

SENATE No. 296

The Commonwealth of Massachusetts

PRESENTED BY:

Edward J. Kennedy

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 prekindergarten access.

PETITION OF:

NAME:	DISTRICT/ADDRESS:	
<i>Edward J. Kennedy</i>	<i>First Middlesex</i>	
<i>Patrick M. O'Connor</i>	<i>First Plymouth and Norfolk</i>	<i>2/10/2023</i>
<i>James B. Eldridge</i>	<i>Middlesex and Worcester</i>	<i>2/22/2023</i>
<i>Rebecca L. Rausch</i>	<i>Norfolk, Worcester and Middlesex</i>	<i>3/15/2023</i>

SENATE No. 296

By Mr. Kennedy, a petition (accompanied by bill, Senate, No. 296) of Edward J. Kennedy, Patrick M. O'Connor and James B. Eldridge for legislation relative to universal prekindergarten access. Education.

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. 288 OF 2021-2022.]

The Commonwealth of Massachusetts

**In the One Hundred and Ninety-Third General Court
(2023-2024)**

An Act relative to universal prekindergarten 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. Chapter 15D of the general laws, as appearing in the 2020 official edition,
2 is hereby amended by inserting after section 13 the following section:-

3 Section 13A. (a) The department of early education and care, in consultation with the
4 department of elementary and secondary education, shall develop and administer the High
5 Quality Pre-Kindergarten Expansion grant program to support the phased development of high
6 quality, district-wide, full-day pre-kindergarten programs for children between the ages of 2
7 years and 9 months and the age a child becomes eligible for kindergarten in the school district
8 where he or she resides. The grants shall be used to bring to scale a high quality, mixed delivery
9 early education system in order to reduce the achievement gap and improve third grade reading
10 scores.

11 (b) The departments shall establish requirements for grant applicants which shall include,
12 but not be limited to the following: (1) a tracking system for preschool students in the program
13 using the state student identifier system; (2) a child to instructor ratio of no more than 10 to 1; (3)
14 tactics to engage families in the enrollment process and implementation of the plan required
15 under subsection (c), and methods to ensure a high level of enrollment by families with 3 and 4
16 year olds; (4) teacher qualification and evaluation system requirements, and on-going
17 professional development requirements; (5) a full school-day program ; (6) a class size of no
18 more than 20 preschool students; (7) inclusion of children with disabilities; (8) instructional staff
19 salaries and benefits comparable to the corresponding district salaries and benefits for
20 kindergarten to high school staff; (9) developmentally and linguistically appropriate instruction;
21 (10) evidenced based curricula; (11) a learning environment aligned with the state early learning
22 and development standards; (12) on-site access to comprehensive services for children, or
23 convenient access to such services off site; (13) partnership with, and promotion of, community
24 service providers for families to support children’s learning and development; (14) evidenced
25 based health and safety standards; (15) a timetable for phasing-in of facilities, staff
26 development, and other systems to achieve district-wide implementation; (16) program
27 evaluation and data collection systems to ensure continuous improvement; (17) a description of
28 the physical structures for the education of the students; (18) a plan to improve or sustain, as
29 appropriate, the development of literacy skills from preschool through third grade.

30 Among proposals satisfying the requirements of this subsection, priority in grant awards
31 shall be given first to districts that have received grants through the department’s commonwealth
32 preschool partnership or the federal preschool expansion grants initiative. The department shall
33 also develop and publish a metric for prioritizing the awarding of grants to qualified applicants

34 based on: their accountability level as determined by the department of elementary and
35 secondary education; their third grade reading proficiency scores; and their percentage of
36 students qualifying as economically disadvantaged. Nothing herein shall require the department
37 to award a grant to a district, regardless of priority status, that it has determined does not meet
38 one or more of the requirements of this subsection.

39 (c) Each recipient of the grant shall establish a plan to implement the requirements set
40 forth in subsection (b) and any other requirements as may be prescribed by the board of early
41 education and care. Each superintendent shall appoint a local governing council to implement
42 and oversee all aspects of the plan; provided however, that the superintendent may utilize a pre-
43 existing council for this purpose. Districts shall provide on a quarterly basis reports to the
44 department of early education and care on all aspects of the plan. The district and the local
45 council shall implement the plan as approved within the period of time approved by the
46 department. Failure to satisfactorily implement the plan within the approved period of time shall
47 result in the termination of the plan and reversion of the grant funds to the department.

48 (d) The board of early education and care shall promulgate regulations to implement the
49 provisions of this act within six months of the effective date including guidelines for membership
50 to local governing councils in each recipient district and evaluation criteria required in the
51 quarterly reports. A grant awarded pursuant to this subsection shall require that recipients
52 undertake ongoing evaluations of the implementation of the plan and all its aspects.

53 The department of early education and care shall, subject to appropriation, establish a
54 dedicated team to provide support, technical assistance, and oversight of programs established
55 under this section. The department shall annually evaluate the effectiveness of programs

56 established under this section, both for feedback and accountability for grant recipients and to
57 inform the replication of such programs throughout the commonwealth.

58 SECTION 2. Chapter 70 of the general laws, as appearing in the 2020 official edition, is
59 hereby amended by adding after Section 2 the following section:-

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

62 “Boards”, the board of elementary and secondary education and the board of early
63 education and care.

64 “Departments”, the department of elementary and secondary education and the
65 department of early education and care.

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

68 (b) School districts in the Commonwealth may, by December 31, 2024, submit to the
69 departments a plan to provide for ongoing access to age-appropriate early education for all
70 students residing within the district. Such a plan shall include, where relevant and feasible, the
71 use, expansion, and quality improvement of any previously existing public and private early
72 education delivery systems, including those programs developed and implemented pursuant to
73 section 13A of chapter 15D. No plan submitted to the departments pursuant to this section shall
74 include user fees for attendance.

75 The Departments shall promulgate joint regulations to provide for the process of
76 submission, review, and approval of such plans. The departments shall also promulgate joint

77 regulations to provide for monitoring of quality and fidelity of implementation of a district’s plan
78 and a process of probationary status and potential revocation of approval in the event of poor
79 implementation. The departments shall provide notice of said regulations to the clerks of the
80 House and Senate, the chairs of the joint committee on education, and the chairs of the joint
81 committee on ways and means, at least 90 days before approval by the boards.

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

85 (c) For all districts whose plan has been approved by the department, the following
86 definition shall replace the corresponding definition in section 2 of this chapter, while all non-
87 corresponding definitions in said section 2 shall continue to apply:-

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

93 SECTION 3. Section 2 of said chapter 70, as so appearing, is hereby further amended by
94 inserting after the word “students”, in line 425, the following words:- “, to the extent that
95 kindergarten and pre-school students in a district are attending a half-day program. If a district is
96 operating approved full-day pre-school or kindergarten programs, students in such full-day
97 programs shall be counted at one hundred percent of the preceding year’s actual number of low-
98 income kindergarten and pre-school students.”