COMMITTEE REPORT

May 9, 2013

**S. 134**

Introduced by Senators Sheheen, Setzler, Malloy, Jackson, Ford, Williams and Hayes

S. Printed 5/9/13--S. [SEC 5/13/13 3:57 PM]

Read the first time January 8, 2013.

**THE COMMITTEE ON EDUCATION**

To whom was referred a Bill (S. 134) to amend the Code of Laws of South Carolina, 1976, by adding Chapter 156 to Title 59 so as to create the South Carolina Child Development Education Program which is a, etc., respectfully

**REPORT:**

That they have duly and carefully considered the same and recommend that the same do pass with amendment:

Amend the bill, as and if amended, SECTION 1, page 8, by striking line 42 and inserting:

/ 2013‑2014 school year, the funded cost per child shall be $4,218 /

Renumber sections to conform.

Amend title to conform.

Majority favorable. Minority unfavorable.

JOHN E. COURSON LAWRENCE K. GROOMS

For Majority. For Minority.

**A** **BILL**

TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA, 1976, BY ADDING CHAPTER 156 TO TITLE 59 SO AS TO CREATE THE SOUTH CAROLINA CHILD DEVELOPMENT EDUCATION PROGRAM WHICH IS A FULL DAY, FOUR‑YEAR OLD KINDERGARTEN PROGRAM FOR AT‑RISK CHILDREN WHICH MUST BE MADE AVAILABLE TO QUALIFIED CHILDREN IN ALL PUBLIC SCHOOL DISTRICTS WITHIN THE STATE, TO ESTABLISH PRIORITY FOR THE PROGRAM, TO ESTABLISH ELIGIBILITY FOR THE PROGRAM, TO ESTABLISH PROVIDER STANDARDS, TO TASK THE DEPARTMENT OF EDUCATION AND THE OFFICE OF FIRST STEPS TO SCHOOL READINESS WITH ACTING AS ADMINISTRATORS OF THE PROGRAM, TO ESTABLISH STANDARDS FOR THE PROGRAM, AND TO SET THE FUNDING LEVEL OF THE PROGRAM.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Title 59 of the 1976 Code is amended by adding:

“CHAPTER 156

Child Development Education Program

Section 59‑156‑10. There is created the South Carolina Child Development Education Program (CDEP) which is a full day, four‑year old kindergarten program for at‑risk children which must be made available to qualified children in all public school districts within the State. The program shall focus on the developmental and learning support that children must have in order to be ready for school and must incorporate parenting education.

Section 59‑156‑20. (A)(1) The South Carolina Child Development Education Program shall first be made available to eligible children from the following eight trial districts in Abbeville County School District et al vs. South Carolina: Allendale, Dillon 2, Florence 4, Hampton 2, Jasper, Lee, Marion 7, and Orangeburg 3.

(2) With any funds remaining after funding the eight trial districts, the program must be expanded to the remaining plaintiff school districts in Abbeville County School District et al vs. South Carolina and then expanded to eligible children residing in school districts with a poverty index of ninety percent or greater. Priority must be given to implementing the program first in those of the plaintiff districts which participated in the pilot program during the 2006‑2007 school year, then in the plaintiff districts having proportionally the largest population of underserved at‑risk four‑year‑old children.

(3) With any funds remaining after funding the school districts delineated in items (1) and (2), the program must be expanded statewide. The General Assembly, in the annual general appropriations bill, shall set forth the priority schedule to determine the manner in which the program is expanded.

(B) Unexpended funds from the prior fiscal year for this program shall be carried forward and shall remain in the program. In rare instances, students with documented kindergarten readiness barriers may be permitted to enroll for a second year, or at age five, at the discretion of the Department of Education for students being served by a public provider or at the discretion of the Office of South Carolina First Steps to School Readiness for students being served by a private provider.

Section 59‑156‑30. (A) Each child residing in the program’s districts, who has attained the age of four years on or before September first, of the school year, and meets the at‑risk criteria is eligible for enrollment in the South Carolina Child Development Education Program for one year.

(B) The parent of each eligible child may enroll the child in one of the following programs:

(1) a school‑year four‑year‑old kindergarten program delivered by an approved public provider; or

(2) a school‑year four‑year‑old kindergarten program delivered by an approved private provider.

The parent enrolling a child must complete and submit an application to the approved provider of choice. The application must be submitted on forms and must be accompanied by a copy of the child’s birth certificate, immunization documentation, and documentation of the student’s eligibility as evidenced by family income documentation showing an annual family income of one hundred eighty‑five percent or less of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services or a statement of Medicaid eligibility.

In submitting an application for enrollment, the parent agrees to comply with provider attendance policies during the school year. The attendance policy must state that the program consists of six and one‑half hours of instructional time daily and operates for a period of not less than one hundred eighty days a year. Pursuant to program guidelines, noncompliance with attendance policies may result in removal from the program.

