

VIRGINIA ACTS OF ASSEMBLY -- 2016 RECONVENED SESSION

CHAPTER 738

An Act to amend the Code of Virginia by adding a section numbered 22.1-199.6, relating to the establishment of the Mixed-Delivery Preschool Fund and Grant Program.

[H 47]

Approved April 20, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-199.6 as follows:

§ 22.1-199.6. *Mixed-Delivery Preschool Fund and Grant Program established.*

A. As used in this section, "mixed-delivery" includes public, nonsectarian private, and faith-based early education programs.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Mixed-Delivery Preschool Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. Any gifts, donations, grants, bequests, or other funds received on its behalf shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purposes of awarding grants to successful applicants under the Mixed-Delivery Preschool Grant Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.

C. The Mixed-Delivery Preschool Grant Program is hereby established for the purpose of awarding grants on a competitive basis to urban, suburban, and rural community applicants to field-test innovative strategies and evidence-based practices that support a robust system of mixed-delivery preschool services in the Commonwealth.

D. The Virginia Early Childhood Foundation shall administer a request for proposal process to invite community applicants to respond with localized innovations and approaches to a system of mixed-delivery preschool services.

E. Grants shall be awarded by the Virginia Early Childhood Foundation, in consultation with the Department of Education, and the Foundation shall notify the Department of grant recipients. Priority shall be given to applicants who (i) commit to pursuing models of local governance that promote the successful mixed delivery of preschool services, (ii) compare classroom and child outcomes among teachers with different credentials and qualifications, (iii) utilize incentives to encourage participation, and (iv) utilize strategic assessment to discern student outcomes.

F. In order to provide program flexibility and maximize local innovation, grant recipients are eligible to request and receive waivers of Board regulations and guidelines. Notwithstanding the provisions of § 22.1-299, and in order for grant recipients to compare classroom and child outcomes among teachers with different credentials and qualifications pursuant to clause (ii) of subsection E, the Board shall waive teacher licensure requirements upon the request of any grant recipient so long as the teachers for whom such licensure requirements have been waived meet certain basic conditions for licensure prescribed by the Board. Such basic conditions for licensure shall include education and experience qualifications that do not exceed the education and experience qualifications for program leaders of licensed child day centers as set forth in 22VAC40-185-210. Upon the request of any grant recipient, other relevant state agencies and boards may grant additional waivers from agency or board regulations and guidelines, as deemed appropriate. Nothing in this subsection shall be construed to permit individuals or entities other than grant recipients to request and receive waivers pursuant to this subsection.

G. Each grant recipient shall annually report on its mixed-delivery preschool services system and any waiver received pursuant to subsection F to the Chairmen of the House Committees on Education and Appropriations and the Senate Committees on Finance and Education and Health.

2. That six two-year grants shall be awarded under the Mixed-Delivery Preschool Grant Program in each year of the 2016-2018 biennium.

3. That the provisions of this act shall expire on July 1, 2019.

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 652

An Act to amend the Code of Virginia by adding a section numbered 2.2-208.1, relating to the establishment of the School Readiness Committee.

[H 46]

Approved April 1, 2016

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 2.2-208.1 as follows:

§ 2.2-208.1. School Readiness Committee; Secretary to establish.

A. In recognition of the fact that early care and education of young children is linked to academic success and workforce readiness, the Secretary of Education, in consultation with the Secretary of Health and Human Resources, and upon receiving recommendations for appointments from the Virginia Education Association, the Virginia School Boards Association, the Virginia Association of Elementary School Principals, the Virginia Council for Private Education, the Virginia Child Care Association, the Virginia Association for Early Childhood Education, and the Virginia Chamber of Commerce, shall establish and appoint members to the School Readiness Committee (the Committee).

