

**SENATE . . . . . No. 253****The Commonwealth of Massachusetts**

PRESENTED BY:

***Sonia Chang-Diaz***

*To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:*

The undersigned legislators and/or citizens respectfully petition for the adoption of the accompanying bill:

An Act relative to universal pre-kindergarten access.

PETITION OF:

| NAME:                        | DISTRICT/ADDRESS:                                 |  |
|------------------------------|---|--|
| <i>Sonia Chang-Diaz</i>      | <i>Second Suffolk</i>                             |  |
| <i>Daniel A. Wolf</i>        | <i>Cape and Islands</i>                           |  |
| <i>Benjamin B. Downing</i>   | <i>Berkshire, Hampshire, Franklin and Hampden</i> |  |
| <i>Kevin G. Honan</i>        | <i>17th Suffolk</i>                               |  |
| <i>Jose F. Tosado</i>        | <i>9th Hampden</i>                                |  |
| <i>Paul R. Heroux</i>        | <i>2nd Bristol</i>                                |  |
| <i>Marjorie C. Decker</i>    | <i>25th Middlesex</i>                             |  |
| <i>Peter V. Kocot</i>        | <i>1st Hampshire</i>                              |  |
| <i>Aaron Vega</i>            | <i>5th Hampden</i>                                |  |
| <i>Tricia Farley-Bouvier</i> | <i>3rd Berkshire</i>                              |  |
| <i>Frank A. Moran</i>        | <i>17th Essex</i>                                 |  |
| <i>Mary S. Keefe</i>         | <i>15th Worcester</i>                             |  |
| <i>Patricia D. Jehlen</i>    | <i>Second Middlesex</i>                           |  |
| <i>Jason M. Lewis</i>        | <i>Fifth Middlesex</i>                            |  |
| <i>Joan B. Lovely</i>        | <i>Second Essex</i>                               |  |
| <i>Brian M. Ashe</i>         | <i>2nd Hampden</i>                                |  |
| <i>Ruth B. Balser</i>        | <i>12th Middlesex</i>                             |  |

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|-------------------------------|--------------------------------------|------------------|
| <i>Christine P. Barber</i>    | <i>34th Middlesex</i>                |                  |
| <i>Antonio F. D. Cabral</i>   | <i>13th Bristol</i>                  |                  |
| <i>James M. Cantwell</i>      | <i>4th Plymouth</i>                  |                  |
| <i>Gailanne M. Cariddi</i>    | <i>1st Berkshire</i>                 |                  |
| <i>Evandro C. Carvalho</i>    | <i>5th Suffolk</i>                   |                  |
| <i>Edward F. Coppinger</i>    | <i>10th Suffolk</i>                  |                  |
| <i>Marcos A. Devers</i>       | <i>16th Essex</i>                    |                  |
| <i>Geoff Diehl</i>            | <i>7th Plymouth</i>                  |                  |
| <i>Paul J. Donato</i>         | <i>35th Middlesex</i>                |                  |
| <i>Eileen M. Donoghue</i>     | <i>First Middlesex</i>               |                  |
| <i>Michelle M. DuBois</i>     | <i>10th Plymouth</i>                 |                  |
| <i>James J. Dwyer</i>         | <i>30th Middlesex</i>                |                  |
| <i>Lori A. Ehrlich</i>        | <i>8th Essex</i>                     |                  |
| <i>James B. Eldridge</i>      | <i>Middlesex and Worcester</i>       |                  |
| <i>Linda Dorcena Forry</i>    | <i>First Suffolk</i>                 |                  |
| <i>Gloria L. Fox</i>          | <i>7th Suffolk</i>                   |                  |
| <i>Carmine L. Gentile</i>     | <i>13th Middlesex</i>                |                  |
| <i>Carlos Gonzalez</i>        | <i>10th Hampden</i>                  | <i>4/27/2015</i> |
| <i>Kenneth I. Gordon</i>      | <i>21st Middlesex</i>                |                  |
| <i>Danielle W. Gregoire</i>   | <i>4th Middlesex</i>                 |                  |
| <i>Robert L. Hedlund</i>      | <i>Plymouth and Norfolk</i>          |                  |
| <i>Russell E. Holmes</i>      | <i>6th Suffolk</i>                   |                  |
| <i>Brian A. Joyce</i>         | <i>Norfolk, Bristol and Plymouth</i> |                  |
| <i>Jay R. Kaufman</i>         | <i>15th Middlesex</i>                |                  |
| <i>Eric P. Lesser</i>         | <i>First Hampden and Hampshire</i>   |                  |
| <i>Barbara A. L'Italien</i>   | <i>Second Essex and Middlesex</i>    |                  |
| <i>Jay D. Livingstone</i>     | <i>8th Suffolk</i>                   |                  |
| <i>Elizabeth A. Malia</i>     | <i>11th Suffolk</i>                  |                  |
| <i>Thomas M. McGee</i>        | <i>Third Essex</i>                   |                  |
| <i>Rady Mom</i>               | <i>18th Middlesex</i>                |                  |
| <i>Mark C. Montigny</i>       | <i>Second Bristol and Plymouth</i>   |                  |
| <i>Michael O. Moore</i>       | <i>Second Worcester</i>              |                  |
| <i>Shaunna L. O'Connell</i>   | <i>3rd Bristol</i>                   |                  |
| <i>Marc R. Pacheco</i>        | <i>First Plymouth and Bristol</i>    |                  |
| <i>Denise Provost</i>         | <i>27th Middlesex</i>                |                  |
| <i>Angelo J. Puppola, Jr.</i> | <i>12th Hampden</i>                  |                  |
| <i>David M. Rogers</i>        | <i>24th Middlesex</i>                |                  |
| <i>Tom Sannicandro</i>        | <i>7th Middlesex</i>                 |                  |
| <i>Paul A. Schmid, III</i>    | <i>8th Bristol</i>                   |                  |