(C)(1) No parent is required to pay tuition or fees solely for the purpose of enrolling in or attending the program established under this chapter. Nothing in this chapter prohibits charging fees for childcare that may be provided outside the times of the instructional day provided in these programs.

(2) If by October first of the school year at least seventy‑five percent of the total number of eligible CDEP children in a district or county are projected to be enrolled in CDEP, Head Start, or ABC Child Care Program as determined by the Department of Education and the Office of First Steps, CDEP providers may then enroll pay‑lunch children who score at or below the twenty‑fifth national percentile on two of the three DIAL‑3 subscales and may receive reimbursement for these children if funds are available.

Section 59‑156‑40. (A) Public school providers participating in the South Carolina Child Development Education Program must submit an application to the Department of Education. Private providers participating in the South Carolina Child Development Education Program must submit an application to the Office of First Steps. The application must be submitted on the forms prescribed, contain assurances that the provider meets all program criteria set forth in this section, and will comply with all reporting and assessment requirements.

(B) Providers shall:

(1) comply with all federal and state laws and constitutional provisions prohibiting discrimination on the basis of disability, race, creed, color, gender, national origin, religion, ancestry, or need for special education services;

(2) comply with all state and local health and safety laws and codes;

(3) comply with all state laws that apply regarding criminal background checks for employees and exclude from employment any individual not permitted by state law to work with children;

(4) be accountable for meeting the educational needs of the child and report at least quarterly to the parent or guardian on his progress;

(5) comply with all program, reporting, and assessment criteria required of providers;

(6) maintain individual student records for each child enrolled in the program, including, but not limited to, assessment data, health data, records of teacher observations, and records of parent or guardian and teacher conferences;

(7) designate whether extended day services will be offered to the parents and guardians of children participating in the program;

(8) be approved, registered, or licensed by the Department of Social Services; and

(9) comply with all state and federal laws and requirements specific to program providers.

(C) Providers may limit student enrollment based upon space available. However, if enrollment exceeds available space, providers shall enroll children with first priority given to children with the lowest scores on an approved pre‑kindergarten readiness assessment. Private providers shall not be required to expand their programs to accommodate all children desiring enrollment. However, providers are encouraged to keep a waiting list for students they are unable to serve because of space limitations.

Section 59‑156‑50. The Department of Education and the Office of First Steps to School Readiness shall:

(1) develop the provider application form;

(2) develop the child enrollment application form;

(3) develop a list of approved research‑based preschool curricula for use in the program based upon the South Carolina Content Standards, provide training and technical assistance to support its effective use in approved classrooms serving children;

(4) develop a list of approved pre‑kindergarten readiness assessments to be used in conjunction with the program, provide assessments and technical assistance to support assessment administration in approved classrooms serving children;

(5) establish criteria for awarding new classroom equipping grants;

(6) establish criteria for the parenting education program providers must offer;

(7) establish a list of early childhood related fields that may be used in meeting the lead teacher qualifications;

(8) develop a list of data collection needs to be used in implementation and evaluation of the program;

(9) identify teacher preparation program options and assist lead teachers in meeting teacher program requirements;

(10) establish criteria for granting student retention waivers; and

(11) establish criteria for granting classroom size requirements waivers.

Section 59‑156‑60. (A) Providers of the South Carolina Child Development Education Program shall offer a complete educational program in accordance with age‑appropriate instructional practice and a research-based preschool curriculum aligned with school success. The program must focus on the developmental and learning support children must have in order to be ready for school. The provider also must incorporate parenting education that promotes the school readiness of preschool children by strengthening parent involvement in the learning process with an emphasis on interactive literacy.

(B) Providers shall offer high‑quality, center‑based programs, including, but not limited to, the following:

(1) employ a lead teacher with a two‑year degree in early childhood education or related field or be granted a waiver of this requirement from the Department of Education or the Office of First Steps to School Readiness;

(2) employ an education assistant with preservice or in‑service training in early childhood education;

(3) maintain classrooms with at least ten four‑year‑old children, but no more than twenty four‑year‑old children with an adult to child ratio of 1:10. With classrooms having a minimum of ten children, the 1:10 ratio must be a lead teacher to child ratio. Waivers of the minimum class size requirement may be granted by the South Carolina Department of Education for public providers or by the Office of First Steps to School Readiness for private providers on a case‑by‑case basis;

(4) offer a full day, center‑based program with six and one‑half hours of instruction daily for one hundred eighty school days;

(5) provide an approved research‑based preschool curriculum that focuses on critical child development skills, especially early literacy, numeracy, and social and emotional development;

(6) engage parents’ participation in their child’s educational experience that shall include a minimum of two documented conferences per year; and

(7) adhere to professional development requirements outlined in this chapter.

Section 59‑156‑70. (A) Every classroom providing services to four‑year‑old children established pursuant to this chapter must have a qualified lead teacher and an education assistant as needed to maintain an adult to child ratio of 1:10.