B. The Committee shall have a total membership of no fewer than 27 members that shall consist of seven legislative members, no fewer than 16 nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: four members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; three members of the Senate to be appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; and no fewer than 16 nonlegislative citizen members to be appointed by the Secretary of Education. Nonlegislative citizen members shall include at least three representatives of the office of the Secretary of Education, one representative of the State Council of Higher Education for Virginia, one representative of a four-year public institution of higher education in the Commonwealth with a teacher education program, one representative of a two-year public institution of higher education in the Commonwealth with a teacher education program, one representative of the Virginia Early Childhood Foundation, one representative of the Virginia Association of School Superintendents, four representatives of the private business sector, one early childhood education teacher from a public early childhood education program, one early childhood education teacher from a private early childhood education program, one administrator from a public early childhood education program, and one administrator from a private early childhood education program. The Commissioner of Social Services or his designee, the Secretary of Education or his designee, the Secretary of Health and Human Resources or his designee, and the Superintendent of Public Instruction or his designee shall serve ex officio with voting privileges.

C. In recognition of the fact that one of the most important factors in learning outcomes for young children is the capabilities of the adults who support their growth and learning, the first goal of the Committee is to address the development and alignment of an effective professional development and credentialing system for the early childhood education workforce in the Commonwealth, including the (i) development of a competency-based professional development pathway for practitioners who teach children from birth to age five in both public and private early childhood education programs; (ii) consideration of articulation agreements between associate and baccalaureate degree programs; (iii) review of teacher licensure and education programs, including programs offered at comprehensive community colleges in the Commonwealth, to address competencies specific to early childhood development; (iv) alignment of existing professional development funding streams; and (v) development of innovative approaches to increasing accessibility, availability, affordability, and accountability of the Commonwealth's workforce development system for early childhood education teachers and providers. The Committee shall periodically review the goals set forth in this subsection and other priorities within the early childhood care and education systems and make recommendations to the Board of Education, the State Council of Higher Education for Virginia, the Department of Social Services, and the Chairmen of the House Committee on Education, the Senate Committee on Education and Health, the House Committee on Health, Welfare and Institutions, and the Senate Committee on Rehabilitation and Social Services. An affirmative vote by a majority of the legislative members in attendance and a majority of nonlegislative members in attendance shall be required for the Committee to adopt any recommendations. The Board of Education shall review the recommendations of the Committee and submit to the Chairmen of the House Committee on Education and the Senate Committee on Education and Health, in advance of the next regular session of the General Assembly, any comments on such recommendations that the Board of Education deems appropriate.

D. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms. Vacancies shall be filled in the same manner as the original appointments. All legislative members and nonlegislative citizen members may be reappointed.

E. After the initial staggering of terms, legislative members and nonlegislative citizen members shall be appointed for terms of three years.

F. No legislative member or nonlegislative citizen member shall serve more than two consecutive three-year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a term in determining the member's eligibility for reappointment.

G. The Committee shall elect a chairman and vice-chairman from among its membership. A majority of the members shall constitute a quorum. The meetings of the Committee shall be held at the call of the chairman or whenever the majority of the members so request.

H. The Virginia Early Childhood Foundation shall provide for the facilitation of the work of the Committee under the direction of the Secretary of Education or his designee and with the guidance of a steering subcommittee that includes the Secretary of Education, the Secretary of Health and Human Resources, one legislative member, one representative of the private business sector, one representative of the Virginia Early Childhood Foundation, and one early childhood education teacher or administrator from a private early childhood education program.

I. The chairman may request and access the expertise of additional representatives and organizations relating to the Committee's goals and priorities. In order to meet the federally mandated requirements for early childhood advisory councils, the chairman may establish and appoint additional members to advisory subcommittees to address areas of special concern and priority.

J. The Department of Education and the Department of Social Services shall provide staff support to the Committee. All agencies of the Commonwealth shall provide assistance to the Committee, upon request.

2. That the initial appointments of nonlegislative citizen members of the School Readiness Committee shall be staggered as follows: at least six members for a term of four years, at least five members for a term of three years, and at least five members for a term of two years.

SENATE JOINT RESOLUTION NO. 88

Directing the Joint Legislative Audit and Review Commission to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments. Report.

