

110TH CONGRESS
2D SESSION

S. 2759

To provide for Kindergarten Plus programs.

IN THE SENATE OF THE UNITED STATES

MARCH 13, 2008

Mr. DODD (for himself, Mr. LIEBERMAN, Mr. DURBIN, and Mr. KERRY) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for Kindergarten Plus programs.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Kindergarten Plus Act
5 of 2008”.

6 **SEC. 2. FINDINGS.**

7 Congress makes the following findings:

8 (1) Kindergarten has proven to be a beneficial
9 experience for children, putting children on a path
10 that positively influences their learning and develop-
11 ment in later school years.

1 (2) Kindergarten and the years leading up to
2 kindergarten are critical in preparing children to
3 succeed in elementary school, especially if the chil-
4 dren are from low-income families or have other
5 risks of difficulty in school.

6 (3) Disadvantaged children, on average, lag be-
7 hind other children in literacy, numeracy, and social
8 skills, even before formal schooling begins.

9 (4) For many children entering kindergarten,
10 the achievement gap between children from low-in-
11 come households compared to children from high-in-
12 come households is already evident.

13 (5) Eighty-five percent of beginning kinder-
14 gartners in the highest socioeconomic group, com-
15 pared to 39 percent in the lowest socioeconomic
16 group, can recognize letters of the alphabet. Simi-
17 larly, 98 percent of beginning kindergartners in the
18 highest socioeconomic group, compared to 84 per-
19 cent of their peers in the lowest socioeconomic
20 group, can recognize numbers and shapes.

21 (6) Once disadvantaged children are in school,
22 they learn at the same rate as other children. There-
23 fore, providing disadvantaged children with addi-
24 tional time in kindergarten, in the summer before
25 such children ordinarily enter kindergarten and in

1 the summer before first grade, will help schools close
 2 achievement gaps and accelerate the academic
 3 progress of their disadvantaged students.

4 (7) High quality, extended-year kindergarten
 5 that provides children with enriched learning experi-
 6 ences is an important factor in helping to close
 7 achievement gaps, rather than having the gaps con-
 8 tinue to widen.

9 **SEC. 3. DEFINITIONS.**

10 In this Act:

11 (1) **ELIGIBLE STUDENT.**—The term “eligible
 12 student” means a child who—

13 (A) is a 5-year old, or will be eligible to at-
 14 tend kindergarten at the beginning of the next
 15 school year;

16 (B) comes from a family with an income at
 17 or below 185 percent of the poverty line; and

18 (C) is not already served by a high-quality
 19 program in the summer before or the summer
 20 after the child enters kindergarten.

21 (2) **KINDERGARTEN PLUS.**—The term “Kinder-
 22 garten Plus” means a voluntary full day of kinder-
 23 garten, during the summer before and during the
 24 summer after, the traditional kindergarten school
 25 year (as determined by the State).

1 (3) LOCAL EDUCATIONAL AGENCY.—The term
2 “local educational agency” has the meaning given
3 the term in section 9101 of the Elementary and Sec-
4 ondary Education Act of 1965 (20 U.S.C. 7801).

5 (4) PARENT.—The term “parent” includes a
6 legal guardian or other person standing in loco
7 parentis (such as a grandparent or stepparent with
8 whom the child lives, or a person who is legally re-
9 sponsible for the child’s welfare).

10 (5) PARENTAL INVOLVEMENT.—The term “pa-
11 rental involvement” means the participation of par-
12 ents in regular, 2-way, and meaningful communica-
13 tion with school personnel involving student aca-
14 demic learning and other school activities, including
15 ensuring that parents—

16 (A) play an integral role in assisting their
17 child’s learning;

18 (B) are encouraged to be actively involved
19 in their child’s education at school; and

20 (C) are full partners in their child’s edu-
21 cation and are included, as appropriate, in deci-
22 sionmaking and on advisory committees to as-
23 sist in the education of their child.

24 (6) POVERTY LINE.—The term “poverty line”
25 means the poverty line (as defined by the Office of

1 Management and Budget, and revised annually in
2 accordance with section 673(2) of the Community
3 Services Block Grant Act (42 U.S.C. 9902(2))) ap-
4 plicable to a family of the size involved.

