

1 DRAFT PREPARED BY LEGISLATIVE COUNCIL
2 For: Sen. Hayes
3 Attorney: Hray
4 Stenographer: Downey
5 Date: November 3, 2010
6 DOC. I.D.: L:\COUNCIL\BILLS\NBD\11039BH11.DOCX
7
8

9 **A BILL**

10
11
12
13

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

14
15
16

SECTION 1. Chapter 35, Title 59 of the 1976 Code is amended by adding:

17
18

”Article 2

19
20

Full-Day, Four-Year-Old Kindergarten

21
22

23
24

Section 59-35-310. (A) There are created full-day, four-year-old kindergartens to offer in public schools and private child care centers public full-day, four-year-old kindergarten educational services to children considered at-risk who attain the age of four on or before September 1 of the year in which they are enrolled . The kindergartens shall focus on the developmental and learning support that children must have to be ready for school, and also shall incorporate parenting education.

25
26
27
28
29
30
31
32

(B) As used in this article:

33
34

(1) ‘At-risk’ means a child whose family’s annual income at the time of application is not more than one hundred eighty-five percent of the federal poverty guidelines as promulgated annually by the United States Department of Health and Human Services, making the child eligible for the free or reduced price lunch program, or a child who is eligible for Medicaid.

35
36
37
38
39

(2) ‘Department’ means the South Carolina Department of Education.

40
41
42

(3) ‘First Steps’ means the Office of First Steps to School Readiness as provided in this title.

1 (4) 'Program' means a six and one half hour, full-day
2 education service provided by a public or private provider to serve
3 four-year-old children.

4 (5) 'Research based' means supported by nationally
5 published, peer-reviewed research.

6 (6) 'Provider' means a state-approved public or private
7 program.

8 (7) 'Public provider' means a public school approved
9 program pursuant to this article.

10 (8) 'Private provider' means a provider who is not a public
11 school but is approved by the Office of First Steps to deliver a
12 program pursuant to this article.

13 (9) 'Resident school district' means the public school district
14 in which the child resides.

15 (10) 'School year' means a one hundred eighty-day
16 instructional period.

17 (11) 'Parent' means a natural parent, adoptive parent, or legal
18 guardian of a child.

19

20 Section 59-35-320. (A) For the 2011-2012 school year, the
21 targeted funded cost per child for full-day, four-year-old
22 kindergarten is \$4378.00. The per child cost must be increased
23 annually by the current year's rate of inflation as determined by the
24 Division of Research and Statistics of the Budget and Control
25 Board for the Education Finance Act. An enrolled child must be
26 funded on a pro-rata basis determined by the length of their
27 enrollment. The targeted transportation cost per enrolled child
28 requiring transportation services is \$550.00. Private child care
29 centers must be reimbursed directly for transportation costs, and
30 the department must be reimbursed for the cost of transporting
31 children to public providers. For the equipping of new classrooms
32 the targeted per classroom cost is one thousand dollars per child
33 enrolled, with the grant not to exceed ten thousand dollars.

34 (B) The amounts provided in this section are subject to
35 appropriation by the General Assembly.

36

37 Section 59-35-330. (A) Beginning with the 2011-2012 fiscal
38 year, the Education Oversight Committee shall receive funds
39 provided by the General Assembly to support the annual collection
40 of and continuous evaluation of data related to full-day,
41 four-year-old kindergarten for children considered at-risk who
42 attain the age of four on or before September 1 of the year in
43 which they are enrolled. The Education Oversight Committee

1 shall submit to the General Assembly an evaluation of the first two
2 years of the program by December 31, 2013, and every two years
3 through school year 2018-2019, after which evaluations must be
4 submitted to the General Assembly every five years.

5 (B) This ongoing evaluation must examine the program's
6 quality and impact. Based on information, data, and evaluation
7 results, the Education Oversight Committee shall include
8 recommendations for program improvement as part of its report.
9 The report must include, but may not be limited to, information
10 and recommendations on lead teacher qualifications, student
11 attendance, pupil-teacher ratio, parental involvement,
12 accreditation, professional development, and school readiness. In
13 evaluating the program impact, the evaluation must include, but
14 may not be limited to, student test performance by content and
15 developmentally appropriate measures of progress from
16 kindergarten through twelfth grade.

