

MAINE STATE LEGISLATURE

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No. 1426

H.P. 1000

House of Representatives, March 15, 2007

An Act To Enhance the Prekindergarten Experience for Maine Children

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

Millicent M. MacFarland

MILLICENT M. MacFARLAND
Clerk

Presented by Representative CAIN of Orono.
Cosponsored by Senator COURTNEY of York and
Representatives: BARSTOW of Gorham, CROSTHWAITE of Ellsworth, NORTON of
Bangor, PENDLETON of Scarborough, PINGREE of North Haven, Senator: MILLS of
Somerset.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §4251**, as amended by PL 1989, c. 548, §2, is further
3 amended to read:

4 **§4251. Intent**

5 The intent of this subchapter is to encourage school administrative units to place an
6 increased emphasis on instruction and curriculum for all children ~~ages 4 to 9~~ under age
7 10. This subchapter is not intended as a method of financing existing efforts but as a way
8 of encouraging the development of new or expanded programs. This subchapter
9 establishes standards for prekindergarten early childhood care and preschool education
10 programs.

11 **Sec. 2. 20-A MRSA §4252, sub-§7**, as enacted by PL 1989, c. 548, §5, is
12 amended to read:

13 **7. Transition.** Facilitate the transition of children from preschool programs to
14 public school programs; ~~and~~

15 **Sec. 3. 20-A MRSA §4252, sub-§8**, as enacted by PL 1989, c. 548, §5, is
16 amended to read:

17 **8. Family outreach.** Provide family outreach and support programs designed to
18 improve parent-school relations and parenting skills; and

19 **Sec. 4. 20-A MRSA §4252, sub-§9** is enacted to read:

20 **9. Prekindergarten early childhood care and preschool education.** Programs to
21 provide prekindergarten early childhood care and preschool education.

22 **Sec. 5. 20-A MRSA §4253**, as amended by PL 1997, c. 534, §1, is further
23 amended to read:

24 **§4253. Local early childhood programs**

25 School administrative units wishing to develop early childhood programs shall
26 submit plan proposals for approval to the department. The department shall encourage
27 broad participation and participation with regional Child Development Services System
28 sites in the program and shall provide technical assistance to local school administrative
29 units in submitting proposals. Any program to provide prekindergarten early childhood
30 care and preschool education must be certified under section 4256.

31 **Sec. 6. 20-A MRSA §4254, sub-§1**, as amended by PL 2005, c. 2, Pt. D, §17 and
32 as affected by §§72 and 74 and c. 12, Pt. WW, §18, is further amended to read:

33 **1. Allowable costs.** Allowable costs are the cost of implementing approved plans;
34 these costs may be added to the school unit's subsidizable costs under chapter 606-B. A
35 school administrative unit is not eligible for any state subsidy or reimbursement to

1 support a prekindergarten early childhood care and preschool education program unless
2 the program is certified in accordance with section 4256.

3 **Sec. 7. 20-A MRSA §4255, sub-§1**, as enacted by PL 2005, c. 368, §1, is
4 amended to read:

5 **1. Approval process for early childhood education.** ~~Any school administrative unit~~
6 ~~that wishes to develop an early~~ Early childhood program ~~programs developed by school~~
7 administrative units for children 4 years of age must submit a proposal for approval to the
8 department are governed by this section and section 4256. Evaluation of the proposal by
9 the department for certification under section 4256 must include consideration of at least
10 the following factors:

11 A. Demonstrated coordination with other early childhood programs in the
12 community to maximize resources;

13 B. Consideration of the extended child care needs of working parents; and

14 C. Provision of public notice regarding the proposal to the community being served,
15 including the extent to which public notice has been disseminated broadly to other
16 early childhood programs in the community.

17 A program developed under this section must be certified under section 4256.

18 **Sec. 8. 20-A MRSA §4256** is enacted to read:

19 **§4256. Prekindergarten early childhood care and preschool education programs**

20 **1. Approval process.** A school administrative unit may not operate a
21 prekindergarten early childhood care and preschool education program unless that
22 program has received a certificate of approval issued by the department in accordance
23 with this section. Certification is required prior to operation of a program and whenever
24 there is an expansion of a program that results in one or more additional classrooms. A
25 certification is valid for 3 years and may be renewed upon review by the department. The
26 department shall post to its publicly accessible website all applications for certification
27 under this section and, when issued, the department's certificate or denial of certification
28 for a program and the reasons for its decision.

29 **2. Application.** The department shall establish by rule application requirements for
30 school administrative units seeking certification of prekindergarten early childhood care
31 and preschool education programs. At a minimum, the rules must require:

32 A. The school administrative unit to demonstrate meaningful collaboration in the
33 development of the proposed program with existing community-based child care
34 providers and early care and education providers within the unit. The rules must
35 require such collaboration to be evidenced by:

36 (1) Written communications showing that a majority of such providers, other
37 than providers who do not meet quality standards established by the department
38 or providers unwilling to collaborate with the unit in a manner consistent with the
39 requirements of subsection 3, paragraph A, participated in development or review
40 of the proposal; or

1 (2) A memorandum of agreement between the unit and one or more such
2 providers providing for collaboration in a manner consistent with subsection 3,
3 paragraph A;

4 B. An analysis of the effect of the proposed program on any existing federally
5 funded early childhood care or preschool education programs within the district,
6 including the potential for the loss of federal funds for such programs; and

7 C. An assessment of how the proposed program will affect access to available local
8 child care.

9 **3. Approval.** The department may approve proposed prekindergarten early
10 childhood care and preschool education programs that meet the requirements of this
11 section and rules adopted by the department. The department may not approve a program
12 unless:

13 A. At least 20% of the children in the program will be placed with existing
14 community-based child care or early care and education providers within the unit that
15 meet quality standards established by the department. This percentage may be
16 lowered if there is insufficient capacity among existing community-based child care
17 or early care and education providers to meet the 20% requirement as a result of
18 providers' not meeting quality standards established by the department or not being
19 willing to participate in the program.

20 **4. Rulemaking.** The department shall adopt rules to implement this section,
21 including rules establishing standards for prekindergarten early childhood care and
22 preschool education programs. The standards must address at least the following and
23 must be consistent with standards adopted for early childhood programs for children 4
24 years of age under section 4255:

25 A. Maximum class sizes;

26 B. Adult to child ratios;

27 C. Teacher and assistant teacher qualifications;

28 D. Curricula and instruction;

29 E. Student screening and assessment;

30 F. Nutrition and physical environment;

31 G. Access to outdoor play areas; and

32 H. Family involvement and support services.

33 Rules adopted pursuant to this subsection are major substantive rules as defined in Title
34 5, chapter 375, subchapter 2-A.

35 **Sec. 9. Maine Revised Statutes headnote amended; revision clause.** In the
36 Maine Revised Statutes, Title 20-A, chapter 203, subchapter 2, in the subchapter
37 headnote, the words "early childhood educational plans for children ages 4 to 9" are
38 amended to read "early childhood care and education" and the Revisor of Statutes shall
39 implement this revision when updating, publishing or republishing the statutes.

1

SUMMARY

2 This bill requires the Department of Education to develop standards for all
3 prekindergarten early childhood care and preschool education programs developed by
4 school administrative units. The standards are designed to ensure meaningful
5 collaboration with existing community-based child care providers and early care and
6 education providers and include an analysis of the effects of such programs on existing
7 programs. The standards will also ensure uniformity of standards relating to class sizes,
8 adult to child ratios, teacher and assistant teacher qualifications, curricula and instruction,
9 student screening and assessment, nutrition and physical environment, access to outdoor
10 play areas and family involvement and support services.