5 (7) ELIGIBLE PROVIDER.—The term “eligible
6 provider” means a local educational agency or a pri-
7 vate not-for-profit agency or organization, with a
8 demonstrated record in the delivery of early child-
9 hood education services to preschool-age children,
10 that provides high-quality early learning and devel-
11 opment experiences that—

12 (A) are aligned with the expectations for
13 what children should know and be able to do
14 when the children enter kindergarten and grade
15 1, as established by the State educational agen-
16 cy; or

17 (B) in the case of an entity that is not a
18 local educational agency and that serves chil-
19 dren who have not entered kindergarten, meet
20 the performance standards and performance
21 measures described in subparagraphs (A) and
22 (B) of subsection (a)(1), and subsection (b), of
23 section 641A of the Head Start Act (42 U.S.C.
24 9836a) or the prekindergarten standards of the
25 State where the entity is located.

1 (8) SCHOOL READINESS.—The term “school
2 readiness” means the cognitive, social, emotional,
3 approaches to learning, and physical development of
4 a child, including early literacy and early mathe-
5 matics skills, that prepares the child to learn and
6 succeed in elementary school.

7 (9) SECRETARY.—The term “Secretary” means
8 the Secretary of Education.

9 (10) STATE EDUCATIONAL AGENCY.—The term
10 “State educational agency” has the meaning given
11 the term in section 9101 of the Elementary and Sec-
12 ondary Education Act of 1965 (20 U.S.C. 7801).

13 **SEC. 4. GRANTS TO STATE EDUCATIONAL AGENCIES AU-**
14 **THORIZED.**

15 (a) IN GENERAL.—The Secretary is authorized to
16 award grants, on a competitive basis, to State educational
17 agencies to enable the State educational agencies to pro-
18 vide Kindergarten Plus within the State.

19 (b) SUFFICIENT SIZE.—To the extent possible, the
20 Secretary shall ensure that each grant awarded under this
21 section is of sufficient size to enable the State educational
22 agency receiving the grant to provide Kindergarten Plus
23 to all eligible students served by the local educational
24 agencies within the State with the highest concentrations
25 of eligible students.

1 (c) MINIMUM AMOUNT.—The Secretary shall not
2 award a grant to a State educational agency under this
3 section in an amount that is less than \$500,000.

4 (d) STATE USE OF FUNDS.—A State educational
5 agency shall use—

6 (1) not more than 3 percent of the grant funds
7 received under this Act for administration of the
8 Kindergarten Plus programs supported under this
9 Act;

10 (2) not more than 5 percent of the grant funds
11 received under this Act to develop professional devel-
12 opment activities and curricula for teachers and
13 staff of Kindergarten Plus programs in order to de-
14 velop a continuum of developmentally appropriate
15 curricula and practices for preschool, kindergarten,
16 and grade 1 that ensures—

17 (A) an effective transition to kindergarten
18 and to grade 1 for students; and

19 (B) appropriate expectations for the stu-
20 dents' learning and development as the students
21 make the transition to kindergarten and to
22 grade 1; and

23 (3) the remainder of the grant funds to award
24 subgrants to local educational agencies.

1 (e) PRIORITY.—In awarding grants under this Act
2 the Secretary shall give priority to State educational agen-
3 cies that—

4 (1) on their own or in combination with other
5 government agencies, provide full-day kindergarten
6 to all kindergarten-age children who are from fami-
7 lies with incomes below 185 percent of the poverty
8 line within the State; or

9 (2) demonstrate progress toward providing full-
10 day kindergarten to all kindergarten-age children
11 who are from families with incomes below 185 per-
12 cent of the poverty line within the State by submit-
13 ting a plan that shows how the State educational
14 agency will, at a minimum, double the number of
15 such children that were served by a full-day kinder-
16 garten program in the school year preceding the
17 school year for which assistance is first sought.