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|-------------------------------|-----------------------|--|
| <i>Alan Silvia</i>            | <i>7th Bristol</i>    |  |
| <i>Frank I. Smizik</i>        | <i>15th Norfolk</i>   |  |
| <i>Thomas M. Stanley</i>      | <i>9th Middlesex</i>  |  |
| <i>Ellen Story</i>            | <i>3rd Hampshire</i>  |  |
| <i>Benjamin Swan</i>          | <i>11th Hampden</i>   |  |
| <i>Walter F. Timilty</i>      | <i>7th Norfolk</i>    |  |
| <i>Timothy J. Toomey, Jr.</i> | <i>26th Middlesex</i> |  |
| <i>Paul Tucker</i>            | <i>7th Essex</i>      |  |
| <i>Steven Ultrino</i>         | <i>33rd Middlesex</i> |  |
| <i>Chris Walsh</i>            | <i>6th Middlesex</i>  |  |

# SENATE . . . . . No. 253

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By Ms. Chang-Diaz, a petition (accompanied by bill, Senate, No. 253) of Sonia Chang-Diaz, Daniel A. Wolf, Benjamin B. Downing, Kevin G. Honan and other members of the General Court for legislation relative to universal pre-kindergarten access. Education.

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## The Commonwealth of Massachusetts

\_\_\_\_\_  
In the One Hundred and Eighty-Ninth General Court  
(2015-2016)  
\_\_\_\_\_

An Act relative to universal pre-kindergarten access.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1           SECTION 1. Whereas, the Commonwealth has a constitutional obligation to cherish its  
2 system of education, and

3           Whereas, thirty nine per cent of Massachusetts third graders are currently not reading at  
4 grade level, and

5           Whereas, the Commonwealth's economy faces a skills gap that has resulted in over  
6 150,000 unfilled jobs, and

7           Whereas, empirical research repeatedly confirms that access to high quality early  
8 education programming improves a student's educational, social, and financial outcomes and  
9 delivers a return on investment of between \$7 and \$17 for every one dollar spent, and

10           Whereas, the Commonwealth faces educational achievement gaps in demographics such  
11 as race and socio-economic status, and

Whereas, children from low-income families who participate in high-quality early education are forty per cent less likely to be held back or require special education services, thirty per cent more likely to graduate from high school, and twice as likely to go to college than such children who are unable to access early education, therefore

Be it Resolved, that the policy of the Commonwealth shall be to include in its system of public education universal access to age-appropriate, full-day education and care programs for all pre-school- and kindergarten-aged students in districts that demonstrate the intention and capacity to provide high-quality programs.

