

**S.815 4K (2008)**

1 COMMITTEE AMENDMENT AMENDED AND ADOPTED

2 April 22, 2008

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4

**S. 815**

5

6 Introduced by Senators Setzler, Courson, Short, Matthews, Rankin,

7 Hayes, Sheheen, Drummond and Ford

8

9 S. Printed 4/22/08--S.

[SEC 4/23/08 5:06 PM]

10 Read the first time June 5, 2007.

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**A BILL**

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11 TO AMEND THE CODE OF LAWS OF SOUTH CAROLINA,  
12 1976, BY ADDING ARTICLE 2 TO CHAPTER 35, TITLE 59  
13 SO AS TO CREATE A FULL-DAY, FOUR-YEAR-OLD  
14 KINDERGARTEN, TO DEFINE CERTAIN TERMS, TO  
15 PROVIDE REQUIREMENTS FOR STUDENT ELIGIBILITY  
16 AND PRIORITY FOR ADMISSION, TO PROVIDE DUTIES OF  
17 THE DEPARTMENT OF EDUCATION AND OTHER STATE  
18 AGENCIES, TO PROVIDE FUNDING AND REPORTING  
19 REQUIREMENTS, TO PROVIDE THAT ENROLLMENT IS A  
20 MATTER OF PARENTAL DISCRETION, TO PROVIDE THAT  
21 A FEE OR TUITION MAY NOT BE CHARGED, TO PROVIDE  
22 A PARENTING EDUCATION PROGRAM, AMONG OTHER  
23 THINGS; AND TO DESIGNATE SECTION 59-35-10 AS  
24 ARTICLE 1, CHAPTER 35, TITLE 59 AND ENTITLED  
25 "FIVE-YEAR-OLD KINDERGARTEN".

26 Amend Title To Conform

27

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

30

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

33

34

35 "Article 2

36

37 Full-Day, Four-Year-Old Kindergarten

38

39

40 Section 59-35-310. (A) There are created full-day,  
41 four-year-old kindergartens to offer private and state supported,  
42 public full-day, four-year-old kindergarten educational services to

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1 children considered at-risk. The kindergartens shall focus on the  
2 developmental and learning support that children must have to be  
3 ready for school, and also must incorporate parenting education.

4 (B) As used in this article:

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

11 (2) 'Department' means the South Carolina Department of  
12 Education.

13 (3) 'First Steps' means the Office of First Steps to School  
14 Readiness as provided in this title.

15 (4) 'Program' means a full-day education service provided  
16 by a public or private provider to serve at-risk, four-year-old  
17 children.

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

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

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

24 (8) 'Private provider' means a provider who is not a public  
25 school but is approved to deliver a program pursuant to this article.

26 (9) 'Resident school district' means the public school district  
27 where the child resides.

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

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

32

33 Section 59-35-320.(A) For the 2008-2009 school year, the  
34 targeted funded cost per child for full-day, four-year-old  
35 kindergarten is four thousand ninety-three dollars. The per child  
36 cost is intended to be increased annually by the current year's rate  
37 of inflation as determined by the Division of Research and  
38 Statistics of the Budget and Control Board for the Education  
39 Finance Act. An enrolled child must be funded on a pro-rata basis  
40 determined by the length of their enrollment. The targeted  
41 transportation cost per enrolled child requiring transportation  
42 services is five hundred fifty dollars. For the equipping of new  
43 classrooms the targeted per classroom cost is ten thousand dollars.

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1 Funding of up to two thousand five hundred dollars may be  
2 provided annually for the procurement of consumable and other  
3 materials in established classrooms.

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

6  
7 Section 59-35-330. (A) Beginning with the 2008-2009 fiscal  
8 year, the Education Oversight Committee shall receive funds  
9 provided by the General Assembly to support the annual collection  
10 of and continuous evaluation of data related to full-day,  
11 four-year-old kindergarten. The Education Oversight Committee  
12 is to submit to the General Assembly an evaluation of the first two  
13 years of the program by December 31, 2010, and every two years  
14 through school year 2015-2016, after which evaluations must be  
15 submitted to the General Assembly every five years.

16 (B) This ongoing evaluation must examine the program's  
17 quality and impact. Based on information, data, and evaluation  
18 results, the Education Oversight Committee shall include  
19 recommendations for program improvement as part of its report.  
20 The report must include, at least, information and  
21 recommendations on lead teacher qualifications, student  
22 attendance, pupil-teacher ratio, parental involvement,  
23 accreditation, professional development, and school readiness. In  
24 evaluating the program impact, the evaluation must include, at  
25 least, student test performance by content and developmentally  
26 appropriate measures of progress from kindergarten through  
27 twelfth grade.