17 (C) To aid in this evaluation, the Education Oversight
18 Committee shall determine the data necessary and both public and
19 private providers are required to submit the necessary data as a
20 condition of continued participation in and funding of the program.
21 The department and First Steps shall assist in the data collection
22 and long-term evaluation by developing a method for tracking a
23 child enrolled in a program offered by a private provider.

24
25 Section 59-35-340. (A) For the 2011-2012 school year, a
26 program must be available by approved public and private
27 providers to children considered at-risk by the criteria established
28 in this article and who have attained the age of four years on or
29 before September first of the school year, with priority given:

30 (1) first, to continuing four-year-old kindergarten programs
31 approved and funded as part of the Child Development Education
32 Pilot Program; and

33 (2) second, with any funds remaining, a student must be
34 served according to the percentage of poverty of the student's
35 annual family income expressed as a percentage of federal poverty
36 guidelines, with first priority given to a student whose family
37 income is at the lowest level.

38 (B) A qualified applicant in an income priority category must
39 be served before an applicant in the next priority category may be
40 served.

41 (C) If available space permits, children with medically
42 diagnosed developmental delays may be deemed eligible for
43 participation once all income eligible children have been served.

1
2 Section 59-35-350. (A) A child's enrollment in a program is
3 optional and within a parent's discretion.
4 (B) In order to enroll his child in a program, the parent or
5 guardian of each eligible child shall complete and submit an
6 application to the approved provider of choice. The application
7 must be submitted on forms prescribed in this article and must be
8 accompanied by the following:
9 (1) a copy of the child's birth certificate;
10 (2) proof of the child's immunization;
11 (3) evidence of the child's eligibility for the program based
12 on annual family income or a statement of Medicaid eligibility;
13 and
14 (4) all other information required by the approving agency.
15 (C) The application must be made to a provider according to a
16 timetable established by the department and First Steps. A
17 timetable must be the same for a public and private provider and
18 be made public at least thirty days before the date by which an
19 application may be submitted, although a provider may receive an
20 application throughout the year. A child who moves into this State
21 during a school year may apply for admission to a program and
22 enroll in a program when space becomes available, subject to the
23 priority criteria provided in Section 59-35-340.
24 (D) A parent who desires to enroll his child in a public provider
25 program outside the child's resident school attendance zone or
26 district may do so on a space available basis and is responsible for
27 transporting the child to and from the provider. A private provider
28 program may delineate the boundaries within which it is willing to
29 provide transportation to eligible children.
30 (E) A student who enrolls in the program is expected to attend
31 the program as required by mandatory attendance requirements of
32 this title. A provider may revoke the enrollment of a student who
33 fails to comply with these mandatory attendance requirements after
34 documenting at least two communications, at least one of which
35 must be a certified letter, with the parent or guardian, which
36 indicate objectively that attendance requirements are not adhered
37 to, and only if a waiting list of eligible applicants to the program
38 exists. A qualified student may be admitted into the program
39 pursuant to the provisions of this chapter when a student
40 previously enrolled in the program has their enrollment revoked
41 due to non-attendance.
42

1 Section 59-35-360. (A) Subject to the department's approval, a
2 local school board of trustees shall establish a program to serve
3 students residing in a school district. A center that seeks to
4 become a private provider of a program must apply to First Steps
5 for approval.