SECTION 2. Chapter 70 of the General Laws, as appearing in the Official 2012 version, is hereby amended by adding after Section 2 the following section:-

“Section 2A. (a) As used in this section, the following words shall, unless the context clearly requires otherwise, have the following meanings:-

“Boards”, the Board of Elementary and Secondary Education and the Board of Early Education and Care.

“Departments”, the Department of Elementary and Secondary Education and the Department of Early Education and Care.

“Early education”, full-day education and care programming for pre-school- and kindergarten-aged students.

(b) All school districts in the Commonwealth may, by December 31, 2015, submit to the Departments a plan to provide for access to age-appropriate early education for all students residing within the district. Such a plan should include, where relevant and feasible, the use,

expansion, and quality improvement of any previously existing public and private early education delivery systems. Should a district already offer early education to all of its residents, then it may submit a plan for quality improvements to such existing programming. No plan submitted to the Departments pursuant to this Section shall include user fees for attendance.

The Departments shall promulgate joint regulations to provide for the process of submission, review, and approval of such plans. These regulations shall include, but not be limited to, a plan for gradually implementing expanded access over the course of five years, beginning with the 2017 Fiscal Year, with initial priority given to districts in the bottom third on the state's accountability system or the bottom third for reading proficiency in third grade. The Departments shall also promulgate joint regulations to provide for monitoring of quality and fidelity of implementation of a district's plan and a process of probationary status and potential revocation of approval in the event of poor implementation. The Departments shall provide notice of said regulations to the Clerks of the House and Senate, the Chairs of the Joint Committee on Education, and the Chairs of the Joint Committee on Ways and Means, at least 90 days before approval by the Boards.

Districts who do not submit such a plan by the aforementioned date may submit a plan after said date. However, any such district maybe prioritized after districts whose plans were received by said date.

(d) For all districts whose plan has been approved by the Departments, the following definitions shall replace the corresponding definitions in Section 2 of this chapter, while all non-corresponding definitions in said Section 2 shall continue to apply:-

“Kindergarten Enrollment”, the number of students enrolled in kindergarten and not enrolled in bilingual or vocational programs in a district; provided, however, that in any district in which kindergarten students attend school for a full day, the foundation kindergarten enrollment used to calculate the foundation enrollment and budget amounts described in this section shall be two times the kindergarten enrollment number that would otherwise be used for said calculations, if said district and all towns responsible for appropriating for said district so request.

“Pre-school enrollment”, the number of students enrolled in pre-school programs; provided, however, that in any district in which pre-school students funded by the district attend school for a full day, the foundation pre-school enrollment used to calculate the foundation enrollment, staff, and budget amounts described in this section shall be two times the number that would be otherwise used for said calculations, if said district and all towns responsible for appropriating for said district so request.

“Foundation enrollment”, the student enrollment of a district in any fiscal year. The foundation enrollment is defined as the sum of foundation elementary, junior high, senior high, bilingual, vocational enrollment, and one-half the sum of foundation pre-school and kindergarten enrollment, including students enrolled in the program for the elimination of racial imbalance. By March first of each calendar year, the department shall certify the foundation enrollment for the next fiscal year as the actual enrollment as reported the previous October.

“Low-income enrollment”, the number of children attending school in a district regardless of residence or tuition-paying status, who are eligible for free or reduced cost lunches under eligibility guidelines promulgated by the federal government under 42 USC 1758. A low-

76 income child or student is a child who meets these eligibility standards. In determining the total  
77 number of low-income students, the department shall use the preceding year's actual number of  
78 low-income elementary, middle school, high school, bilingual, and vocational students, and one-  
79 half the preceding year's actual number of low-income kindergarten and pre-school students, to  
80 the extent that kindergarten and pre-school students in a district are attending a half-day  
81 program. If a district is operating approved full-day pre-school or kindergarten programs,  
82 students in such full-day programs shall be counted at one hundred percent of the preceding  
83 year's actual number."