

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 754 Session of 2015

INTRODUCED BY BROWNLEE, KINSEY, READSHAW, THOMAS, BISHOP,
 SCHWEYER, V. BROWN, ACOSTA, PASHINSKI, O'BRIEN, MAHONEY,
 COHEN, McNEILL, J. HARRIS, C. PARKER, GAINNEY, ROEBUCK,
 YOUNGBLOOD, SIMS, DONATUCCI, M. DALEY, TOOHL AND KIM,
 MARCH 9, 2015

REFERRED TO COMMITTEE ON EDUCATION, MARCH 9, 2015

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. Section 503 of the act of March 14, 1949 (P.L.30,
 13 No.14), known as the Public School Code of 1949, amended
 14 September 21, 1959 (P.L.925, No.373) and October 21, 1965
 15 (P.L.601, No.312), is amended to read:

16 Section 503. Kindergartens.--(a) The board of school
 17 directors in [any] each school district [may] shall establish
 18 and maintain kindergartens for children between the ages of
 19 [four] three and [six] five years. When established, the
 20 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 2. Section 1301 of the act, amended June 29, 2002
19 (P.L.524, No.88), is amended to read:

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

1 resident child temporarily residing in the district, and may
2 require the attendance of such non-resident child in the same
3 manner and on the same conditions as it requires the attendance
4 of a resident child.

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

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

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

17 Section 3. Section 1326 of the act is amended to read:

18 Section 1326. Definitions.--The term "compulsory school
19 age," as hereinafter used, shall mean the period of a child's
20 life from the time the child's parents elect to have the child
21 enter school, which shall be not later than at the age of [eight
22 (8)] six (6) years, until the age of seventeen (17) years.

23 Nothing in this section shall be construed to preclude a child's
24 parents from electing to have the child attend full-day
25 kindergarten at the age of three (3) years. The term shall not
26 include any child who holds a certificate of graduation from a
27 regularly accredited senior high school.

28 The term "migratory child," wherever used in this subdivision
29 of this article, shall include any child domiciled temporarily
30 in any school district for the purpose of seasonal employment,

1 but not acquiring residence therein, and any child accompanying
2 his parent or guardian who is so domiciled.

3 Section 4. Section 1361 of the act, amended May 11, 1979
4 (P.L.26, No.7), is amended to read:

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

1 periods that the nonpublic school not operated for profit is in
2 regular session, according to the school calendar officially
3 adopted by the directors of the same in accordance with
4 provisions of law. The board of school directors shall provide
5 such transportation whenever so required by any of the
6 provisions of this act or of any other act of Assembly.

7 (1.1) Nothing in this section shall be construed to prohibit
8 a board of school directors from entering into an agreement with
9 another school district in the same intermediate unit to provide
10 for the free transportation of resident and nonresident pupils
11 enrolled in full-day kindergarten jointly, provided that such
12 school districts in the intermediate unit have entered into an
13 agreement to offer full-day kindergarten for eligible pupils in
14 the school districts jointly in accordance with regulations of
15 the State Board of Education.

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

26 (3) The State Board of Education shall adopt regulations,
27 including qualifications of school bus drivers, to govern the
28 transportation of school pupils and transportation of pupils
29 enrolled in full-day kindergarten by and between school
30 districts in the same intermediate unit.

1 Section 5. Article XV-D of the act is amended by adding a
2 subarticle to read:

3 (c) Full-Day Kindergarten.

4 Section 1520-D. Findings and purpose.

5 The General Assembly finds and declares that:

6 (1) Numerous national and international studies have
7 found that high-quality early childhood education gives
8 children the best possible start in life.

9 (2) These studies conclude that early childhood
10 education, inherent in full-day kindergarten, is essential to
11 supporting the cognitive, social, emotional and physical
12 development of young children.

13 (3) Kindergarten programs are essential to ensuring the
14 school readiness of children when they enter the 1st grade.

15 (4) Full-day kindergarten should be established and
16 implemented as a formal, integral component of basic
17 education instruction in the public school system of this
18 Commonwealth.

19 (5) The purpose of this act is to provide for the
20 development of a State plan to facilitate the establishment
21 and implementation of full-day kindergarten in this
22 Commonwealth.

23 Section 1521-D. Definitions.

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

27 "Approved provider." A full-day kindergarten program
28 provider that is:

29 (1) a school entity;

30 (2) a Head Start program; or

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

2 "Charter school." As defined in section 1703-A.

3 "Committee." The Full-Day Kindergarten Implementation

4 Advisory Committee established under section 1523-D.

5 "Department." The Department of Education of the

6 Commonwealth.

7 "Eligible student." A child between three and five years of

8 age who is a resident of a school district.

9 "Full-day kindergarten." A program of instruction for

10 children between three and five years of age that conforms to

11 the regulations, rules and standards adopted by the department

12 in accordance with the requirements of this subarticle.

13 "Intermediate unit." The regional arrangements of school

14 districts to serve given geographic areas in accordance with

15 section 902-A.

16 "Program." A full-day kindergarten program.

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

18 "School entity." Any public school district, intermediate

19 unit, area vocational-technical school or charter school.

