

SB 214-FN-A - AS INTRODUCED

2023 SESSION

23-0945

10/04

SENATE BILL        ***214-FN-A***

AN ACT                establishing a department of early childhood education and relative to a pre-kindergarten pilot program.

SPONSORS:        Sen. Whitley, Dist 15; Sen. Perkins Kwoka, Dist 21; Sen. Watters, Dist 4; Sen. Chandley, Dist 11; Sen. Fenton, Dist 10; Sen. Prentiss, Dist 5; Rep. Myler, Merr. 9; Rep. Wallner, Merr. 19; Rep. Luneau, Merr. 9

COMMITTEE:        Education

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ANALYSIS

This bill establishes an executive branch department of early childhood education. The bill also establishes the authority for the department to design, create, and administer a 3-year high quality, community-based, mixed delivery public pre-kindergarten pilot program.

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Explanation:        Matter added to current law appears in ***bold italics***.  
Matter removed from current law appears ~~[in brackets and struckthrough]~~  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

## STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Twenty Three*

AN ACT                    establishing a department of early childhood education and relative to a pre-kindergarten pilot program.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            1 Statement of Findings.

2            I. The general court acknowledges that more than 50 years of research shows that vital  
3 learning happens before age 5. Brain science has confirmed that the first 5 years of life are a time of  
4 tremendous physical, social, emotional, and cognitive development.

5            II. A scientific and policy consensus has emerged showing that access to high quality early  
6 care and education maximizes the ability of children during the early years and helps prepare them  
7 to enter kindergarten ready to learn, with the requisite skills for succeeding academically and  
8 socially. School readiness is an important predictor of long-term achievement.

9            III. Studies also show that making high-quality pre-kindergarten education available to  
10 families produces a net benefit to a state by reducing costs on social services and criminal justice,  
11 reducing grade retention, reducing need for special education, increasing high school graduation,  
12 and boosting future earnings and contributions to the economy.

13           IV. Early care and education is a critical resource for working families. The availability of  
14 quality and affordable early childhood care and education is critical to allow parents to remain in the  
15 workforce, build a strong and future-focused economy, and provide a supportive environment for  
16 healthy child development that prepares children for success in school and in life.

17           V. New Hampshire is one of only 6 states that currently offers no state funding to support  
18 pre-kindergarten education programs. Some children in New Hampshire have access to federally  
19 subsidized early education programs through eligibility for special education services, Head Start,  
20 and the Child Care Scholarship program, but generally only a third or fewer of children eligible for  
21 these means-tested programs are able to participate in them.

22           VI. Most children who attend early education programs do so through private, tuition-based  
23 services. This results in a much higher portion of children from medium and upper income families  
24 having access to pre-kindergarten than children from poor and working class families.

25           VII. To ensure that all children fulfill their potential as individuals and citizens, we must re-  
26 imagine public education as a system that begins not with kindergarten, but with quality pre-  
27 kindergarten and builds on that foundation to raise performance in later grades.

28           VIII. Therefore, it is the goal of New Hampshire to work towards offering 3 and 4 year-old  
29 children a high quality pre-kindergarten learning opportunity in the form of an early childhood

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development and education pilot program which shall be voluntary, high quality, community-based, mixed delivery, and delivered according to professionally accepted standards.

2 New Subparagraph; Organization of the Executive Branch; Early Childhood Education. Amend RSA 21-G:6-b, I by inserting after subparagraph (r) the following new subparagraph:

(s) The department of early childhood education.

3 New Chapter; Department of Early Childhood Education. Amend RSA by inserting after chapter 21-V the following new chapter:

**CHAPTER 21-W**

**DEPARTMENT OF EARLY CHILDHOOD EDUCATION**

21-W:1 Definitions. In this chapter:

I. "Commissioner" means the commissioner of the department of early childhood education.

II. "Department" means the department of early childhood education.

21-W:2 Establishment; Purpose. There shall be a department of early childhood education under the executive direction of a commissioner of early childhood education. The department is principally established to enable the governor to effectively and efficiently coordinate efforts and programs to serve children throughout the state.

21-W:3 General Provisions. The department is vested with all powers and duties transferred to and such other powers and duties as may be authorized by law. The department shall be organized under RSA 21-G.

21-W:4 Powers and Duties of Department. In addition to any other powers and duties set forth in this chapter or as otherwise provided by statute, the department, under the direction of the commissioner, shall:

I. Assign such duties and functions as in her or his discretion will best effectuate the purposes, powers, and duties required by statute.

II. Appoint such other additional clerical, stenographic, and other staff as may be necessary to carry out the provisions of this chapter within the limits of the appropriations made for the department.

III. Advise the governor and the legislature in the development of a cohesive and comprehensive system of high quality early learning and care.

IV. Serve as a liaison between the governor, the state agencies providing programs or services for children, and the New Hampshire Council for Thriving Children.

V. Create and administer a 3-year high quality, community-based, mixed delivery public pre-kindergarten pilot program.

21-W:5 Commissioner. There shall be a commissioner of early childhood education who shall be appointed by the governor and council for a term of 4 years from the date of appointment. It shall be the responsibility of the commissioner to organize and direct the work of the department. The annual salary of the commissioner of early childhood education shall be as provided in RSA 94. To

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1 be eligible for appointment as commissioner of the department of early childhood education, a person  
2 shall provide proof of the following qualifications:

3 I. A master's degree, or completion of at least 36 hours of post baccalaureate coursework, in  
4 early childhood education or childhood development.

