOLOMON, KINKEAD, FREEMAN, NEILSON, INNAMORATO, SHUSTERMAN, DELLOSO, STURLA AND T. DAVIS, FEBRUARY 26, 2021

REFERRED TO COMMITTEE ON EDUCATION, FEBRUARY 26, 2021

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  
 20 system of the district, and be kept open on a full-time basis

1 for [not less than two and one-half hours each day for] the full  
2 school term as provided in section 1501.

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

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

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

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

1 of a resident child.

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

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

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

14 Section 2. The definition of "compulsory school age" in  
15 section 1326 of the act, amended June 28, 2019 (P.L.117, No.16),  
16 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 six (6) years of  
23 age until the child reaches eighteen (18) years of age. Nothing  
24 in this section shall be construed to preclude a child's parents  
25 from electing to have the child attend full-day kindergarten at  
26 the age of three (3) years. The term does not include a child  
27 who holds a certificate of graduation from a regularly  
28 accredited, licensed, registered or approved high school.

29 \* \* \*

30 Section 3. Section 1361 of the act, amended October 30, 2019

1 (P.L.460, No.76), 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 career and 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 in accordance with the requirements of this subarticle.

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

11 "Program." A full-day kindergarten.

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

13 "School entity." Any public school district, intermediate  
14 unit, area career and technical school or charter school.

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

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

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

20 (a) Authorization to develop plan.--

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

29 (2) A school district may satisfy the requirements of  
30 this subarticle by offering full-day kindergarten jointly

1 with another school district in the same intermediate unit or  
2 with an approved provider in accordance with regulations  
3 adopted and promulgated by the State Board of Education.

4 (3) The plan developed by the department in accordance  
5 with paragraph (1) shall make full-day kindergarten available  
6 to eligible students in this Commonwealth by the 2022-2023  
7 school year.

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

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

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

21 (i) Standards for full-day kindergarten.

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

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

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



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

3 (a) Establishment.--The Full-Day Kindergarten Implementation  
4 Advisory Committee is established for the purpose of assisting  
5 and advising the department in the development and  
6 implementation of a State plan for full-day kindergarten in  
7 school districts in this Commonwealth by the 2022-2023 school  
8 year in accordance with section 1524-D(a). The committee shall  
9 be staffed by employees of the department as designated by the  
10 secretary.

11 (b) Membership of advisory committee.--

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

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

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

23 (ii) Two early childhood education teachers.

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

26 (iv) One individual representing charter schools.

27 (v) Two individuals representing special education.

28 (vi) Three individuals, including at least two from  
29 academia, who by reason of employment or profession, have  
30 proven expertise in early childhood education and one who

1 shall have expertise in English as a second language.

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

4 (viii) Two parents or guardians.

5 (c) Legislative appointments.--

6 (1) The following shall apply:

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

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

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

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

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

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

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

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

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

30 (5) The committee may adopt rules as the committee

1 determines necessary and appropriate for the work and  
2 operation of the committee.

3 (f) Compensation.--

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

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

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

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

1 the following:

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

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

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

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

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

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

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

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

20 (ii) ensure school readiness.

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

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

28 (4) A description of how the department will coordinate  
29 with existing federally funded programs, including the Head  
30 Start program, State-funded prekindergarten, including the

1 Pre-K Counts Program as defined under section 1511-D, public  
2 school programs and child care providers.

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

8 (6) A comprehensive financial analysis of:

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

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

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

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

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

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

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

29 (11) A plan to ensure that parents and guardians of  
30 children enrolled in the program are actively involved with

1 and engaged in the child's education.

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

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

5 (2) Submit proposed legislation containing the  
6 committee's statutory recommendation for full-day  
7 kindergarten to the department, the chairperson and minority  
8 chairperson of the Education Committee of the Senate and the  
9 chairperson and minority chairperson of the Education  
10 Committee of the House of Representatives no later than  
11 January 1, 2022.

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 and approved providers.--An  
6 approved 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 2024-2025 school  
7           year.

8           Section 6. This act shall take effect immediately.