# 2022 -- S 2678 SUBSTITUTE A

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# STATE OF RHODE ISLAND

## IN GENERAL ASSEMBLY

#### JANUARY SESSION, A.D. 2022

## AN ACT

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

Introduced By: Senators Gallo, Cano, DiMario, McCaffrey, Goodwin, Ruggerio, DiPalma, and Murray Date Introduced: March 15, 2022

<u>Referred To:</u> 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 THE OFFICE OF EARLY CHILDHOOD DEVELOPMENT AND LEARNING 4 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. The purpose of this chapter is to provide a comprehensive, statewide governing structure 9 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, including infant and toddler care and school aged child care, and pre-kindergarten education and make progress towards ensuring that all children enter 13 14 school ready to learn. 15 42-162-3. The office of early childhood development and learning. (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 18 agency for managing a statewide early learning system. The office shall have the following powers

- 1 and duties in accordance with the following schedule:
- 2 (1) On or about June 30, 2024, to assume functions related to early childcare set forth in 3 chapter 12 of title 42, to be transferred from the department of human services, including the 4 administration of the child care assistance program and child care licensing; 5 (2) On or about June 30, 2024, to assume functions related to pre-kindergarten set forth in chapter 87 of title 16, to be transferred from the department of education; 6 7 (3) On or before December 1, 2024, to provide the senate and house of representatives a 8 comprehensive study of the existing early childhood education infrastructure, a review of roles, 9 functions, and programs of the office of early childhood development and learning, and a workforce 10 training plan in collaboration with the department of labor and training and the department of 11 education; and 12 (4) To be responsible for the development, sustainability and continuous improvement of 13 a mixed-delivery system of high-quality, accessible and affordable infant and toddler care, as well 14 as free, high-quality, accessible pre-kindergarten for children ages three (3) and four (4). 15 (b) The department of administration may furnish the office with suitable offices and 16 telephone service in the state house, state office building, or some other convenient location, for 17 the transaction of its business. (c) The Rhode Island head start collaboration office shall be transferred to the office of 18 19 early childhood development and learning. 20 42-162-4. Director of early childhood development and learning -- Appointment. 21 The office shall be under the direction of the director of early childhood development and 22 learning, whose appointment shall be made by the governor, with the advice and consent of the 23 senate. The position of director is hereby created in the unclassified service. The director shall be 24 responsible for implementing the policies and directives of the office. The director shall have the authority to designate any employee as his or her agent to exercise all or part of the authority, 25 26 powers and duties of the director in his or her absence. The director shall have the authority to hire 27 qualified and effective staff to manage statewide programs and implement accountability systems. 28 42-162-5. The office of early childhood development and learning -- Additional 29 powers and duties. 30 (a) The office shall be responsible for: 31 (1) Administering funds received by the State of Rhode Island pursuant to the federal Child 32 Care and Development Block Grant Act of 2014, the child care and development fund, and other federal child care funds and grants received by the State of Rhode Island and shall have authority 33 34 over child care subsidy policy that meets or exceeds federal requirements;