6 (B) A provider shall:

7 (1) comply with federal and state laws and constitutional
8 provisions that prohibit discrimination on the basis of disability,
9 race, creed, color, gender, national origin religion, ancestry, and
10 need for a special education service;

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

13 (3) comply with all applicable state laws requiring a criminal
14 background check for an employee;

15 (4) exclude from employment a person legally prohibited
16 from working with children;

17 (5) comply with any state law or federal law, or any other
18 requirement specific to a program provider;

19 (6) be accountable for meeting an education need of a child
20 and at least quarterly reporting the child's progress to his parent;

21 (7) comply with required program, reporting, and
22 assessment criteria;

23 (8) maintain an individual student record for a child enrolled
24 in the program, including assessment data, health data, teacher
25 observations, and parent conferences;

26 (9) determine whether to offer an extended day service for a
27 child enrolled in the program;

28 (10) obtain approval, registration, or licensure from the
29 Department of Social Services; and

30 (11) comply with all state and federal laws and requirements
31 specific to program providers.

32 (C) A board must consider the provider's student capacity
33 before a program may be established. The board may not begin
34 construction on additional classroom space if another provider
35 within the school district has available classroom space.

36

37 Section 59-35-370. The department and First Steps shall:

38 (1) develop a provider application form, a child enrollment
39 form, a list of data collection needed to implement and evaluate a
40 program, an annual budget, and a procedure for distributing
41 funding provided by the General Assembly;

- 1 (2) establish criteria for awarding new classroom equipping
- 2 grants, for a parenting education program required by this chapter,
- 3 and for allowing a child to be retained;
- 4 (3) develop a list of approved pre-kindergarten readiness
- 5 assessments to be used in conjunction with the program;
- 6 (4) provide assessments and technical assistance to support
- 7 assessment administration in approved classrooms that serve
- 8 children;
- 9 (5) establish a list of early childhood related fields that may be
- 10 used in meeting the lead teacher qualifications;
- 11 (6) identify teacher preparation program options and assist lead
- 12 teachers in meeting teacher program requirements;
- 13 (7) establish criteria for granting classroom size requirements
- 14 waivers; and
- 15 (8) collaborate to provide professional development courses
- 16 and material for all employees of sponsors.

17
18 Section 59-65-380. A provider may not charge a tuition or fee
19 for a program. This article does not prohibit a provider from
20 charging fees for childcare that may be provided outside the times
21 of the instructional day provided in the program.

22
23 Section 59-35-390. (A) A provider shall offer a complete
24 educational program in accordance with age-appropriate
25 instructional practice and a research-based preschool curriculum
26 aligned with school success. Based on the South Carolina content
27 standards, the department and First Steps shall develop or approve
28 school curricula used in a program.

29 (B) A provider shall offer a high-quality, center-based program
30 that includes, but is not limited to:

- 31 (1) employment of a lead teacher who has a two-year degree
- 32 in early childhood education or a closely related field. A public
- 33 provider must meet lead teacher requirements as specified in
- 34 federal statute or regulation;
- 35 (2) employment of an education assistant who has a high
- 36 school degree and pre-service or in-service training in early
- 37 childhood education;
- 38 (3) offering a six and one half hour, full-day, center-based
- 39 program for the school year;
- 40 (4) providing an approved research-based preschool
- 41 curriculum that focuses on critical child development skills, with
- 42 an emphasis on early literacy, numeracy, social development, and
- 43 emotional development;

1 (5) adherence to the professional development requirements
2 of a person providing instruction and classroom support to a child
3 enrolled in a program, including annual participation in at least
4 seven and one-half hours a semester or fifteen hours annually of
5 professional development instruction in strategies and techniques
6 to address the age-appropriate progress of pre-kindergarten
7 students in developing emergent literacy skills, including, but not
8 limited to, oral communication, knowledge of print and letters,
9 phonemic and phonological awareness, and vocabulary and
10 comprehension development; and

11 (6) maintenance of a classroom with between ten and twenty
12 students who are four years old, and at least one lead teacher. If a
13 classroom has more than ten children, there must be one lead
14 teacher and one education assistant. A waiver of the minimum
15 class size requirement may be granted by the department for a
16 public provider or by First Steps for a private provider.

17
18 Section 59-35-400. (A) A provider shall integrate a parenting
19 education program to promote school readiness through
20 strengthening parent involvement in the learning process. A parent
21 education program must include, but may not be limited to:

22 (1) interactive literacy activities between parents and their
23 children; and

24 (2) parent training on how to be the primary home teacher
25 for their children and a full partner in the education of his children.