(B)(1) In classrooms in private centers, the lead teacher must have at least a two‑year degree in early childhood education or a related field and who is enrolled and is demonstrating progress toward the completion of a teacher educational program within four years.

(2) In classrooms in public schools, the lead teacher must meet state requirements pertaining to certification.

(C) All education assistants in private centers and public schools must have the minimum of a high school diploma or the equivalent, and at least two years of experience working with children under five years old. The assistant must have completed the Early Childhood Development Credential (ECD) 101 or enroll and complete this course within twelve months of hire. Providers may request waivers to the ECD 101 requirement for those assistants who have demonstrated sufficient experience in teaching children five years old and younger. The providers must request this waiver in writing to First Steps or the Department of Education, as applicable, and provide appropriate documentation as to the qualifications of the teaching assistant.

Section 59‑156‑80. The General Assembly recognizes there is a strong relationship between the skills and preparation of pre-kindergarten instructors and the educational outcomes of students. To improve these educational outcomes, participating providers shall require all personnel providing instruction and classroom support to students participating in the South Carolina Child Development Education Program to participate annually in a minimum of fifteen hours of professional development, including, teaching children from poverty. Professional development should provide instruction in strategies and techniques to address the age‑appropriate progress of pre‑kindergarten students in developing emergent literacy skills, including but not limited to, oral communication, knowledge of print and letters, phonemic and phonological awareness, and vocabulary and comprehension development.

Section 59‑156‑90. Both public and private providers are eligible for transportation funds for the transportation of children to and from school. Nothing within this section prohibits providers from contracting with another entity to provide transportation services provided the entities adhere to the requirements of Section 56‑5‑195. Providers shall not be responsible for transporting students attending programs outside the district lines. Parents choosing program providers located outside of their resident district shall be responsible for transportation. When transporting four‑year‑old child development students, providers shall make every effort to transport them with students of similar ages attending the same school. Of the amount appropriated for the program, not more than one hundred eighty‑five dollars per student may be retained by the Department of Education for the purposes of transporting four‑year‑old students. This amount must be increased annually by the same projected rate of inflation as determined by the Division of Research and Statistics of the State Budget and Control Board for the Education Finance Act.

Section 59‑156‑100. For all private providers approved to offer services pursuant to this chapter, the Office of First Steps to School Readiness shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑110. For all public school providers approved to offer services pursuant to this provision, the Department of Education shall:

(1) serve as the fiscal agent;

(2) verify student enrollment eligibility;

(3) recruit, review, and approve eligible providers. In considering approval of providers, consideration must be given to the provider’s availability of permanent space for program service and whether temporary classroom space is necessary to provide services to any children;

(4) coordinate oversight, monitoring, technical assistance, coordination, and training for classroom providers;

(5) serve as a clearing house for information and best practices related to four‑year‑old kindergarten programs;

(6) receive, review, and approve new classroom grant applications and make recommendations for approval based on approved criteria;

(7) coordinate activities and promote collaboration with other private and public providers in developing and supporting four‑year‑old kindergarten programs;

(8) maintain a database of the children enrolled in the program; and

(9) promulgate guidelines as necessary for the implementation of the program.

Section 59‑156‑120. (A) The General Assembly shall provide funding for the South Carolina Child Development Education Program in the annual general appropriations act. For the 2012‑2013 school year, the funded cost per child shall be $4,218 increased annually by the rate of inflation as determined by the Division of Research and Statistics of the State Budget and Control Board for the Education Finance Act. Eligible students enrolling with private providers during the school year shall be funded on a pro rata basis determined by the length of their enrollment.

(B) Private providers transporting eligible children to and from school shall be eligible for a reimbursement of five hundred fifty dollars per eligible child transported. Providers who are reimbursed are required to retain records as required by their fiscal agent.

(C) Providers enrolling between one and six eligible children shall be eligible to receive up to one thousand dollars per child in materials and equipment grant funding, with providers enrolling seven or more such children eligible for grants not to exceed ten thousand dollars.

(D) Providers receiving equipment grants are expected to participate in the program and provide high‑quality, center‑based programs for a minimum of three years. Failure to participate for three years will require the provider to return a portion of the equipment allocation at a level determined by the Department of Education and the Office of First Steps to School Readiness. Funding to providers is contingent upon receipt of data as requested by the Department of Education and the Office of First Steps.

Section 59‑156‑130. The Department of Social Services shall:

(1) maintain a list of all approved public and private providers; and

(2) provide the Department of Education and the Office of First Steps information necessary to carry out the requirements of this chapter.

Section 59‑156‑140. The Office of First Steps to School Readiness shall be responsible for the collection and maintenance of data on the state-funded programs provided through private providers.”

SECTION 2. This act takes effect upon approval by the Governor. The permanent program must be available to students for the 2013‑2014 school year.

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