1	(2) The delivery of services to young children and their families to ensure optimal health,
2	safety and learning for each young child;
3	(3) Developing and implementing the early childhood information system, in accordance
4	with the provisions of this section;
5	(4) Developing and reporting on the early childhood accountability plan, in accordance
6	with the provisions of this section;
7	(5) Implementing a communications strategy for outreach to families, service providers
8	and policymakers;
9	(6) Not later than July 1, 2025, in collaboration with the department of education, beginning
10	a state-wide longitudinal evaluation of the school readiness program examining the educational
11	progress of children from pre-kindergarten programs to grade four (4);
12	(7) Developing, coordinating and supporting public and private partnerships to aid early
13	childhood initiatives:
14	(8) Developing or identifying and implementing a statewide developmentally appropriate
15	kindergarten assessment tool that measures a child's level of preparedness for kindergarten;
16	provided, the assessment shall not be used as a measure of program accountability or used to
17	demonstrate a child's kindergarten readiness. Such statewide assessment tool may be incorporated
18	into the early childhood information system;
19	(9) Creating a unified set of reporting requirements for the purpose of collecting the data
20	elements necessary to perform quality assessments and longitudinal analysis;
21	(10) Continually monitoring and evaluating all early childhood care and pre-kindergarten
22	education and child development programs and services, focusing on program outcomes in
23	satisfying the health, safety, developmental and educational needs of all children, while retaining
24	distinct separation between quality improvement services and child care licensing services;
25	(11) Providing information and technical assistance to persons seeking early childhood
26	care, pre-kindergarten education and child development programs and services;
27	(12) Assisting the state and municipalities in obtaining available federal funding for early
28	childhood care, pre-kindergarten education and child development programs and services;
29	(13) Providing technical assistance to providers of early childhood care and pre-
30	kindergarten education programs, workforce training, and services to obtain licensing and improve
31	program quality;
32	(14) Managing a quality rating and improvement system covering home-based, center-
33	based, and school-based early child care and pre-kindergarten education;
34	(15) Maintaining an accreditation facilitation initiative to assist early childhood care and

1 pre-kindergarten education and service providers in achieving national standards and program 2 improvement; 3 (16) Consulting on behalf of the early childhood development and learning council with 4 other external stakeholders in the early learning landscape, including the Rhode Island early 5 learning council, the head start advisory committee, and the legislative commission on child care in Rhode Island; 6 7 (17) Ensuring a coordinated and comprehensive statewide system of professional 8 development for providers and staff of early childhood care, pre-kindergarten education and child 9 development programs and services; 10 (18) Providing families with opportunities for choice in services for quality childhood care, 11 including community-based, family-centered services; 12 (19) Integrating early childhood care and pre-kindergarten education; 13 (20) Promoting universal access to early childhood care and pre-kindergarten education; 14 (21) Ensuring nonduplication of monitoring and evaluation; 15 (22) Performing any other activities that will assist in the provision of early child care and 16 pre- kindergarten education; 17 (23) Adopting research-based early learning and development quality standards to be used 18 by early child care and pre-kindergarten education providers; 19 (24) Managing the performance-based evaluation system to evaluate licensed child care 20 centers; 21 (25) Managing early child care and pre-kindergarten program licensing that meets or 22 exceeds federal requirements and national licensing benchmarks; 23 (26) Ensuring licensing standards and program quality standards are maintained through 24 inspection and a data collection and reporting system; and 25 (27) Coordinating with the early intervention programs administered by the executive 26 office of health and human services and the preschool special education program administered by 27 the department of education for the purpose of ensuring children with developmental delays or 28 disabilities have access to child care and early learning programs. 29 (b) The office of early childhood development and learning may enter into agreements with 30 and accept donations from nonprofit and philanthropic organizations to accomplish the purposes 31 of this section. 32 42-162-6. Early childhood information system. (a) The office of early childhood development and learning, under the direction of the 33 director pursuant to § 42-162-4, shall develop and implement an early childhood information 34

