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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2022

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A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE OFFICE OF EARLY
CHILDHOOD DEVELOPMENT AND LEARNING

Introduced By: Senators Gallo, Cano, DiMario, McCaffrey, Goodwin, Ruggiero,
DiPalma, and Murray

Date Introduced: March 15, 2022

Referred To: Senate Education

It is enacted by the General Assembly as follows:

1 SECTION 1. Title 42 of the General Laws entitled "STATE AFFAIRS AND
2 GOVERNMENT" is hereby amended by adding thereto the following chapter:

3 CHAPTER 162

4 THE OFFICE OF EARLY CHILDHOOD DEVELOPMENT AND LEARNING

5 **42-162-1. Short title.**

6 This chapter shall be known and may be cited as "The Office of Early Childhood
7 Development and Learning".

8 **42-162-2. Purpose and intent.**

9 The purpose of this chapter is to provide a comprehensive, statewide governing structure
10 for the early childhood development and learning system in the State of Rhode Island. Through a
11 coherent governance model, the state shall facilitate the coordination of federal, state, and local
12 policies concerning early childhood care and pre-kindergarten education and make progress toward
13 ensuring that all children enter school ready to learn.

14 **42-162-3. The office of early childhood development and learning.**

15 (a) Effective June 30, 2024, the office of early childhood development and learning ("the
16 office") is established within the executive branch of state government, to serve as the principal
17 agency for managing a statewide early learning system. The office shall have the following powers
18 and duties in accordance with the following schedule:

1 (1) On or about June 30, 2024, to assume functions related to early childcare set forth in
2 chapter 12 of title 42, to be transferred from the department of human services;

3 (2) On or about June 30, 2024, to assume functions related to pre-kindergarten set forth in
4 chapter 87 of title 16, to be transferred from the department of education;

5 (3) On or before December 1, 2024, to provide the senate and house of representatives a
6 comprehensive study of the existing early childhood education infrastructure, a review of roles,
7 functions, and programs of the office of early childhood development and learning, and a workforce
8 training plan in collaboration with the department of labor and training and the department of
9 education; and

10 (4) On or before June 30, 2028, to provide universal pre-kindergarten education that meets
11 high quality standards and serves children ages three (3) and four (4).

12 (b) The department of administration may furnish the office with suitable offices and
13 telephone service in the state house, state office building, or some other convenient location, for
14 the transaction of its business.

15 (c) The Rhode Island Head Start Collaboration Office shall be transferred to the office of
16 early childhood development and learning.

17 **42-162-4. Director of early childhood development and learning -- Appointment.**

18 The office shall be under the direction of the director of early childhood development and
19 learning, whose appointment shall be made by the governor, with the advice and consent of the
20 senate. The position of director is hereby created in the unclassified service. The director shall be
21 responsible for implementing the policies and directives of the office. The director shall have the
22 authority to designate any employee as his or her agent to exercise all or part of the authority,
23 powers and duties of the director in his or her absence.

24 **42-162-5. The office of early childhood development and learning -- Additional**
25 **powers and duties.**

26 (a) The office shall be responsible for:

27 (1) Administering funds received by the State of Rhode Island pursuant to the federal Child
28 Care and Development Block Grant Act of 2014, the Child Care and Development Fund, and other
29 federal child care funds and grants received by the State of Rhode Island;

30 (2) The delivery of services to young children and their families to ensure optimal health,
31 safety and learning for each young child;

32 (3) Developing and implementing the early childhood information system, in accordance
33 with the provisions of this section;

34 (4) Developing and reporting on the early childhood accountability plan, in accordance

1 with the provisions of this section:

2 (5) Implementing a communications strategy for outreach to families, service providers
3 and policymakers;

4 (6) Not later than July 1, 2024, in collaboration with the department of education, beginning
5 a state-wide longitudinal evaluation of the school readiness program examining the educational
6 progress of children from pre-kindergarten programs to grade four (4);

7 (7) Developing, coordinating and supporting public and private partnerships to aid early
8 childhood initiatives;

9 (8) Developing or identifying and implementing a statewide developmentally appropriate
10 kindergarten assessment tool that measures a child's level of preparedness for kindergarten;
11 provided, the assessment shall not be used as a measure of program accountability or used to
12 demonstrate a child's kindergarten readiness. Such statewide assessment tool may be incorporated
13 into the early childhood information system;

14 (9) Creating a unified set of reporting requirements for the purpose of collecting the data
15 elements necessary to perform quality assessments and longitudinal analysis;

16 (10) Continually monitoring and evaluating all early childhood care and pre-kindergarten
17 education and child development programs and services, focusing on program outcomes in
18 satisfying the health, safety, developmental and educational needs of all children, while retaining
19 distinct separation between quality improvement services and child day care licensing services;

