



**AN ACT ESTABLISHING EARLY EDUCATION FOR ALL**

2005-2006 Legislative Session

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**SECTION 1.** It is hereby found and declared that research demonstrates that the first 5 years of life are a time of enormous growth and development that provide a window of opportunity to build upon children’s natural inclination to learn. It is further found that a high-quality early childhood education nurtures a child’s cognitive, social-emotional and physical development and helps build a solid foundation for school and life success. It is further found that investments in young children and their early education reap benefits that are long-lasting and widespread for children, families and communities. It is further found that the Education Reform Act of 1993 set forth goals to provide all pre-kindergarten children in the commonwealth the opportunity to participate in developmentally appropriate early childhood education programs, and such goals have not been fully realized, leaving early childhood education as the unfinished element of education reform. Therefore, it shall be the policy of this commonwealth to (a) provide every preschool-aged child the opportunity to participate in a high-quality early childhood education program; and (b) provide every kindergarten-aged child the opportunity to participate in a high-quality full school-day public kindergarten classroom.

**SECTION 2.** As used in this act, the following words shall have the following meanings:

“Board”, the Board of Early Education and Care, as created by Chapter 205 of the Acts of 2004.

“Department”, the Department of Early Education and Care, as created by Chapter 205 of the Acts of 2004.

“Commissioner”, the Commissioner of Early Education and Care, as created by Chapter 205 of the Acts of 2004.

“Council”, the Council on Early Education and Care, as created by Section 608 of Chapter 26 of the Acts of 2003.

“Advisory Committee”, the Advisory Committee Early Education and Care, as created by Section 344 of Chapter 149 of the Acts of 2004.

“EEA”, early education for all.

“Early childhood education program”, an organized early childhood development and education program designed to meet and enhance each child’s ability to make age appropriate progress in the development of language and cognitive capabilities and social-emotional, regulatory and moral capacities.

“Full school-day kindergarten”, kindergarten education provided for a minimum of 900 hours, 180 days/school year.

“Full-time”, services provided from 30 to 50 hours per week.

“Full-year”, services provided during a full calendar year or up to 262 service days per year.

“Massachusetts curriculum frameworks”, curriculum frameworks established under section 1E of chapter 69 of the General Laws.

“Mixed system”, licensed or license-exempt and legally operating providers of early education and care including, but not limited to public, private, non-profit and for-profit preschools, child care centers, nursery schools, preschools operating within public and private schools, Head Start programs and independent and system affiliated family child care homes.

“Preschool-aged children”, children aged 2 years and 9 months up to the age the child becomes eligible for kindergarten entry in the city or town where the child resides.

“Universal access”, the opportunity for every preschool-aged child in the state to participate in early childhood education program.

“Voluntary”, optional; no child is required to attend and no program is required to participate.

**SECTION 3.** Chapter 15D of the Massachusetts General Laws, as created by Chapter 205 of the Acts of 2004, is hereby amended by adding, after Section 5, the following three sections:--

**Section 6.** (a) There is hereby established Early Education for All, hereinafter referred to as EEA, which shall provide funding for every preschool-aged child in the commonwealth to have the

opportunity to receive a high-quality early childhood education. EEA shall be fully funded and implemented no later than the beginning of the 2012 school year, subject to appropriation, through the mixed system of public and private early education and care programs.

(b) Programs eligible to participate in EEA shall be licensed or licensed exempt and legally operating programs including, but not be limited to public, private, non-profit and for-profit preschools, child care centers, nursery schools, preschools operating within public and private schools, Head Start programs and independent and system affiliated family child care homes, provided that they meet the EEA standard as defined in section 7; and provided further, that programs exempt from licensing that wish to participate in EEA shall demonstrate that they meet the state's child care licensing requirements; and provided further that not less than 50% of EEA programming, statewide, shall be delivered through community-based, non-public school programs; and provided further that this requirement shall apply on a statewide basis and not to any individual community. Eligible programs shall also demonstrate that they are willing to serve and integrate children of diverse abilities and special needs, diverse cultural and linguistic backgrounds and diverse economic circumstances.

**Section 7.** The Board of Early Education and Care shall be responsible for developing and implementing EEA in accordance with the provision of this chapter and in accordance with Chapter 205 of the Acts of 2004, and shall have the following responsibilities: (i) establish the EEA standard, which shall be the Early Childhood Program Standards for Center-Based Programs for Three- and Four-Year-Olds and the Guidelines for Preschool Curriculum Experiences based on the Massachusetts Curriculum Frameworks promulgated by the Massachusetts Department of Education; provided that the Board shall adjust said standard to apply to family child care; (ii) align the workforce development system with the content of the EEA standard ensuring that the core competencies, course offerings and other professional development opportunities are linked to