28 (C) To aid in this evaluation, the Education Oversight  
29 Committee shall determine the data necessary and both public and  
30 private providers are required to submit the necessary data as a  
31 condition of continued participation in and funding of the program.  
32 The department and First Steps must assist in the data collection  
33 and long-term evaluation by developing a method for tracking a  
34 child enrolled in a program offered by a private provider.

35  
36 Section 59-35-340. (A) For the 2008-2009 school year, a  
37 program must be available by approved public and private  
38 providers to children having attained the age of four years on or  
39 before September first of the school year and meeting the at-risk  
40 criteria established in this article with priority given:

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

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

6 (B) A qualified applicant in an income priority category must  
7 be served before an applicant in the next priority category may be  
8 served.

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

12  
13 Section 59-35-350. (A) A child's enrollment in a program is  
14 optional and within a parent's discretion.

15 (B) In order to enroll their child in one of the South Carolina  
16 Child Development Four-Year-Old Education Programs, the parent  
17 or guardian of each eligible child must complete and submit an  
18 application to the approved provider of choice. The application  
19 must be submitted on forms prescribed in this article and must be  
20 accompanied by the following:

21 (1) a copy of the child's birth certificate;

22 (2) proof of the child's immunization;

23 (3) evidence of the child's eligibility for the program based  
24 on annual family income or a statement of Medicaid eligibility;  
25 and

26 (4) all other information required by the approving agency.

27 (C) The application must be made to a provider according to a  
28 timetable established by the department and First Steps. A  
29 timetable must be the same for a public and private provider and  
30 be made public at least thirty days before the date by which an  
31 application may be submitted, although a provider may receive an  
32 application throughout the year. A child moving into this State  
33 during a school year may apply for admission to a program and  
34 enroll in a program when space becomes available, subject to the  
35 priority criteria in Section 59-35-340.

36 (D) A parent who desires to enroll his child in a public provider  
37 program outside the child's resident school attendance zone or  
38 district may do so on a space available basis and must be  
39 responsible for transporting the child to and from the provider. A  
40 private provider program may delineate the boundaries within  
41 which they are willing to provide transportation to eligible  
42 children.

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1 (E) A student who enrolls in the program is expected to attend  
2 the program as required by mandatory attendance requirements of  
3 this chapter. A provider may revoke the enrollment of a student  
4 who fails to comply with these mandatory attendance requirements  
5 after documenting at least two communications, at least one of  
6 which must be a certified letter, with the parent or guardian, which  
7 indicate objectively that attendance requirements are not adhered  
8 to, and only if a waiting list of eligible applicants to the program  
9 exists. A qualified student may be admitted into the program  
10 pursuant to the provisions of this chapter when a student  
11 previously enrolled in the program has their enrollment revoked  
12 due to non-attendance.

13  
14 Section 59-35-360.(A) Subject to the department's approval  
15 and based on need, a local school board of trustees must establish a  
16 program to serve an at-risk student residing in a school district. A  
17 center seeking to become a private provider of a program must  
18 apply to First Steps for approval.

19 (B) A provider must:

20 (1) comply with any law that prohibits discrimination on the  
21 basis of disability, race, creed, color, gender, national origin  
22 religion, ancestry, and need for a special education service;

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

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

26 (4) exclude from employment a person legally prohibited  
27 from working with children;

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

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

32 (7) comply with required program, reporting, and  
33 assessment criteria;

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

37 (9) determine whether to offer an extended day service for a  
38 child enrolled in the program; and

39 (10) obtain approval, registration, or licensure from the  
40 Department of Social Services.

41 (C) A board must consider the provider's student capacity  
42 before a program may be established. The board may not begin

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1 construction on additional classroom space if another provider  
2 within the school district has available classroom space.

3  
4 Section 59-35-370. The department and First Steps shall:

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

9 (2) establish criteria for awarding new classroom equipping  
10 grants, for a parenting education program required by this chapter,  
11 and for allowing a child to be retained.

12  
13 Section 59-65-380. A provider may not charge a tuition or fee  
14 for a program.