20 (11) Providing information and technical assistance to persons seeking early childhood
21 care, pre-kindergarten education and child development programs and services;

22 (12) Assisting the state and municipalities in obtaining available federal funding for early
23 childhood care, pre-kindergarten education and child development programs and services;

24 (13) Providing technical assistance to providers of early childhood care and pre-
25 kindergarten education programs, workforce training, and services to obtain licensing and improve
26 program quality;

27 (14) Managing a quality rating and improvement system covering home-based, center-
28 based, and school-based early childcare and pre-kindergarten education;

29 (15) Maintaining an accreditation facilitation initiative to assist early childhood care and
30 pre-kindergarten education and service providers in achieving national standards and program
31 improvement;

32 (16) Consulting on behalf of the early childhood development and learning council with
33 other external stakeholders in the early learning landscape, including the Rhode Island early
34 learning council, the Head Start advisory committee, and the legislative commission on child care

1 in Rhode Island:

2 (17) Ensuring a coordinated and comprehensive statewide system of professional
3 development for providers and staff of early childhood care, pre-kindergarten education and child
4 development programs and services;

5 (18) Providing families with opportunities for choice in services for quality childhood care,
6 including community-based, family-centered services;

7 (19) Integrating early childhood care and pre-kindergarten education;

8 (20) Promoting universal access to early childhood care and pre-kindergarten education;

9 (21) Ensuring nonduplication of monitoring and evaluation;

10 (22) Performing any other activities that will assist in the provision of early care and pre-
11 kindergarten education;

12 (23) Developing early learning and development standards to be used by early care and
13 pre-kindergarten education providers; and

14 (25) Managing the performance-based evaluation system to evaluate licensed child day
15 care centers.

16 (b) The office of early childhood development and learning may enter into agreements with
17 and accept donations from nonprofit and philanthropic organizations to accomplish the purposes
18 of this section.

19 **42-162-6. Early childhood information system.**

20 (a) The office of early childhood development and learning shall develop and implement
21 an early childhood information system. Such early childhood information system shall facilitate
22 and encourage the sharing of data between and among early childhood service and pre-kindergarten
23 providers by tracking:

24 (1) The health, safety and school readiness of all young children receiving early care and
25 pre-kindergarten education services from any local or regional board of education, school readiness
26 program, or any program receiving public funding;

27 (2) The characteristics of the existing and potential workforce serving such children;

28 (3) The location of the early care and pre-kindergarten education providers; and

29 (4) The characteristics of such programs serving such children, as required by the office.

30 (b) Any local education agency, licensed childcare provider, or licensed pre-kindergarten
31 provider shall ensure that all enrolled children and all employed staff are entered into the early
32 childhood information system.

33 **42-162-7. The early childhood accountability plan.**

34 (a) The office of early childhood development and learning shall develop, in consultation

1 with the early childhood development and learning council, an early childhood accountability plan.

2 Such plan shall:

3 (1) Identify and define appropriate population indicators and program and system
4 performance measures of the health, safety and readiness of children to enter kindergarten, and
5 early school success of children, and shall identify any new or improved data required for such
6 purposes; and

7 (2) Include aggregate information on the characteristics of children and programs tracked
8 by the early childhood information system, including, but not limited to, family income, whether
9 the families of such children receive public assistance through temporary assistance for needy
10 families or a similar program, and the communities in which such children reside using a
11 performance measurement accountability framework.

12 (b) Not later than March 1, 2025, and annually thereafter, the office shall develop report
13 cards containing the indicators and performance measures identified in the early childhood
14 accountability plan and provide yearly updates to the council.

15 (c) Not later than March 1, 2025 the office of early childhood development and learning
16 shall:

17 (1) Submit the early childhood accountability plan, and

18 (2) Annually report on the results of such plan and report cards to the speaker of the house
19 and the senate president.

20 **42-162-8. The early childhood development and learning council -- Appointments.**

21 (a) There is established the early childhood development and learning council. The council
22 is established to advise and coordinate with the office of early childhood development and learning
23 to help achieve a unified and aligned system of early learning education and services.

24 (b) When appointing council members under this section, the governor, the senate
25 president, and the speaker of the house of representatives shall ensure that the council members
26 represent the racial, ethnic and linguistic diversity of children in this state who are five (5) years of
27 age or younger.

