

Report From Agency
FINAL REPORT
CLEARINGHOUSE RULE 08-018
CHAPTER PI 16
FOUR-YEAR-OLD KINDERGARTEN GRANTS

Analysis by the Department of Public Instruction

Statute interpreted: Section 115.445, Stats.

Statutory authority: Sections 115.445 (2) (b) and (3) and 227.11 (2) (a), Stats.

Explanation of agency authority:

Section 115.445 (3), Stats., requires the department to promulgate rules to implement the program. Section 115.445 (2) (b), Stats., requires the department to define "community approaches to early education" as school boards that use this approach must receive preference in receiving funds.

Section 227.11 (2) (a), Stats., gives an agency rule-making authority to interpret the provisions of any statute enforced or administered by it, if the agency considers it necessary to effectuate the purpose of the statute.

Related statute or rule: N/A

Plain language analysis:

2007 Wisconsin Act 20, the biennial budget bill, created s. 115.445, Stats., relating to 4-year-old kindergarten grants. Beginning in the 2008-09 school year, the Act appropriated \$3,000,000 and allows school boards to apply to the department for a 2-year grant to implement a 4-year-old kindergarten program.

In the first school year of the grant, the school board may receive up to \$3,000 for each 4-year-old kindergarten pupil; in the succeeding school year, \$1,500 per 4-year-old pupil. If funds are insufficient, the department shall prorate the payments.

The department is required to promulgate rules for the program and particularly to define "community approaches to early education" as school boards that use this approach must receive preference in receiving funds.

The proposed rule establishes criteria and procedures for awarding grants to eligible school districts.

These rules were promulgated as emergency rules on February 25, 2008, in order to establish application criteria and procedures in time for the program to operate in the upcoming school year.

Summary of, and comparison with, existing or proposed federal regulations: N/A

Comparison with rules in adjacent states:

Illinois has an early childhood block grant program serving children ages 3 years old to kindergarten enrollment age. The block grant provides for three programs: preschool for at-risk children, preschool for all children and social and emotional consultation services. It appears funds are made available on a competitive basis as opposed to Wisconsin's per child amount. Funds are available to an eligible applicant regardless of whether or not they have an existing program. Eligible applicants include public or private not-for-profit or for-profit entities with experience in providing educational, health, social and/or child development services to young children and their families. Grantees must collaborate with its local Head Start program. A program may receive continued funding if a need continues to exist for the program and in the previous year, the applicant complied with the terms and conditions of the grant it received.

Iowa has a statewide voluntary preschool program for four-year-old children whose families choose to access such programs. Funds are made available (it appears on a competitive basis as opposed to Wisconsin's per child amount) to assist local school districts in the implementation of these programs. Funds are available to any eligible district regardless of whether or not they have an existing program. Only public schools may apply for funds. Programs must be approved by the department of education and must collaborate with community based providers, such as Head Start, licensed child care centers, etc. The programs must meet specific personnel, ratio of staff to children, maximum class size, instruction time, space, materials, meal and parental involvement standards. If the number of requests exceeds funding available, priority is given to high poverty school districts and to school districts that do not have existing preschool programming (as opposed to Wisconsin's prorating of funds per pupil).

Michigan and *Minnesota* – do not have rules relating to grants for 4-year-old kindergarten.

Summary of factual data and analytical methodologies:

Wisconsin recognizes the importance of education in the lives of very young children. The state constitution sets the stage for school responsibilities beginning with 4-year-olds, and state and federal laws require school services for children with disabilities beginning at age three. A child's success in school is dramatically influenced by their experiences before school age, including health care and quality early care and education. Schools and communities across the state are sharing responsibilities to ensure that quality opportunities are available for young children before they enter school and during their early school years. A coordinated plan to expand access and improve the quality of early learning opportunities is needed to build a foundation for a quality statewide system that builds community, maximizes resources, and assures quality environments and competent professionals.

While state law recognizes the importance of parental involvement and provides a financial incentive to incorporate it into 4K programs, no equivalent incentive is provided for districts using "community approaches." During the 2005-06 school year, 234 of the state's 426 school districts operated a 4K program, but only 33 of these districts used community approaches, where school districts work cooperatively with child care and Head Start partners. Community approaches help maximize existing resources, minimize the number of transitions young children must make among programs, and reduce barriers to participation by increasing access to full-day programs for working

families and to health and social services for low-income children. The integration of multiple types of funding sources and a wide range of early care providers enhances overall quality of services to children and families. However, the planning and community building needed to design, implement and sustain a 4K program using a community approach is time consuming and requires ongoing staff effort.

The department is committed to expanding the number of 4K programs offered in the state. Support for the approximately 100 school districts currently exploring the implementation of a 4K program is critical. In the past, funding through a grant from the Trust for Early Education (TEE), allowed the department to establish a network of support (Forces for Four-Year Olds Advisory Committee, Preserving Early Childhood Conference) and to provide resource materials to districts exploring or implementing 4K programs. This temporary private funding is no longer available, but the demand and need for support to these districts continues.