15  
16 Section 59-35-390. A provider shall offer a:

17 (1) complete educational program in accordance with  
18 age-appropriate instructional practice and a research-based  
19 preschool curriculum aligned with school success. Based on the

20 South Carolina content standards, the department and First Steps  
21 may develop or approve school curricula used in a program; and

22 (2) high-quality, center-based program that at least includes:

23 (a) employment of a lead teacher who has a two-year degree  
24 in early childhood education or a closely related field. A public  
25 provider must meet lead teacher requirements as specified in  
26 federal statute or regulation;

27 (b) employment of an education assistant who has a high  
28 school degree and pre-service or in-service training in early  
29 childhood education;

30 (c) offering a full-day, center-based program for the school  
31 year;

32 (d) providing an approved research-based preschool  
33 curriculum that focuses on critical child development skills, with  
34 an emphasis on early literacy, numeracy, social development, and  
35 emotional development;

36 (e) adherence to the professional development requirements  
37 of a person providing instruction and classroom support to a child  
38 enrolled in a program, including annual participation in at least  
39 seven and one-half hours a semester or fifteen hours annually of  
40 professional development instruction in strategies and techniques  
41 to address the age-appropriate progress of pre-kindergarten  
42 students in developing emergent literacy skills, including, but not  
43 limited to, oral communication, knowledge of print and letters,

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1 phonemic and phonological awareness, and vocabulary and  
2 comprehension development; and

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

9  
10 Section 59-35-400. (A) A provider shall integrate a parenting  
11 education program to promote school readiness through  
12 strengthening parent involvement in the learning process. A parent  
13 education program must include at least:

14 (1) interactive literacy activities between parents and their  
15 children; and

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

19 (B) A provider must conduct documented parent conferences at  
20 least quarterly to ensure the parent's involvement in the student's  
21 life. A provider is not required to conduct an in-person parent  
22 conference more than twice a year.

23  
24 Section 59-35-410. Regarding a private provider approved to  
25 offer services pursuant to this article, First Steps shall:

26 (1) serve as fiscal agent;

27 (2) verify student enrollment eligibility;

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

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

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

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

37 (7) collect and maintain data, as prescribed by the Education  
38 Oversight Committee, on children enrolled in private programs;

39 (8) develop guidelines as necessary for the implementation of a  
40 program; and

41 (9) recruit, review, and approve eligible providers while giving  
42 consideration to the provider's availability of permanent space for



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1 program service and whether temporary classroom space is  
2 necessary to provide a service to a child.

3

4 Section 59-35-420. Regarding a public school provider approved  
5 to offer services pursuant to this article, the department shall:

6 (1) serve as its fiscal agent;

7 (2) verify its student enrollment eligibility;

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

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

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

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

17 (7) collection and maintenance of data, as prescribed by the  
18 Education Oversight Committee, on children enrolled in public  
19 state-funded, full-day and half-day four-year-old kindergarten  
20 programs;

21 (8) develop guidelines as necessary for the implementation of  
22 the program; and

23 (9) recruit, review, and approve eligible providers while giving  
24 consideration to the provider's availability of permanent space for  
25 program service and whether temporary classroom space is  
26 necessary to provide a service to a child.

27

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

33

34 Section 59-35-440. The department, First Steps, the Department  
35 of Social Services, Head Start Collaboration Office, and the  
36 Education Oversight Committee collaboratively shall establish an  
37 ongoing public information campaign to maximize the utilization  
38 of public funds available for four-year-old kindergarten by  
39 informing the public of the state's program choices, slots available,  
40 and educational options. The parties are encouraged to work  
41 together to inform the public of all educational opportunities and  
42 options available for eligible four-year-old children.

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1 Section 59-35-450. The department and First Steps may  
2 promulgate regulations to implement the polices and purposes of  
3 this chapter.”

4  
5 SECTION 2. Section 59-35-10 of the 1976 Code is designated  
6 Article 1, Chapter 35, Title 59 and entitled “Five-Year-Old  
7 Kindergarten”.

8  
9 SECTION 3. If any section, subsection, paragraph, subparagraph,  
10 sentence, clause, phrase, or word of this act is for any reason held  
11 to be unconstitutional or invalid, such holding shall not affect the  
12 constitutionality or validity of the remaining portions of this act,  
13 the General Assembly hereby declaring that it would have passed  
14 this act, and each and every section, subsection, paragraph,  
15 subparagraph, sentence, clause, phrase, and word thereof,  
16 irrespective of the fact that any one or more other sections,  
17 subsections, paragraphs, subparagraphs, sentences, clauses,  
18 phrases, or words hereof may be declared to be unconstitutional,  
19 invalid, or otherwise ineffective.

20  
21 SECTION 4. This act takes effect upon approval by the  
22 Governor.

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