28 (c) The council shall be composed of thirteen (13) members consisting of:

29 (1) The executive director of Rhode Island Kids Count, who shall serve as a co-chairperson
30 of the council;

31 (2) The director of the office of early childhood development and learning, who shall serve
32 as co-chairperson of the council;

33 (3) The commissioner of the department of education, or designee;

34 (4) The director of the department of human services, or designee;

- 1 (5) The commissioner of postsecondary education, or designee;
- 2 (6) One representative from the department of education who is responsible for programs
3 required under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., appointed
4 by the commissioner of education;
- 5 (7) A representative from Head Start or early Head Start programs;
- 6 (8) An early childcare provider of a state funded childcare center;
- 7 (9) A community-based childcare provider;
- 8 (10) A representative from the superintendents' association or a school district;
- 9 (11) A parent or guardian of a child in early childcare;
- 10 (12) A parent or guardian of a child in pre-kindergarten; and
- 11 (13) A representative of organized labor.
- 12 (d) The council shall meet at least quarterly. Members shall not be compensated for their
13 services. Any member who fails to attend three (3) consecutive meetings or who fails to attend fifty
14 percent (50%) of all meetings held during any calendar year shall be deemed to have resigned from
15 the council.
- 16 (e) A simple majority of the members of the authority shall constitute a quorum. No
17 vacancy in the membership of the authority shall impair the right of a quorum to exercise all the
18 rights and perform all of the duties of the authority.
- 19 **42-162-9. The early childhood development and learning council – Powers and duties.**
- 20 The early childhood development and learning council shall:
- 21 (1) Advise the office of early childhood development and learning;
- 22 (2) Recommend measures for the efficient and effective consolidation of administrative
23 functions relating to the statewide early learning system, to the extent practicable, including, but
24 not limited to, training and technical assistance, planning and budgeting;
- 25 (3) Advise on the office's adoption of written policies that establish training and technical
26 assistance programs to ensure that personnel have skills in appropriate areas, including, but not
27 limited to, cultural and gender differences and other areas, as needed;
- 28 (4) Develop a plan for the implementation of a common data system for early childhood
29 programs;
- 30 (5) Assist with the coordination of existing and new early childhood programs to provide
31 a range of community-based supports;
- 32 (6) Review and verify that all plans for early childhood services are coordinated and
33 consistent with federal and state law, including, but not limited to, plans for Rhode Island pre-
34 kindergarten programs, federal Head Start programs, early childhood special education services,

1 early intervention services and public health services;

2 (7) Identify how the statewide early learning system for children who are zero through five
3 (5) years of age will link with systems of support for older children and their families; and

4 (8) Review and approve the early childhood accountability plan.

5 SECTION 2. Section 16-87-3 of the General Laws in Chapter 16-87 entitled "Rhode Island
6 Pre-Kindergarten Education Act" is hereby repealed.

7 ~~**16-87-3. Planning phase for a pre-Kindergarten program.**~~

8 ~~(a) The Rhode Island department of elementary and secondary education shall begin~~
9 ~~planning an initial, pilot pre-Kindergarten program that meets high quality standards, builds on the~~
10 ~~existing early childhood education infrastructure in the state (including child care, Head Start and~~
11 ~~public schools) and serves children ages three (3) and four (4) who reside in communities with~~
12 ~~concentrations of low performing schools. This planning phase will develop specific goals to~~
13 ~~expand the pilot pre-Kindergarten program over time and will also identify opportunities to~~
14 ~~strengthen care and learning programs for infants and toddlers.~~

15 ~~(b) During this planning phase, the Rhode Island department of elementary and secondary~~
16 ~~education will quantify the resources needed to achieve and maintain high quality standards in pre-~~
17 ~~Kindergarten programs and identify incentives and supports to develop a qualified early education~~
18 ~~workforce, including opportunities for experienced early childhood educators and~~
19 ~~paraprofessionals to acquire college degrees and earn early childhood teacher certification.~~

20 ~~(c) The Rhode Island department of elementary and secondary education will begin to~~
21 ~~develop plans to collect and analyze data regarding the impact of the pilot pre-Kindergarten~~
22 ~~program on participating children's school readiness and school achievement.~~

23 SECTION 3. Sections 40-6.5-1 and 40-6.5-2 of the General Laws in Chapter 40-6.5 entitled
24 "Child Day Care Grant Program" are hereby repealed.