Agreed to by the Senate, February 10, 2016
Agreed to by the House of Delegates, March 4, 2016

WHEREAS, according to the Virginia Department of Education, children who repeat at least one grade in kindergarten through grade three cost taxpayers in the Commonwealth approximately \$80 million per year; and

WHEREAS, according to a 2013 Voices for Virginia's Children report, one in eight children in the Commonwealth begin kindergarten without the basic skills to succeed in school; and

WHEREAS, according to a 2011 Annie E. Casey Foundation report, children who do not demonstrate proficiency in reading in third grade are four times more likely to fail to graduate from high school than children who demonstrate proficiency in reading in third grade; and

WHEREAS, national data indicates that children who enter the elementary through secondary education system without sufficient preparedness are more likely to fall behind grade-level expectations, move into special education, and drop out of high school and are less likely to enter postsecondary education programs; and

WHEREAS, although the Virginia Preschool Initiative has been in effect since 1994, House Joint Resolution No. 729 of the Acts of Assembly of 2007 is one of the few studies directed by the General Assembly to evaluate the effectiveness, accountability, and program costs of the Initiative; and

WHEREAS, in 1993, the Virginia Board of Education, the Virginia Department of Education, and the former Virginia Council on Child Day Care and Early Childhood Programs developed a report entitled "A Study of Programs Serving At-Risk Four-Year-Old Children" that found that "[t]here is no central data base tracking all the funding streams or demographic information on at-risk children or the quality of the programs" and that such information is "either non-existent, or inconsistent as well as scattered among agencies"; and

WHEREAS, no effort to track such information in a central database has been completed; and

WHEREAS, according to a 2011 National Conference of State Legislatures report, Virginia spent more than \$229 million in federal, state, and grant funding on "early care" programs, including child care, the Virginia Preschool Initiative, home visiting programs, and other programs, notably mental health programs; now, therefore, be it

RESOLVED by the Senate, the House of Delegates concurring, That the Joint Legislative Audit and Review Commission be directed to study specific early childhood development programs, prenatal to age five, in the Commonwealth in order for the General Assembly to determine the best strategy for future early childhood development investments.

In conducting its study, the Joint Legislative Audit and Review Commission (JLARC) shall:

1. To the greatest extent possible, focus on early childhood development programs that are currently supported with state assistance, including but not limited to early childhood development programs that also receive federal funds, the Virginia Preschool Initiative, locally based programs that receive federal child care and Title I assistance, family support and home visiting programs, and quality improvement models such as the Virginia Star Quality Initiative;

2. Include a listing of the lead agency, a description and the objectives of the program, an identification of the target audience, and a catalog of the types and amounts of funding for each early childhood program studied;

3. Identify eligibility requirements and characteristics of populations that each program serves;

4. Assess program design, implementation, and measurement of outcomes;

5. Assess program outcomes, including effectiveness and cost-effectiveness;

6. Assess alignment of programs with kindergarten readiness;

7. Identify best practices in the Commonwealth and other states for program design, implementation, and outcome measurement;

8. Review other aspects of each program as deemed appropriate; and

9. Provide options for improving early childhood development programs in the Commonwealth.

Technical assistance shall be provided to the Joint Legislative Audit and Review Commission by appropriate state agencies. The Joint Legislative Audit and Review Commission shall have access to individual-level records of all early childhood development programs, including all education, health, and support programs. To assist JLARC in its work, local school boards shall provide standardized test

result data and other information to JLARC, and school board personnel shall meet with the staff of JLARC, upon request, to discuss program implementation and effectiveness so that JLARC may satisfy the requirements of this resolution. All agencies of the Commonwealth shall provide assistance to JLARC for this study, upon request.

The Joint Legislative Audit and Review Commission shall complete its meetings for the first year by November 30, 2016, and for the second year by November 30, 2017, and the chairman shall submit to the Division of Legislative Automated Systems an executive summary of its findings and recommendations no later than the first day of the next Regular Session of the General Assembly for each year. Each executive summary shall state whether JLARC intends to submit to the General Assembly and the Governor a report of its findings and recommendations for publication as a House or Senate document. The executive summaries and reports shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports and shall be posted on the General Assembly's website.