18 **SEC. 5. SUBGRANTS TO LOCAL EDUCATIONAL AGENCIES.**

19 (a) IN GENERAL.—Each State educational agency
20 that receives a grant under this Act—

21 (1) shall reserve an amount sufficient to con-
22 tinue to fund multiyear subgrants awarded under
23 this section; and

24 (2) shall award subgrants to local educational
25 agencies within the State to enable the local edu-

1 cational agencies to pay the Federal share of the
2 costs of carrying out Kindergarten Plus programs
3 for eligible students.

4 (b) PRIORITY.—In awarding subgrants under this
5 section the State educational agency shall give priority to
6 local educational agencies—

7 (1) serving the greatest number or percentage
8 of kindergarten-age children who are from families
9 with incomes below 185 percent of the poverty line,
10 based on data from the most recent school year; and

11 (2) that propose to significantly reduce the
12 class size and student-to-teacher ratio of the classes
13 in their Kindergarten Plus programs below the aver-
14 age class size and student-to-teacher ratios of kin-
15 dergarten classes served by the local educational
16 agencies.

17 (c) FEDERAL SHARE.—The Federal share of the
18 costs of carrying out a Kindergarten Plus program shall
19 be—

20 (1) 100 percent for the first, second, and third
21 years of the program;

22 (2) 85 percent for the fourth year of the pro-
23 gram; and

24 (3) 75 percent for the fifth year of the pro-
25 gram.

1 (d) IN-KIND CONTRIBUTIONS.—The non-Federal
2 share of the costs of carrying out a Kindergarten Plus
3 program may be in the form of in-kind contributions.

4 **SEC. 6. STATE APPLICATION.**

5 (a) IN GENERAL.—In order to receive a grant under
6 this Act, a State educational agency shall submit an appli-
7 cation to the Secretary at such time and containing such
8 information as the Secretary determines appropriate.

9 (b) CONSULTATION.—The application shall be devel-
10 oped by the State educational agency in consultation with
11 representatives of early childhood education programs,
12 early childhood education teachers, principals, pupil serv-
13 ices personnel, administrators, paraprofessionals, other
14 school staff, early childhood education providers (including
15 Head Start agencies, State prekindergarten program
16 staff, and child care providers), teacher organizations, par-
17 ents, and parent organizations.

18 (c) CONTENTS.—At a minimum, the application shall
19 include—

20 (1) a description of developmentally appropriate
21 teaching practices and curricula for children that
22 will be put in place to be used by local educational
23 agencies and eligible providers offering Kindergarten
24 Plus programs to carry out this Act;

1 (2) a general description of the nature of the
2 Kindergarten Plus programs to be conducted with
3 funds received under this Act, including—

4 (A) the number of hours each day and the
5 number of days each week that children in each
6 Kindergarten Plus program will attend the pro-
7 gram; and

8 (B) if a Kindergarten Plus program meets
9 for less than 9 hours a day, how the needs of
10 full-time working families will be addressed;

11 (3) goals and objectives to ensure that high-
12 quality Kindergarten Plus programs are provided;

13 (4) an assurance that students enrolled in Kin-
14 dergarten Plus programs funded under this Act will
15 receive additional comprehensive services (such as
16 nutritional services, health care, and mental health
17 care), as needed; and

18 (5) a description of how—

19 (A) the State educational agency will co-
20 ordinate and integrate services provided under
21 this Act with other educational programs, such
22 as Even Start, Head Start, Reading First,
23 Early Reading First, State-funded preschool
24 programs, preschool programs funded under
25 section 619 or other provisions of part B of the

1 Individuals with Disabilities Education Act (20
2 U.S.C. 1419, 1411 et seq.), and kindergarten
3 programs;

4 (B) the State will provide professional de-
5 velopment for teachers and staff of local edu-
6 cational agencies and eligible providers that re-
7 ceive subgrants under this Act regarding how to
8 address the school readiness needs of children
9 (including early literacy, early mathematics,
10 and positive behavior) before the children enter
11 kindergarten, throughout the school year, and
12 into the summer after kindergarten;

13 (C) the State will assist Kindergarten Plus
14 programs to provide exemplary parent edu-
15 cation and parental involvement activities such
16 as training and materials to assist parents in
17 being their children's first teachers at home or
18 home visiting;

19 (D) the State will conduct outreach to par-
20 ents with eligible students, including parents
21 whose native language is not English, parents
22 of children with disabilities, and parents of mi-
23 gratory children; and

24 (E) the State educational agency will en-
25 sure that each Kindergarten Plus program uses

1 developmentally appropriate practices, including
2 practices and materials that are culturally and
3 linguistically appropriate for the population of
4 children being served in the program.