26 (B) A provider shall conduct documented parent conferences at
27 least quarterly to ensure the parent's involvement in the student's
28 life. A provider is not required to conduct an in-person parent
29 conference more than twice a year.

30
31 Section 59-35-410. For all private providers approved to offer
32 services pursuant to this article, First Steps shall:

33 (1) serve as fiscal agent;

34 (2) verify student enrollment eligibility;

35 (3) coordinate oversight, monitoring, technical assistance,
36 coordination, and training for classroom providers;

37 (4) serve as a clearinghouse for information and best practices
38 related to programs;

39 (5) receive, review, and approve new classroom grant
40 applications based on approved criteria;

41 (6) coordinate activities and promote collaboration with other
42 private and public, including federal, providers in developing and
43 supporting four-year-old kindergarten programs;

- 1 (7) collect and maintain data, as prescribed by the Education
2 Oversight Committee, on children enrolled in private programs;
3 (8) develop guidelines as necessary for the implementation of a
4 program; and
5 (9) recruit, review, and approve eligible providers while giving
6 consideration to the provider's availability of permanent space for
7 program service and whether temporary classroom space is
8 necessary to provide a service to a child.

9
10 Section 59-35-420. For all public school providers approved to
11 offer services pursuant to this article, the department shall:

- 12 (1) serve as fiscal agent;
13 (2) verify student enrollment eligibility;
14 (3) coordinate oversight, monitoring, technical assistance,
15 coordination, and training for classroom providers;
16 (4) serve as a clearinghouse for information and best practices
17 related to programs;
18 (5) receive, review, and approve new classroom grant
19 applications based on approved criteria;
20 (6) coordinate activities and promote collaboration with other
21 public and private, including federal, providers in developing and
22 supporting four-year-old kindergarten programs;
23 (7) collect and maintain data, as prescribed by the Education
24 Oversight Committee, on children enrolled in public state-funded,
25 full-day and half-day four-year-old kindergarten programs;
26 (8) develop guidelines as necessary for the implementation of
27 the program; and
28 (9) recruit, review, and approve eligible providers while giving
29 consideration to the provider's availability of permanent space for
30 program service and whether temporary classroom space is
31 necessary to provide a service to a child.

32
33 Section 59-35-430. Pursuant to this article, the South Carolina
34 Department of Social Services shall maintain a list of all approved
35 public and private providers, and provide the department, First
36 Steps, and the Education Oversight Committee information needed
37 to carry out the requirements of this article.

38
39 Section 59-35-440. The department, First Steps, the Department
40 of Social Services, Head Start Collaboration Office, and the
41 Education Oversight Committee collaboratively shall establish an
42 ongoing public information campaign to maximize the utilization
43 of public funds available for four-year-old kindergarten by

1 informing the public of the state’s program choices, slots available,
2 and educational options. The parties are encouraged to work
3 together to inform the public of all educational opportunities and
4 options available for eligible four-year-old children.

5
6 Section 59-35-450. The department may promulgate regulations
7 to implement the polices and purposes of this article.”

8
9 SECTION 2. Section 59-35-10 of the 1976 Code is designated
10 Article 1, Chapter 35, Title 59 and entitled “Five-Year-Old
11 Kindergarten”.

12
13 SECTION 3. If any section, subsection, paragraph, subparagraph,
14 sentence, clause, phrase, or word of this act is for any reason held
15 to be unconstitutional or invalid, such holding shall not affect the
16 constitutionality or validity of the remaining portions of this act,
17 the General Assembly hereby declaring that it would have passed
18 this act, and each and every section, subsection, paragraph,
19 subparagraph, sentence, clause, phrase, and word thereof,
20 irrespective of the fact that any one or more other sections,
21 subsections, paragraphs, subparagraphs, sentences, clauses,
22 phrases, or words hereof may be declared to be unconstitutional,
23 invalid, or otherwise ineffective.

24
25 SECTION 4. This act takes effect upon approval by the Governor.

26 ----XX----