1	system. Such early childhood information system shall facilitate and encourage the sharing of data
2	between and among early childhood service and pre-kindergarten providers by tracking:
3	(1) The health, safety and school readiness of all young children receiving early care and
4	pre-kindergarten education services from any local or regional board of education, school readiness
5	program, or any program receiving public funding;
6	(2) The characteristics of the existing and potential workforce serving such children;
7	(3) The location of the early care and pre-kindergarten education providers; and
8	(4) The characteristics of such programs serving such children, as required by the office.
9	(b) Any local education agency, licensed child care provider, or licensed pre-kindergarten
10	provider shall ensure that all enrolled children and all employed staff are entered into the early
11	childhood information system.
12	(c) The office and any local education agency, licensed child care provider, or licensed pre-
13	kindergarten provider must comply with the following data security measures:
14	(1) Limit the collection of personal data to what is adequate, relevant, and reasonably
15	necessary in relation to the purposes for which such data is processed;
16	(2) Establish, implement and maintain reasonable administrative, technical and physical
17	data security practices to protect the confidentiality, integrity, and accessibility of personal data;
18	(3) Limit and delineate who shall have access to the information within the organization;
19	and
20	(4) Ensure parents and staff are able to review and correct any data in the system in order
21	to ensure its accuracy.
22	(d) The office shall use the data collected from the early childhood information system for
23	the purposes of policymaking, identifying trends, progress, and potential challenges. Only
24	aggregate and de-identified data may be publicly shared.
25	42-162-7. The early childhood accountability plan.
26	(a) The office of early childhood development and learning shall develop, in consultation
27	with the early childhood development and learning council, an early childhood accountability plan.
28	Such plan shall:
29	(1) Identify and define appropriate population indicators and program and system
30	performance measures of the health, safety and readiness of children to enter kindergarten, and
31	early school success of children, and shall identify any new or improved data required for such
32	purposes; and
33	(2) Include aggregate information on the characteristics of children and programs tracked
34	by the early childhood information system, including, but not limited to, family income, whether

1	the families of such children receive public assistance through temporary assistance for needy
2	families or a similar program, and the communities in which such children reside using a
3	performance measurement accountability framework.
4	(b) Not later than March 1, 2025, and annually thereafter, the office shall develop report
5	cards containing the indicators and performance measures identified in the early childhood
6	accountability plan and provide yearly updates to the council.
7	(c) Not later than March 1, 2025 the office of early childhood development and learning
8	<u>shall:</u>
9	(1) Submit the early childhood accountability plan to the council; and
10	(2) Annually report on the results of such plan and report cards to the speaker of the house
11	and the senate president.
12	42-162-8. The early childhood development and learning council Appointments.
13	(a) There is established the early childhood development and learning council. The council
14	is established to advise and coordinate with the office of early childhood development and learning
15	to help achieve a unified and aligned system of early learning education and services.
16	(b) When appointing council members under this section, the governor, the senate
17	president, and the speaker of the house of representatives shall ensure that the council members
18	represent the racial, ethnic and linguistic diversity of children in this state who are five (5) years of
19	age or younger.
20	(c) The council shall be appointed by the governor with the advice and consent of the senate
21	and be composed of thirteen (13) members consisting of:
22	(1) The executive director of Rhode Island Kids Count, or designee, who shall serve as
23	chairperson of the council;
24	(2) The director of the office of early childhood development and learning;
25	(3) The commissioner of the department of education, or designee;
26	(4) The director of the department of human services, or designee;
27	(5) The commissioner of postsecondary education, or designee;
28	(6) One representative from the department of education who is responsible for programs
29	required under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., appointed
30	by the commissioner of education;
31	(7) A representative from head start or early head start programs;
32	(8) An early child care provider of a state funded child care center;
33	(9) A community-based child care provider:

34 (10) A representative from the superintendents' association or a school district;

1 (11) Two (2) parents or guardians of children in early child care or pre-kindergarten, at 2 least one of whom shall be the parent or guardian of a child that receives or received early 3 intervention and/or preschool special education services in early child care or pre-kindergarten; and 4 (12) A representative of organized labor. 5 (d) The council shall meet at least quarterly. Members shall not be compensated for their services. Any member who fails to attend three (3) consecutive meetings or who fails to attend fifty 6 7 percent (50%) of all meetings held during any calendar year shall be deemed to have resigned from 8 the council. 9 (e) A simple majority of the members of the authority shall constitute a quorum. No 10 vacancy in the membership of the authority shall impair the right of a quorum to exercise all the 11 rights and perform all of the duties of the authority. 12 42-162-9. The early childhood development and learning council – Powers and duties. 13 The early childhood development and learning council shall: 14 (1) Advise the office of early childhood development and learning; 15 (2) Recommend measures for the efficient and effective consolidation of administrative 16 functions relating to the statewide early learning system, to the extent practicable, including, but 17 not limited to, training and technical assistance, planning and budgeting; 18 (3) Advise on the office's adoption of written policies that establish training and technical 19 assistance programs to ensure that personnel have skills in appropriate areas, including, but not 20 limited to, cultural and gender differences and other areas, as needed; 21 (4) Develop a plan for the implementation of a common data system for early childhood 22 programs; 23 (5) Assist with the coordination of existing and new early childhood programs to provide 24 a range of community-based supports; 25 (6) Review and verify that all plans for early childhood services are coordinated and 26 consistent with federal and state law, including, but not limited to, plans for Rhode Island pre-27 kindergarten programs, federal head start programs, early childhood special education services, 28 early intervention services and public health services; 29 (7) Identify how the statewide early learning system for children who are zero through five 30 (5) years of age will link with systems of support for older children and their families; and 31 (8) Review and approve the early childhood accountability plan. 32 42-162-10. Open government requirements. The council shall be subject to the provisions of chapter 46 of title 42 ("open meetings") 33 and chapter 2 of title 38 ("access to public records"). Any rules and regulations, or any amendments 34