5 **SEC. 7. LOCAL APPLICATION.**

6 (a) **IN GENERAL.**—In order to receive a subgrant
7 under this Act, a local educational agency shall submit an
8 application to the State educational agency at such time
9 and containing such information as the State educational
10 agency determines appropriate.

11 (b) **CONSULTATION.**—The application shall be devel-
12 oped by the local educational agency in consultation with
13 early childhood education teachers, principals, pupil serv-
14 ices personnel, administrators, paraprofessionals, other
15 school staff, early childhood education providers (including
16 Head Start agencies, State prekindergarten program
17 staff, and child care providers), teacher organizations, par-
18 ents, and parent organizations.

19 (c) **CONTENTS.**—At a minimum, the application shall
20 include a description of—

21 (1) the standards, research-based and develop-
22 mentally appropriate curricula, teaching practices,
23 and ongoing assessments for the purposes of improv-
24 ing instruction and services, to be used by the local
25 educational agency that—

1 (A) are aligned with the State expectations
2 for what children should know and be able to
3 do when the children enter kindergarten and
4 grade 1, as set by the State educational agency;
5 and

6 (B) include—

7 (i) language skills, including an ex-
8 panded use of vocabulary;

9 (ii) interest in and appreciation of
10 books, reading, writing alone or with oth-
11 ers, and phonological and phonemic aware-
12 ness;

13 (iii) premathematics knowledge and
14 skills, including aspects of classification,
15 seriation, number sense, spatial relations,
16 and time;

17 (iv) other cognitive abilities related to
18 academic achievement;

19 (v) social and emotional development,
20 including self-regulation skills;

21 (vi) physical development, including
22 gross and fine motor development skills;

23 (vii) in the case of limited English
24 proficiency, progress toward the acquisition
25 of the English language; and

1 (viii) approaches to learning;

2 (2) how the local educational agency will ensure
3 that the Kindergarten Plus program uses curricula
4 and practices that—

5 (A) are developmentally, culturally, and
6 linguistically appropriate for the population of
7 children served in the program; and

8 (B) are aligned with the State learning
9 standards and expectations for children in kin-
10 dergarten and grade 1;

11 (3) how the Kindergarten Plus program will im-
12 prove the school readiness of children served by the
13 local educational agency under this Act, especially in
14 mathematics and reading;

15 (4) how the Kindergarten Plus program will
16 provide continuity of services and learning for chil-
17 dren who were previously served by a different pro-
18 gram;

19 (5) how the local educational agency will ensure
20 that the Kindergarten Plus program has appropriate
21 services and accommodations in place to serve chil-
22 dren with disabilities and children who are limited
23 English proficient;

24 (6) how the local educational agency will per-
25 form a needs assessment to avoid duplication with

1 other programs within the geographic area served by
2 the local educational agency;

3 (7) how the local educational agency will—

4 (A) transition Kindergarten Plus partici-
5 pants into local elementary school programs
6 and services;

7 (B) ensure the development and use of sys-
8 tematic, coordinated records on the educational
9 development of each child participating in the
10 Kindergarten Plus program through periodic
11 meetings and communications among—

12 (i) Kindergarten Plus program teach-
13 ers;

14 (ii) elementary school staff; and

15 (iii) local early childhood education
16 program providers, including Head Start
17 agencies, State prekindergarten program
18 staff, and center-based and family child
19 care providers;

20 (C) provide parent and child orientation
21 sessions conducted by teachers and staff; and

22 (D) provide a qualified staff person to be
23 in charge of coordinating the transition serv-
24 ices;