20 "Secretary." The Secretary of the Department of Education of

21 the Commonwealth.

22 "State plan" or "plan." The plan developed by the Department

23 of Education for the establishment and implementation of full-

24 day kindergarten programs by school districts in this

25 Commonwealth.

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

27 (a) Authorization to develop plan.--

28 (1) Notwithstanding any other provision of law or

29 regulation to the contrary, the department, in collaboration

30 with the committee, shall develop a State plan for the

1 establishment and implementation of full-day kindergarten for
2 eligible students in each school district in this
3 Commonwealth. The plan developed by the department shall be
4 based on the recommendations of the Full-Day Kindergarten
5 Implementation Advisory Committee established under section
6 1523-D(a).

7 (2) A school district may satisfy the requirements of
8 this act by offering full-day kindergarten jointly with
9 another school district in the same intermediate unit or with
10 an approved provider in accordance with regulations adopted
11 and promulgated by the State Board of Education.

12 (3) The plan developed by the department in accordance
13 with paragraph (1) shall make full-day kindergarten available
14 to eligible students in this Commonwealth by the 2018-2019
15 school year.

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

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

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

29 (i) Standards for full-day kindergarten.

30 (ii) The minimum number of instructional hours

1 required for full-day kindergarten.

2 (iii) Standards and procedures to govern the
3 operation of full-day kindergarten by a school district
4 jointly with another school district or school districts
5 in the same intermediate unit.

6 (iv) Standards and procedures a school district must
7 follow to contract with approved providers of full-day
8 kindergarten programs.

9 Section 1523-D. Full-Day Kindergarten Implementation Advisory
10 Committee.

11 (a) Establishment.--The Full-Day Kindergarten Implementation
12 Advisory Committee is established for the purpose of assisting
13 and advising the department in the development and
14 implementation of a State plan for full-day kindergarten
15 programs in school districts in this Commonwealth by the 2018-
16 2019 school year in accordance with section 1524-D(a). The
17 committee shall be staffed by employees of the department as
18 designated by the secretary.

19 (b) Membership of advisory committee.--

20 (1) Except as provided in subsection (c), the secretary
21 shall determine the public membership, terms of service and
22 organization of the committee and shall appoint the public
23 members of the committee in accordance with paragraph (2).

24 (2) In appointing the membership of the committee, the
25 secretary shall ensure geographic and demographic diversity
26 in membership, including individuals representing rural and
27 urban areas of this Commonwealth. The secretary shall ensure
28 that the composition of the committee includes the following:

29 (i) Three individuals representing boards of school
30 directors.

1 (ii) Two early childhood education teachers.

2 (iii) Two individuals who have expertise in early
3 childhood development.

4 (iv) One individual representing charter schools.

5 (v) Two individuals representing special education.

6 (vi) Three individuals, including at least two from
7 academia, who by reason of employment or profession, have
8 proven expertise in early childhood education and one who
9 shall have expertise in English as a second language.

10 (vii) Two individuals representing the business
11 community.

12 (viii) Two parents.

13 (c) Legislative appointments.--

14 (1) The following shall apply:

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

18 (ii) The Majority Leader of the House of
19 Representatives and the Minority Leader of the House of
20 Representatives shall each appoint one representative to
21 serve as a nonvoting member of the committee.

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

24 (d) Chairman.--The secretary shall serve as chairman of the
25 committee and may appoint a designee to serve as acting chairman
26 in his absence.

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

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

30 (2) Official action by the committee shall require the

1 approval of a majority of the voting members of the
2 committee.

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

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

8 (5) The committee may adopt rules as it determines
9 necessary and appropriate for the work and operation of the
10 committee.

11 (f) Compensation.--

12 (1) Members of the committee appointed in accordance
13 with subsection (b) shall not be entitled to compensation or
14 reimbursement for expenses and shall serve as volunteers on
15 the committee except that public members may be reimbursed
16 for expenses incurred in the official discharge of their
17 duties as members of the committee in accordance with
18 Commonwealth policy governing executive agencies under the
19 jurisdiction of the Governor.

20 (2) Legislative appointees of the committee shall not be
21 entitled to a per diem for service on the committee.
22 Reimbursement for mileage expenses or any other expense
23 incurred due to the work of the committee shall be at the
24 discretion of the legislative appointee's appointing
25 authority.

26 (g) Cooperation required.--Notwithstanding any other law or
27 regulation to the contrary, all agencies of State government and
28 all school entities shall assist the committee in the
29 performance of its duties and shall, to the extent permitted by
30 laws relating to confidentiality, furnish such assistance,

1 advice and information as the members of the committee consider
2 necessary to perform their duties.

3 (h) Duty to provide resources.--In addition to the
4 requirements of section 1524-D, the committee shall provide
5 school entities with resources, including technical expertise
6 related to capital needs, enrollment trends, funding
7 requirements, best practices for providing full-day kindergarten
8 and other information a school entity may require to determine
9 the following:

10 (1) whether a school district should implement a full-
11 day kindergarten program or contract with an approved
12 provider;

13 (2) whether a full-day kindergarten program should be
14 implemented jointly with another school district in the same
15 intermediate unit; and

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

17 Section 1524-D. Duties of committee and development of State
18 plan.

19 (a) Development of plan.--The committee shall assist the
20 department with the development of a plan to facilitate the
21 implementation of full-day kindergarten programs by the boards
22 of school directors in each school district in this
23 Commonwealth.

