

Legislative Text Guide to Universal Pre-K in Build Back Better Act

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Link to Text: <https://rules.house.gov/sites/democrats.rules.house.gov/files/BILLS-117HR5376RH-RCP117-17.pdf>

Section 23002 Universal Preschool (p. 218)

Subsection (a)- Definitions

- Eligible child is age 3 or 4 years old based on LEA's kindergarten entry date
- Eligible provider:
 - LEA or consortium of LEAs
 - Head Start agency or delegate agency funded under Head Start
 - Licensed center-based child care provider, licensed family child care provider, or community- or neighborhood-based network of licensed family child care providers
 - A consortium of the above

Subsection (b)- Universal Preschool (p. 221)

- FY22- \$4 billion to states
- FY23- \$6 billion to states
- FY24- \$8 billion to states
- FY25-27- such sums as necessary to states (available for an additional fiscal year)
- FY22-27- \$2.5 billion to Indian Tribes and Tribal organizations
- FY22-27- \$1 billion for territories
- FY22-27- \$2.5 billion to improve compensation of Head Start Staff
- FY23-27: \$2 billion grants to localities
- FY24-27: \$2 billion in grants to Head Start agencies

Subsection (c)- Payments for State Universal Preschool Services (p. 228)

- Transition payments for FY22-24
 - States with approved plans will receive funding via formula that considers
 - Proportion of number of children aged 6 or below whose families make at or below 200 percent of poverty line compared to the national population of such children
 - Existing federal preschool investments in state under Head Start
- Payments for FY25-27
 - FY25: Fed share is 95.440 percent of state's preschool services (in subsection d)
 - FY26: Fed share is 79.534 percent of state's preschool services
 - FY27: Fed share is 63.627 percent of state's preschool services
 - Fed share of state activities is 53.022 percent (see paragraph 3)
 - But total payment cannot exceed 10 percent of state preschool service expenditures

- State activities:
 - State administration of the preschool program
 - Supporting a continuous quality improvement system
 - Providing outreach and enrollment support for eligible children
 - Supporting data systems building
 - Supporting staff of eligible providers in pursuing credentials and degrees
 - Supporting activities to ensure inclusive preschool programs for children with disabilities
 - Providing age-appropriate transportation services for children
 - Updating a state needs assessment of access to high-quality preschool services
- Governor designates a state lead agency
- State Plan
 - Governor submits plan which includes
 - State has developmentally appropriate, evidence-based preschool standards and includes program standards for class sizes and ratios
 - State will coordinate with other states on standards
 - State will assure:
 - Preschool is universally available
 - Is high-quality, free, and inclusive
 - Adheres to state standards
 - Local preschools:
 - Offer programming duration of at least 1020 annual hours
 - Adopt policies to conduct outreach to vulnerable populations
 - Provide salaries and salary schedules for staff that are equivalent to salaries of elementary school staff with similar credentials and experience
 - Provide living wage for all staff
 - Require lead teachers to have at least B.A. in ECE no later than six years after state first receives funds unless:
 - Individuals were employed by eligible provider for cumulative 3 of 5 years immediately preceding date of enactment and have necessary content knowledge and teaching skills, as demonstrated by measures determined by states
 - For states with publicly funded pre-k, how the state plans to use funds to ensure existing programs meet federal requirements
 - Describe how state will
 - achieve mixed-delivery system for new slots
 - partner with Head Start agencies to ensure full utilization of Head Start
 - distribute new slots equitably
 - Assure state will not reduce total preschool slots in state-funded preschool program
 - Assure state will use funds to provide access to inclusive preschool programs consistent with IDEA
 - State plan remains in effect for 3 years
 - Transitional State Plan: up to 3 years

- Explain how state will use funds to build system and assure they will submit full state plan

Subsection (d)- Subgrants and contracts to Local Preschool Programs

- Payments to providers must reflect variation in costs of preschool services by geographic area, type of provider, and age of child, and additional costs of providing inclusive education
- Subgrant or contract shall be made for not less than 3 years
- State may provide enhanced payments for providers that provide comprehensive services to a high percentage of low-income students.
- State shall prioritize establishing and expanding within and across high-need communities
 - State must use research-based methodology to identify high-need communities
- Use of Funds:
 - Personnel costs (compensation and benefits)
 - Implementing preschool standards, curriculum supports, and meeting early learning and development standards
 - Professional development and training
 - Implementing and meeting developmentally appropriate health and safety standards
 - Materials, equipment, and supplies
 - Rent or mortgage, utilities, building security, indoor and outdoor maintenance, and insurance.

Subsection (e)- Grants to Localities and Head Start Agencies in Nonparticipating States

- Eligible locality:
 - City, county, or other unit of general local government
 - LEA
 - Head Start agency
- Grants shall be consistent with requirements applicable to states
- Formula shall be consistent with state formula
- Localities must submit application to Secretary
- Head Start expansion:
 - Secretary shall use funds to expand Head Start in places that are not served by an eligible locality and prioritize entities serving high populations of low-income students

Subsection (f)- Allowable Sources of Non-Federal Share

- Cash or in kind, including facilities or property, equipment, or services
- Any increase in state spending to expand half-day kindergarten into full-day kindergarten program
- Cannot include funds used as match for another federal award
- Include contributions from state or local sources and philanthropies and private organizations
- Shall not count more than 100 percent of state current preschool spending (calculated as average amount from FY19-21)

Subsection (g)- Maintenance of Effort

- If state reduces combined fiscal effort per child on:
 - Federal UPK or state funded program; or
 - State supplemental assistance funds for Head Start; or
 - Any state spending on preschool services during transition years
- Then federal support will be reduced by same amount of state reduction
- States can apply for waiver due to economic hardships or natural disasters

Subsection (h)- Supplement Not Supplant

- Program funds cannot supplant other federal, state, or local public funds on prekindergarten programs in the state