25 ~~**40-6.5-1. Grant program -- Child day care.**~~

26 ~~The director of human services shall establish a program of grants to establish and/or~~
27 ~~expand child daycare programs, not to exceed fifty thousand dollars (\$50,000) per grantee, and not~~
28 ~~to exceed a total expenditure of two hundred and fifty thousand dollars (\$250,000).~~

29 ~~**40-6.5-2. Rules and regulations.**~~

30 ~~The director shall promulgate reasonable rules and regulations establishing eligibility~~
31 ~~requirements, and provide that at least fifty percent (50%) of the total grant funds available be~~
32 ~~distributed to nonprofit agencies that meet the following standards:~~

33 ~~(1) Each grantee shall employ, educate, or train significant numbers of parents whose~~
34 ~~incomes are below the statewide median family income;~~

1 ~~(2) Each grantee shall demonstrate a need for additional child daycare services in their~~
2 ~~service delivery area; and~~

3 ~~(3) In selecting additional grantees for the remainder of the available funds, priority shall~~
4 ~~be given to grant proposals that would develop: (i) child daycare programs and opportunities for~~
5 ~~children with special healthcare needs; and (ii) specialized childcare programs, such as programs~~
6 ~~for parents who work nontraditional hours and programs for sick childcare. All grantees must~~
7 ~~demonstrate that childcare services established under this childcare grant program will be certified~~
8 ~~or licensed in accordance with Rhode Island law.~~

9 SECTION 4. Sections 42-12-24 and 42-12-26 of the General Laws in Chapter 42-12
10 entitled "Department of Human Services" are hereby repealed.

11 ~~**42-12-24. Development, innovation and start-up of early education and care**~~
12 ~~**programs.**~~

13 ~~(a) The general assembly shall annually appropriate to the department of human services~~
14 ~~such funds as it deems necessary to enable the department to develop and expand availability of~~
15 ~~child care providers and programs. The development and expansion of child care providers and~~
16 ~~programs shall include, without limitation, the development of innovative start-up arrangements~~
17 ~~linked to small businesses, the development of programs and providers in geographically~~
18 ~~underserved areas, and the establishment of before and after school programs with priority to be~~
19 ~~given by the department to programs linked to schools, to infant/toddler programs, programs related~~
20 ~~to child opportunity zone family centers, and programs that serve children with special health needs~~
21 ~~or developmental risks. Funds may be used for start up costs which may include building,~~
22 ~~rehabilitation or construction costs.~~

23 ~~(b) The director of the department of human services is further authorized to request such~~
24 ~~appropriation for each state fiscal year as he or she deems necessary to carry out the program and~~
25 ~~purposes of this section.~~

26 ~~**42-12-26. Expansion and enhancement of early education and care for low-income**~~
27 ~~**children.**~~

28 ~~(a) The general assembly shall annually appropriate such funds as it deems necessary to~~
29 ~~enable the department of human services to establish a program whose express purposes are:~~

30 ~~(i) To increase the numbers of eligible children in existing Head Start program, especially~~
31 ~~in underserved areas; and~~

32 ~~(ii) To increase resources to childcare providers for the enhancement of services to low~~
33 ~~income children. Enhancement of services shall include social services, health, mental health,~~
34 ~~nutrition service, parent involvement and transition services for children entering kindergarten.~~

1 ~~(b) The director of the department of human services is further authorized to request such~~
2 ~~appropriation for each state fiscal year as he or she deems necessary to carry out the programs and~~
3 ~~purposes of this section.~~

4 ~~(c) A panel comprised of the members of the children's cabinet and five (5) members of~~
5 ~~the public, to be chosen by the chairperson of the children's cabinet, shall be responsible for~~
6 ~~determining how the funds prescribed in this section shall be allocated; and shall by May 1, 1999~~
7 ~~establish the methodology of enhancing comprehensive services in child care programs serving low~~
8 ~~income children and establish the numbers of additional Head Start slots in underserved areas to be~~
9 ~~funded; provided, however, that priority shall be given in the allocation of funds to applicants who~~
10 ~~serve children in underserved communities; who integrate children with special needs; who~~
11 ~~collaborate with existing early education and care programs and other existing services including~~
12 ~~child opportunity zone family centers, schools and agencies providing health, mental health,~~
13 ~~nutrition and social services; and who address the child care needs of the families to be served.~~

14 SECTION 5. This act shall take effect upon passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

A N A C T

RELATING TO STATE AFFAIRS AND GOVERNMENT -- THE OFFICE OF EARLY
CHILDHOOD DEVELOPMENT AND LEARNING

1 This act would establish the office of early childhood development and learning to manage
2 a statewide early learning system for children from birth through five (5) years of age, ensure the
3 coordination of federal, state and local policies concerning early childhood care and pre-
4 kindergarten education and ensure that all children enter school ready to learn. This act would
5 further establish the early childhood development and learning council to advise and coordinate
6 with the office of early childhood development and learning. This act would further repeal the
7 applicable statutory laws vesting authority in the department of human services in regards to early
8 childcare and pre-kindergarten and transfer such powers to the office of early childhood
9 development and learning.

10 This act would take effect upon passage.

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