1	to rules and regulations, to carry out the requirements of this chapter shall be adopted in accordance
2	with the provisions of chapter 35 of title 42 ("administrative procedures") where applicable.
3	42-162-11. Office of early childhood development and learning transition.
4	(a) Transition working group. There shall be created a transition working group consisting
5	<u>of:</u>
6	(1) The director of the department of human services, or designee;
7	(2) The commissioner of the department of education, or designee;
8	(3) The commissioner of postsecondary education, or designee;
9	(4) The director of the department of health, or designee;
10	(5) The director of the department of administration, or designee;
11	(6) Staff and chair of the children's cabinet, who shall be responsible for convening the
12	transition working group; and
13	(7) The co-chairs of the RI early learning council. In lieu of serving on the transition
14	working group, each of the co-chairs of the early learning council may appoint a designee from the
15	early learning council's membership group.
16	(b) The transition working group shall convene a minimum of four (4) subgroups to work
17	with the transition working group in developing recommendations for a transition plan. The
18	required four (4) subgroups shall focus on:
19	(1) Special education and early intervention service delivery for RI early child care and
20	pre-kindergarten;
21	(2) The implementation of universal pre-kindergarten;
22	(3) Innovative data, technology, evaluation, and accountability; and
23	(4) Governance, operations and funding.
24	(c) The members of the transition working group shall select the subgroup members and
25	members must have appropriate and relevant experience, knowledge, and expertise.
26	(d) Transition plan. On or before December 1, 2023, the transition working group, working
27	as needed with consulting facilitators and/or project managers, and with the advice of the transition
28	advisory group, as defined in this section, must submit the transition plan to the RI early learning
29	council for approval. The transition plan shall include, but need not be limited to:
30	(1) The coordination and administration of early childhood programs and services for the
31	office of early childhood development and learning created in this title, effective June 30, 2024;
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	(2) The governance and structure of the office of childhood development and learning;
33	(2) The governance and structure of the office of childhood development and learning; (3) Mission and vision statements and guiding values and principles;