supporting directors/teachers/providers to meet and carryout the EEA standard; (iii) develop compensation guidelines for each director/teacher/provider education level within the EEA standard that shall be comparable to those in public schools; (iv) annually assess that the resources and professional development opportunities are in place for both programs and directors/teachers/providers to achieve the goals described in the EEA standard; provided that should said goals be deemed to be unattainable by the Board, the goals shall be adjusted accordingly; (v) provide for and manage a comprehensive evaluation of the implementation and impact of EEA on children's readiness for school including aligning the content and implementation of the kindergarten readiness assessment system with the EEA standard; (vi) maximize family choice by ensuring a statewide mix of public and private early education and care program options; (vii) administer funding directly to early education and care programs to provide EEA as described in this chapter; (viii) develop guidelines and/or regulations for the operation of local early education and care councils and their role in planning for and delivering universally accessible, high-quality early childhood education within a community including but not limited to assessing and identifying the unique needs of children, families and providers within a community, ensuring local points of entry/access, encouraging collaboration among providers of early education and care services, and providing access to comprehensive services; provided that the Board shall consider the role and function of existing local councils in the development of said guidelines and/or regulations; (ix) annually monitor programs receiving EEA funding for contract and fiscal accountability, for compliance with the EEA standard, compliance with any school readiness assessment system requirements and compliance with applicable state laws and regulations; (x) establish procedures to ensure that non-compliance with applicable standards and laws shall result in sanctions, including termination of funding; (xi) design a streamlined monitoring process that coordinates oversight of the EEA standard with existing licensing and other state-enforced standards, and where possible, with federal standards and monitoring; (xii) develop a phase-in plan for EEA to be fully funded and

implemented no later than the 2012 school year, which gives priority to children in “*low wealth*” or “*high need*” communities defined by the percentage of children in the school district who qualify for free and reduced lunch; (xiii) develop a funding methodology for programs receiving EEA funding, which is accountable and effective in allowing programs to meet and maintain the EEA standard including meeting compensation guidelines for directors and teachers/providers, ensures that EEA funding be used in combination with local, state or federal subsidies and/or parent fees to offer full and part-time program options depending on a child or family’s needs, and allows programs offering full-time programming to meet the EEA standard throughout their full hours of operation; (xiv) inform the public about EEA.

**Section 8.** (a) Funds appropriated to implement the provisions of this chapter shall be used to supplement, but not supplant, any existing federal, state or local public funds expended to provide services for early education and care and school-age programs and activities. (b) EEA, when fully implemented, shall be a universally accessible, voluntary, pre-kindergarten program and shall not be subject to any state or national funding requirements inconsistent with this goal. (c) No provider that receives funds under this chapter shall use such funds to assist, promote or discourage union organizing.

**SECTION 4.** Section 5 of Chapter 15D of the Massachusetts General Laws, as created by Chapter 205 of the Acts of 2004, is hereby amended by adding the following after “(14) ways to recognize and honor advancements in educational attainment among early education and care professionals.”: (15) professional development opportunities that are provided in languages other than English, and incorporation of such programs/coursework/ opportunities into any broader, articulated system that is developed; and (16) alignment of the core competencies, course offerings and other professional development

opportunities, where appropriate, with the EEA standard as described in Section 7 of this chapter.

**SECTION 5.** (a) There is hereby established a special commission on full-day kindergarten, hereinafter known as the Commission, which shall be hereby charged to study the expansion of high-quality, full school-day kindergarten throughout the commonwealth.

(b) The Commission shall consist of up to no more than 20 members: two of whom shall be the House and Senate Chairmen of the Committee on Education, Arts and Humanities, who shall serve as co-chairs; one of whom shall be appointed by the speaker of the house; one of whom shall be appointed by the senate president; one of whom shall be the commissioner of the department of early education and care, or his designee; one of whom shall be the commissioner of the department of education, or his designee; one of whom shall be appointed by the Massachusetts Elementary School Principals Association; one of whom shall be appointed by the Massachusetts Association of School Superintendents; one of whom shall be appointed by the Massachusetts Federation of Teachers; one of whom shall be appointed by the Massachusetts Teachers Association; one of whom shall be appointed by the Massachusetts Parent Teacher Association; one of whom shall be appointed by Massachusetts Association of School Committees; one of whom shall be appointed by the Rennie Center for Education Research and Policy at Mass, Inc; one of whom shall be appointed by the Massachusetts Business Alliance for Education; one of whom shall be appointed by the Massachusetts Association of Day Care Agencies; one of whom shall be appointed by the Massachusetts Association for the Education of Young Children; one of whom shall be appointed by the Massachusetts Independent Child Care Operators, one of whom shall be appointed by the Massachusetts Association of Community Partnerships for Children; and two additional members appointed by the Commission co-chairs, one of whom shall be a kindergarten teacher and one of whom shall represent non-public schools. All appointments shall reflect the ethnic and racial

diversity of the commonwealth's young children and have a demonstrated knowledge of early education and care and elementary education. The Commission may assign subcommittees and task forces as necessary to meet the provisions of paragraph (c). Staff shall be assigned from Commission member organizations to carry out duties as assigned by the Commission, as necessary.

(c) The Commission shall, within 18 months of the adoption of this chapter, develop a plan for the expansion of high-quality, full school-day kindergarten to all children who would like to participate.

The plan shall include, but not be limited to:

- (1) A review of existing research about best practices in kindergarten provision and successful transitions to school, including, but not limited to, establishing contact with children and families before the beginning of the kindergarten year, encouraging on-going family involvement and collaborating with local early education and care programs and local councils;
- (2) Analyses and data about the current status of kindergarten, full-day kindergarten and transitions to school in Massachusetts, including current efforts by the Department of Education and individual school districts;
- (3) A review of various state-level and local strategies, and the development of recommendations for further enhancing existing full-school day kindergarten classrooms and transitioning existing half-day kindergarten classrooms into full school-day kindergarten classrooms.

(d) The commission's recommendations, together with any proposed legislation, shall be filed no later than 18 months after the effective date of this section with the clerks of the senate and house of representatives, who shall refer such recommendations to the appropriate committee of the general court.