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

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

28 (i) support student's cognitive, social, emotional
29 and physical development; and

30 (ii) ensure school readiness.

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

4 (3) A description of how the department will involve
5 representatives of approved providers that administer early
6 learning programs addressing children three, four and five
7 years of age.

8 (4) A description of how the department will coordinate
9 with existing State-funded prekindergarten programs, such as
10 Pre-K Counts, Federally funded programs, such as Head Start,
11 public school programs and child care providers.

12 (5) A plan that would allow a school district or several
13 school districts in the same intermediate unit to partner
14 with philanthropic and private sector investors to develop
15 and implement strategies designed to secure private-sector
16 capital to fund full-day kindergarten programs.

17 (6) A comprehensive financial analysis of:

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

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

23 (iii) an estimate of the revenue that could be
24 generated to fund full-day kindergarten programs.

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

28 (8) How the department will provide ongoing professional
29 development opportunities to help increase the number of
30 teachers in early childhood education programs who meet the

1 State's education or credential requirements for kindergarten
2 teachers.

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

6 (10) A plan to provide transportation for children to
7 and from the programs.

8 (11) A plan to ensure that parents of children enrolled
9 in the program are actively involved with and engaged in
10 their child's education.

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

12 (1) Submit a comprehensive report of its findings to the
13 department.

14 (2) Submit proposed legislation setting forth its
15 statutory recommendation for full-day kindergarten to the
16 department, the chairman and minority chairman of the
17 Education Committee of the Senate and the chairman and
18 minority chairman of the Education Committee of the House of
19 Representatives no later than January 1, 2016.

20 (d) Content of report.--The report and proposed legislation
21 shall:

22 (1) Establish a method for providing funding for full-
23 day kindergarten programs to school districts.

24 (2) Include options for implementation of full-day
25 kindergarten programs.

26 (3) Consider the feasibility of developing and
27 implementing pilot programs in geographically diverse school
28 districts in this Commonwealth.

29 (4) Consider options for phasing in funding described in
30 paragraph (1).

1 (5) Not consider any other issues or proposed
2 legislation which is not directly and specifically related to
3 the establishment and implementation of full-day kindergarten
4 programs.

5 Section 1525-D. Local requirements.

6 (a) Duties of school districts.--Each school district shall
7 provide kindergarten facilities free of charge for eligible
8 students residing in the school district by operating the
9 facilities either singly or jointly with other school districts
10 in the same intermediate unit or by contracting with an approved
11 provider in accordance with regulations of the State Board of
12 Education.

13 (b) General requirements; approved providers.--An approved
14 provider receiving funding under this act shall:

15 (1) maintain a maximum class size of no more than 18
16 children;

17 (2) maintain a ratio of not more than 10 children for
18 each member of the teaching staff;

19 (3) ensure that all kindergarten teachers meet State
20 certification requirements in accordance with the
21 requirements of this act; and

22 (4) meet all health and safety standards as required by
23 the department.

24 (c) Duties of certain approved providers.--An approved
25 provider that is not a school entity under this act shall submit
26 an application to the department. The application shall contain
27 all of the following:

28 (1) A description of the full-day kindergarten program
29 to be provided.

30 (2) A statement demonstrating the need for a program or

1 an enhanced or expanded program in the area served by the
2 approved provider.

3 (3) A description of the age-appropriate and
4 developmentally appropriate educational curriculum and
5 student outcomes.

6 (4) A description of how the approved provider will
7 collaborate with existing community-based child care
8 providers, school entities, Head Start programs and other
9 providers of early learning programs, as appropriate.

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

12 (6) A plan to promote and achieve parental involvement
13 in the program.

14 (7) A description of how teachers will receive ongoing
15 professional development in early childhood development and
16 early childhood education.

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

18 Section 1526-D. Professional development.

19 (a) Availability of funding.--The department may provide a
20 portion of any funds made available under this subarticle for
21 ongoing professional development activities for early childhood
22 teachers.

23 (b) Use of funds.--Any funds which may be made available to
24 approved providers pursuant to this section shall be used for
25 ongoing professional development to accomplish the following:

26 (1) Provide kindergarten teachers and staff with the
27 knowledge and skills for the application of recent research
28 on child cognitive, social, emotional and physical
29 development, including, but not limited to, language and
30 literacy development and early childhood pedagogy.

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

4 (3) Select and use developmentally appropriate screening
5 and diagnostic assessments to improve teaching and learning
6 and make appropriate referrals for services to support the
7 development and learning of children in such full-day
8 kindergarten programs.

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

13 Section 6. This act shall take effect as follows:

14 (1) The amendment of sections 503, 1301, 1326 and 1361
15 of the act shall take effect commencing with the 2018-2019
16 school year.

17 (2) The remainder of this act shall take effect
18 immediately.