- 1 provided and programs administered, including the necessary administrative and operational
- 2 <u>infrastructure;</u>
- 3 (5) Coordination and collaboration with state agencies that oversee or operate programs
- 4 that are not moved into the office of childhood development and learning in order to maximize the
- 5 effectiveness of services; and
- 6 (6) Early childhood data system strategies to inform planning, leverage resources,
  7 maximize children's access to programs, and support data driven decision making.
- 8 (e) Members of the transition working group and the governor's office shall provide staff
  9 assistance and resources, as necessary, to assist in completing the duties of the transition working
  10 group identified in this section.
- (f) Transition advisory group. The co-chairs of the RI early leaning council shall convene a transition advisory group to advise the transition working group in developing the transition plan. The transition advisory group must prioritize consideration of the child and family experience in accessing and using early childhood programs and services in advising the transition working group on the design of the new office of early childhood development and learning. (g) The co-chairs of the RI early learning council shall determine the appropriate size and specific membership of the transition advisory group to ensure that the representation of
- 18 perspectives on the transition advisory group is sufficiently broad and diverse to adequately inform
- 19 the transition working group concerning the full spectrum of early childhood programs and issues.
- 20 The transition advisory group must include at a minimum:
- 21 (1) Parents of children who are enrolled in a variety of public and private early childhood
- 22 programs;
- 23 (2) Members of the early childhood workforce, including community and school based
   24 educators;
- 25 (3) Representatives of a diverse geographic community and programs and school based
   26 public and private early childhood program providers; and
- 27 (4) Representatives of the business community, private nonprofits, early childhood and
- 28 education advocacy organizations, and persons with expertise in early childhood and business
- 29 practices.
- 30 (h) The co-chairs of the RI early learning council shall to the extent practicable ensure that
- 31 persons from under-resourced and under-represented communities constitute at least one-third (1/3)
- 32 <u>of the members of the transition advisory group.</u>
- 33 (i) On or before January 1, 2024, the RI early learning council, in coordination with the
- 34 <u>transition working group must submit the approved transition plan to the senate president, speaker</u>

1 of the house of representatives, and the governor, along with any proposed legislative 2 recommendations aimed at facilitating an effective transition of services to a new office of early

3 childhood development and learning.

- 4 (j) By May 1, 2024, RI early learning council, in coordination with the transition working 5 group, shall submit a final transition plan update demonstrating complete readiness for the establishment of the office of early childhood development and learning on June 30, 2024, to the 6 7 senate president, speaker of the house of representatives, and the governor.
- 8 (k) To facilitate the transition planning process described in this section, the general 9 assembly shall appropriate two hundred fifty thousand dollars (\$250,000) to the children's cabinet 10 established under chapter 72.5 of title 42 or its fiscal agent for the primary purpose of contracting 11 a vendor or vendors to consult with and assist the transition working group, with advice from the 12 transition advisory group, in developing a transition plan. Any vendor selected for this purpose 13 must at a minimum have expertise in early childhood systems, program administration, and 14 information technology. The department of administration shall ensure that a consultant contracted 15 for this purpose does not have a financial interest in any aspect of the early childhood system in 16 Rhode Island.
- 17 SECTION 2. Section 16-87-3 of the General Laws in Chapter 16-87 entitled "Rhode Island 18 Pre-Kindergarten Education Act" is hereby repealed.
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## 16-87-3. Planning phase for a pre-Kindergarten program.

20 (a) The Rhode Island department of elementary and secondary education shall begin 21 planning an initial, pilot pre-Kindergarten program that meets high quality standards, builds on the 22 existing early childhood education infrastructure in the state (including child care, Head Start and 23 public schools) and serves children ages three (3) and four (4) who reside in communities with concentrations of low performing schools. This planning phase will develop specific goals to 24 expand the pilot pre-Kindergarten program over time and will also identify opportunities to 25 26 strengthen care and learning programs for infants and toddlers. 27 (b) During this planning phase, the Rhode Island department of elementary and secondary

28 education will quantify the resources needed to achieve and maintain high quality standards in pre-

29 Kindergarten programs and identify incentives and supports to develop a qualified early education

30 workforce, including opportunities for experienced early childhood educators and

31 paraprofessionals to acquire college degrees and earn early childhood teacher certification.

32 (c) The Rhode Island department of elementary and secondary education will begin to 33 develop plans to collect and analyze data regarding the impact of the pilot pre Kindergarten 34