1 (8) how the local educational agency will pro-
2 vide instructional and environmental accommoda-
3 tions in the Kindergarten Plus program for children
4 who are limited English proficient, children with dis-
5 abilities, migratory children, neglected or delinquent
6 youth, Indian children served under part A of title
7 VII of the Elementary and Secondary Education Act
8 of 1965 (20 U.S.C. 7401 et seq.), homeless children,
9 and immigrant children;

10 (9) how the local educational agency will con-
11 duct outreach to parents of eligible students, includ-
12 ing parents whose native language is not English,
13 parents of children with disabilities, and parents of
14 migratory children, which may include—

15 (A) activities to provide parents early expo-
16 sure to the school environment, including meet-
17 ings with teachers and staff;

18 (B) activities to better engage and inform
19 parents on the benefits of Kindergarten Plus
20 and other programs; and

21 (C) other efforts to ensure that parents
22 have a level of comfort with the Kindergarten
23 Plus program and the school environment;

24 (10) how the local educational agency will assist
25 the Kindergarten Plus program to provide exemplary

1 parent education and parental involvement activities
 2 such as training and materials to assist parents in
 3 being their children's first teachers at home or home
 4 visiting; and

5 (11) how the local educational agency will work
 6 with local center-based and family child care pro-
 7 viders and Head Start agencies to ensure—

8 (A) the nonduplication of programs and
 9 services; and

10 (B) that the needs of working families are
 11 met through child care provided before and
 12 after the Kindergarten Plus program.

13 **SEC. 8. LOCAL REQUIREMENTS AND PROVISIONS.**

14 (a) LOCAL USES OF FUNDS.—A local educational
 15 agency that receives a subgrant under this Act shall use
 16 the subgrant funds for the following:

17 (1) The operational and program costs associ-
 18 ated with the Kindergarten Plus program as de-
 19 scribed in the application to the State educational
 20 agency.

21 (2) Personnel services, including teachers, para-
 22 professionals, and other staff as needed.

23 (3) Additional services, as needed, including
 24 snacks and meals, mental health care, health care,
 25 linguistic assistance, special education and related

1 services, and transportation services associated with
2 the needs of the children in the program.

3 (4) Transition services to ensure children make
4 a smooth transition into first grade and proper com-
5 munication is made with the elementary school on
6 the educational development of each child.

7 (5) Outreach and recruitment activities, includ-
8 ing community forums and public service announce-
9 ments in local media in various languages if nec-
10 essary to ensure that all individuals in the commu-
11 nity are aware of the availability of such program.

12 (6) Parental involvement programs, including
13 materials and resources to help parents become more
14 involved in their child's learning at home.

15 (7) Extended day services for the eligible stu-
16 dents of working families, including working with ex-
17 isting programs in the community to coordinate
18 services if possible.

19 (8) Child care services, provided through coordi-
20 nation with local center-based child care and family
21 child care providers, and Head Start agencies, before
22 and after the Kindergarten Plus program for the
23 children participating in the program, to accommo-
24 date the schedules of working families.

25 (9) Enrichment activities, such as—

- 1 (A) art, music, and other creative arts;
2 (B) outings and field trips; and
3 (C) other experiences that support chil-
4 dren's curiosity, motivation to learn, knowledge,
5 and skills.

6 (b) ELIGIBLE PROVIDER GRANTS AND APPLICA-
7 TIONS.—The local educational agency may use subgrant
8 funds received under this Act to award a grant to an eligi-
9 ble provider to enable the eligible provider to carry out
10 a Kindergarten Plus program for the local educational
11 agency. Each eligible provider desiring a grant under this
12 subsection shall submit an application to the local edu-
13 cational agency that contains the descriptions set forth in
14 section 7 as applied to the eligible provider.

15 (c) CONTINUITY.—In carrying out a Kindergarten
16 Plus program under this Act, a local educational agency
17 is encouraged to explore ways to develop continuity in the
18 education of children, for instance by keeping, if possible,
19 the same teachers and personnel from the summer before
20 kindergarten, through the kindergarten year, and during
21 the summer after kindergarten.

22 (d) COORDINATION.—In carrying out a Kindergarten
23 Plus program under this Act, a local educational agency
24 shall coordinate with existing programs in the community

1 to provide extended care and comprehensive services for
2 children and their families in need of such care or services.