5 II. Extensive experience in educational supervision and management in the areas of early  
6 childhood education encompassing birth to eight years of age, inclusive, school readiness, early care  
7 education, school improvement, and school administration or education administration.

8 III. In addition to the qualifications for the commissioner, certification in education  
9 administration and supervision is preferred, but not required.

10 21-W:6 Reports and Publications. The commissioner of early childhood education is authorized  
11 to prepare, publish, and distribute reports, charts, surveys, or other documents consistent with the  
12 responsibilities of the department.

13 21-W:7 Directors of Divisions. The commissioner may establish divisions as provided in RSA 21-  
14 G and nominate for appointment by the governor and council directors of divisions responsible for  
15 the administration and operation of their respective subject to the supervisory authority of the  
16 commissioner.

17 21-W:8 Pre-kindergarten Pilot Program. The department of early childhood education shall  
18 design and create a 3-year high quality, community-based, mixed delivery public pre-kindergarten  
19 pilot program.

20 I. Each site chosen for the pilot program shall be awarded a grant and shall use the grant  
21 money to implement a high quality pre-kindergarten program that is substantially consistent with  
22 the locality's or district's program plan submitted to the department.

23 II. For the purposes of this pilot program, a mixed delivery model means that many different  
24 types of high quality early education providers may participate in the pilot program, including public  
25 and non-public schools, and community based programs such as Head Start, faith based programs,  
26 licensed child care providers, including home and center-based providers.

27 III. The commissioner of the department of early childhood education shall adopt rules  
28 under RSA 541-A to implement the provisions of this section. Such rules shall provide for the  
29 creation of a detailed, publicly-available rubric for picking grant sites and awards, which includes  
30 the following:

31 (a) The department shall require that pre-kindergarten programs awarded grants  
32 demonstrate that they offer a high quality pre-kindergarten program, in line with the elements of  
33 high-quality identified by New Hampshire's preschool development grant pre-kindergarten task  
34 force.

35 (b) The department shall require that public schools and community-based programs  
36 receiving a grant under the pilot program meet a set of basic quality benchmarks, such as the 10

baseline “Recommendations for High-Quality Pre-Kindergarten” (NIEER, 2019), and one of the following 2 standards:

(1) Hold a minimum quality designation of step 3 in the department of health and human services Granite Steps for Quality, Quality Recognition and Improvement System (QRIS); or

(2) Be an department of education approved preschool program.

(c) The department shall award grants across geographic regions of New Hampshire based on a randomized selection process that prioritizes low-income, rural, and other regions where access to high quality preschool is limited.

(d) The department shall require a 10 percent match from program sites if determined not to be a barrier for smaller providers. If required, the match shall include in-kind funds, including but not limited to volunteers, parent participation, community investment, rent, business investment, and federal funding.

#### IV. Reporting requirements.

(a) At the end of the pilot program, the commissioner shall submit a report to the governor and general court that reports on progress made under the grant program and assessment of additional ways New Hampshire can expand access to high quality pre-kindergarten programs. The report shall:

(1) Detail the grants awarded, the localities and districts, the duration of the program, and a summary report of student and family outcomes in the pilot programs;

(2) Provide descriptions of pilot program family engagement;

(3) Highlight high-performing programs, including those that have improved student and family outcomes;

(4) Provide descriptions and analysis of practices that contributed to the improvements described in subparagraph (c); and

(5) Detail plans for expansion of existing high quality pre-kindergarten programs, including the inclusion of pre-kindergarten in state school funding formulas.

(b) To inform development of the report, the department shall solicit from pilot sites descriptions and explanations of strategies, services, and programs that they have implemented, with evidence demonstrating their effectiveness.

(c) The report shall detail which actions the department can pursue on its own without additional legislative action.

(d) For aspects of the report that would require additional action by the legislature, the commissioner shall include in the report specific requests and outlines of legislative action needed, including budget requests.

(e) Before the department advances any recommendations, the departments shall provide an opportunity for public and stakeholder comments. Final recommendations of the

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1 department in the report shall be posted publicly within 30 days after the department adopts such  
2 recommendations.

3 4 Appropriations.

4 I. The sum of \$1 is hereby appropriated to the department of early childhood education for  
5 the purpose of funding a 3- year high quality, community-based, mixed delivery public  
6 pre-kindergarten pilot program. The governor shall determine if any discretionary funds  
7 appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any other federal funds,  
8 can be used for this purpose, and the commissioner shall expend such federal funds for this purpose.  
9 Any remainder shall be appropriated from the general fund. The governor is authorized to draw a  
10 warrant for the general fund portion of such sum from any money in the treasury not otherwise  
11 appropriated.

12 II. The sum of \$1 is hereby appropriated to the department of early childhood education for  
13 the purpose of establishing the department and providing salaries for the commissioner and 2  
14 additional positions (one professional and one support staff). The governor shall determine if any  
15 discretionary funds appropriated in the American Rescue Plan Act of 2021, Public Law 117-2, or any  
16 other federal funds, can be used for this purpose, and the commissioner shall expend such federal  
17 funds for this purpose. Any remainder shall be appropriated from the general fund. The governor is  
18 authorized to draw a warrant for the general fund portion of such sum from any money in the  
19 treasury not otherwise appropriated.

20 5 Effective Date. This act shall take effect July 1, 2023.

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**SB 214-FN-A- FISCAL NOTE  
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**FISCAL IMPACT:**

Due to time constraints, the Office of Legislative Budget Assistant is unable to provide a fiscal note for this bill, **as introduced**, at this time. When completed, the fiscal note will be forwarded to the Senate Clerk's Office.

**AGENCIES CONTACTED:**

Department of Administrative Services