2 "Child Day Care Grant Program" are hereby repealed. 3 40-6.5-1. Grant program -- Child day care. 4 The director of human services shall establish a program of grants to establish and/or expand child daycare programs, not to exceed fifty thousand dollars (\$50,000) per grantee, and not 5 to exceed a total expenditure of two hundred and fifty thousand dollars (\$250,000). 6 7 40-6.5-2. Rules and regulations. 8 The director shall promulgate reasonable rules and regulations establishing eligibility 9 requirements, and provide that at least fifty percent (50%) of the total grant funds available be 10 distributed to nonprofit agencies that meet the following standards: 11 (1) Each grantee shall employ, educate, or train significant numbers of parents whose 12 incomes are below the statewide median family income; (2) Each grantee shall demonstrate a need for additional child daycare services in their 13 14 service delivery area; and 15 (3) In selecting additional grantees for the remainder of the available funds, priority shall 16 be given to grant proposals that would develop: (i) child daycare programs and opportunities for 17 children with special healthcare needs; and (ii) specialized childcare programs, such as programs 18 for parents who work nontraditional hours and programs for sick childcare. All grantees must 19 demonstrate that childcare services established under this childcare grant program will be certified 20 or licensed in accordance with Rhode Island law. 21 SECTION 4. Sections 42-12-24 and 42-12-26 of the General Laws in Chapter 42-12 22 entitled "Department of Human Services" are hereby repealed. 42-12-24. Development, innovation and start-up of early education and care 23 24 <del>programs.</del> 25 (a) The general assembly shall annually appropriate to the department of human services 26 such funds as it deems necessary to enable the department to develop and expand availability of 27 child care providers and programs. The development and expansion of child care providers and 28 programs shall include, without limitation, the development of innovative start up arrangements 29 linked to small businesses, the development of programs and providers in geographically 30 underserved areas, and the establishment of before and after school programs with priority to be 31 given by the department to programs linked to schools, to infant/toddler programs, programs related to child opportunity zone family centers, and programs that serve children with special health needs 32 33 or developmental risks. Funds may be used for start up costs which may include building, 34 rehabilitation or construction costs.

SECTION 3. Sections 40-6.5-1 and 40-6.5-2 of the General Laws in Chapter 40-6.5 entitled

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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 program and
3	purposes of this section.
4	42-12-26. Expansion and enhancement of early education and care for low-income
5	<del>children.</del>
6	(a) The general assembly shall annually appropriate such funds as it deems necessary to
7	enable the department of human services to establish a program whose express purposes are:
8	(i) To increase the numbers of eligible children in existing Head Start program, especially
9	in underserved areas; and
10	(ii) To increase resources to childcare providers for the enhancement of services to low
11	income children. Enhancement of services shall include social services, health, mental health,
12	nutrition service, parent involvement and transition services for children entering kindergarten.
13	(b) The director of the department of human services is further authorized to request such
14	appropriation for each state fiscal year as he or she deems necessary to carry out the programs and
15	purposes of this section.
16	(c) A panel comprised of the members of the children's cabinet and five (5) members of
17	the public, to be chosen by the chairperson of the children's cabinet, shall be responsible for
18	determining how the funds prescribed in this section shall be allocated; and shall by May 1, 1999
19	
	establish the methodology of enhancing comprehensive services in child care programs serving low
20	establish the methodology of enhancing comprehensive services in child care programs serving low income children and establish the numbers of additional Head Start slots in underserved areas to be
20 21	
	income children and establish the numbers of additional Head Start slots in underserved areas to be
21	income children and establish the numbers of additional Head Start slots in underserved areas to be funded; provided, however, that priority shall be given in the allocation of funds to applicants who
21 22	income children and establish the numbers of additional Head Start slots in underserved areas to be funded; provided, however, that priority shall be given in the allocation of funds to applicants who serve children in underserved communities; who integrate children with special needs; who
21 22 23	income children and establish the numbers of additional Head Start slots in underserved areas to be funded; provided, however, that priority shall be given in the allocation of funds to applicants who serve children in underserved communities; who integrate children with special needs; who collaborate with existing early education and care programs and other existing services including

======= LC005169/SUB A =======

## **EXPLANATION**

#### BY THE LEGISLATIVE COUNCIL

## OF

## AN ACT

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

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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 with the office of early childhood development and learning. This act would further repeal the 6 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. This act would further provide for a two hundred fifty thousand dollar 10 (\$250,000) appropriation for contracting with a vendor to consult with the transition working group. 11 This act would take effect upon passage.

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