3 **SEC. 9. TEACHER AND PERSONNEL QUALITY STANDARDS.**

4 To be eligible for a subgrant under this Act, each
5 local educational agency shall ensure that—

6 (1) each Kindergarten Plus classroom has—

7 (A) a highly qualified teacher, as defined
8 in section 9101 of the Elementary and Sec-
9 ondary Education Act of 1965 (20 U.S.C.
10 7801); or

11 (B) if an eligible provider who is not a
12 local educational agency is providing the Kin-
13 dergarten Plus program in accordance with sec-
14 tion 8(b), a teacher that, at a minimum, has a
15 bachelor's degree in early childhood education
16 or a related field and experience in teaching
17 children of this age;

18 (2) a qualified paraprofessional that meets the
19 requirements for paraprofessionals under section
20 1119 of the Elementary and Secondary Education
21 Act of 1965 (20 U.S.C. 6319), is in each Kinder-
22 garten Plus classroom;

23 (3) Kindergarten Plus teachers and paraprofes-
24 sionals are compensated on a salary scale com-
25 parable to kindergarten through grade 3 teachers

1 and paraprofessionals in public schools served by the
2 local educational agency; and

3 (4) Kindergarten Plus class sizes do not exceed
4 the class size and ratio parameters set at the State
5 or local level for the traditional kindergarten pro-
6 gram.

7 **SEC. 10. DIRECT GRANTS TO LOCAL EDUCATIONAL AGEN-**
8 **CIES.**

9 (a) GRANTS AUTHORIZED.—If a State educational
10 agency does not apply for a grant under this Act or does
11 not have an application approved under section 6, then
12 the Secretary is authorized to award a grant to a local
13 educational agency within the State to enable the local
14 educational agency to pay the Federal share of the costs
15 of carrying out a Kindergarten Plus program.

16 (b) ELIGIBILITY.—A local educational agency shall
17 be eligible to receive a grant under this section if the local
18 educational agency operates a full-day kindergarten pro-
19 gram that, at a minimum, is targeted to kindergarten-age
20 children who are from families with incomes below 185
21 percent of the poverty line within the State.

22 (c) APPLICATION.—In order to receive a grant under
23 subsection (a), a local educational agency shall submit to
24 the Secretary an application that—

1 family income, race, ethnicity, native language,
2 and prior enrollment in an early childhood edu-
3 cation program; and

4 (C) the number of children with disabilities
5 served by Kindergarten Plus programs;

6 (2) the recruitment of teachers and staff for
7 Kindergarten Plus programs, and the retention of
8 such personnel in the programs for more than 1
9 year;

10 (3) the provision of services for children and
11 families served by Kindergarten Plus programs, in-
12 cluding parent education, home visits, and com-
13 prehensive services for families who need such serv-
14 ices;

15 (4) the opportunities for professional develop-
16 ment for teachers and staff; and

17 (5) the curricula used in Kindergarten Plus
18 programs.

19 (b) COMPARISON.—The evaluation process may in-
20 clude comparison groups of similar children who do not
21 participate in a Kindergarten Plus program.

22 (c) INFORMATION COLLECTION AND REPORTING.—
23 The information necessary for the evaluation shall be col-
24 lected yearly by the State and reported every 2 years by
25 the State to the Secretary.

1 (d) ANALYSIS OF EFFECTIVENESS.—The Secretary
2 shall conduct an analysis of the overall effectiveness of the
3 programs assisted under this Act and make the analysis
4 available to Congress, and the public, biannually.

5 **SEC. 12. SUPPLEMENT NOT SUPPLANT.**

6 Funds made available under this Act shall be used
7 to supplement, not supplant, other Federal, State, or local
8 funds available to carry out activities under this Act.

9 **SEC. 13. AUTHORIZATION OF APPROPRIATIONS.**

10 For the purpose of carrying out this Act, there are
11 authorized to be appropriated \$1,500,000,000 for fiscal
12 year 2009 and such sums as may be necessary for each
13 of the fiscal years 2010 through 2014.

○