This 4-year-old-kindergarten grant program will help to support some school districts in implementing their 4K programs and will give preference to programs that use community approaches to early education. The rule proposal is based on extensive research and developed through cooperation among four of the department's divisions, with input from two other state agencies. It builds on past successes and incorporates plans and efforts endorsed by the Forces for Four-Year Olds Advisory Committee.

Analysis and supporting documents used to determine effect on small business or in preparation of economic impact report: N/A

Anticipated costs incurred by private sector: N/A

Effect on small business:

The proposed rules will indirectly benefit small business as priority is given to 4K programs that involve child care centers. However, the proposed rules will not have a significant economic impact on small businesses, as defined in s. 227.114 (1) (a), Stats.

Agency contact person: (including email and telephone)

Jill Haglund, Early Childhood Consultant, (608) 267-9625, jill.haglund@dpi.wi.gov.

Place where comments are to be submitted and deadline for submission:

The department published a hearing notice in the *Administrative Register* which included this information.

Public hearings to consider the proposed rule were conducted by the department on April 17, 2008, in Madison. Persons were asked to register in favor, generally in favor (except for . . .), against, generally against (except for . . .), or for information only.

Madison Hearing April 17, 2008

| NAME | ORGANIZATION | IN FAVOR OR GENERALLY IN FAVOR | OPPOSED OR GENERALLY OPPOSED | OTHER |
|------------------|---------------------------------|--------------------------------------|---------------------------------------|-------|
| Pamela Black | Kenosha Unified School District | X | | |
| Belinda Grantham | Kenosha Unified School District | X | | |
| Kimberly Kurklis | Kenosha Unified School District | X | | |

The following persons submitted written testimony:

| NAME | ORGANIZATION | IN FAVOR OR GENERALLY IN FAVOR | OPPOSED OR GENERALLY OPPOSED | OTHER |
|--------------|---------------------------------------|--------------------------------------|---------------------------------------|-------|
| Mary Bell | Wis. Education Association Council | | | X |
| Doug Mering | Self | | | X |
| Ruth Schmidt | Wis. Early Childhood Association | | | X |

Summary of public comments relative to the rule, the agency's response to those comments, and changes made as a result of those comments:

Comments – Educators from Kenosha were concerned that their district cannot apply for the 4K grant because Kenosha 1) offers 4K programs in its P-5 schools only (the rule requires 4K programs to be universal), 2) would prefer to phase in a universal 4K program (the rule does not allow such programs to be phased in), and 3) is already receiving funds for 4K programming for its P-5 schools (the rule does not allow school districts that counted 4-year-old pupils for equalization aid in the previous school year to receive 4K program funds).

Discussion – If a district chooses to provide a 4K program, the constitution requires that it be made available to all district resident children who are age eligible. The 4K grant is considered a start-up grant and is to be awarded to school districts that want to establish a 4K program, have planned for the program by establishing contracts with eligible entities to offer quality community approaches, and are ready to fully implement the program to benefit all 4-year-old pupils in the district.

Changes – None.

Comments – WEAC advocated for 1) requiring that the collaborative committee, council, or advisory group include a local union-designated early education teacher and 2) giving preference to community approaches that use school district-employed teachers to deliver instruction.

Discussion – The rules have been modified to require that the collaborative committee, council, or advisory group members representing the school district include an administrator, school board member, or principal and a school district employed teacher of early childhood education or kindergarten.

Section 115.445, Stats., gives the department the authority to give preference in awarding grants to school boards that use community approaches to early education. However, it does not give the department authority to give preference to community approaches that employ school district teachers to deliver instruction.

Changes – Section 16.03 (1) (b) 1. has been modified to provide for the language discussed above.

Changes made as a result of oral or written testimony: Section 16.03 (1) (b) 1. has been modified as discussed above.

Changes to the analysis or the fiscal estimate:

The last sentence of the second paragraph of the plain language analysis stated that if funds are insufficient, DPI “may” prorate the payments. The term “may” has been changed to “shall.” (See item 3. below).

Responses to Clearinghouse Report:

1. Statutory Authority:

a. Recommendation accepted. Section PI 16.03 (2) has been re-written to clarify that all applicable state statutes, including the school district standards under s. 121.02 (1), Stats., and transportation requirements under s. 121.54 (1) and (2), Stats., be met. These two statutes are specifically listed as they are the most commonly overlooked by school districts in implementing 4K programs. Also, the reference to requiring a minimum of 437 hours of instruction by a teacher who holds a license issued by the department has been eliminated as it should be covered under the “applicable state statutes” provision. These changes should take care of the concerns listed under (1) to (4).

2. Form, Style and Placement in Administrative Code:

a. Recommendation accepted, changes made.

b. Recommendation accepted, changes made.

c. Recommendation accepted, changes made.

3. Conflict With or Duplication of Existing Rules:

Recommendation accepted, changes made.

4. Adequacy of References to Related Statutes, Rules and Forms:

a. For clarity, s. PI 16.02 (1) has been modified to add the phrase “or meets the school district’s criteria for early admission under s. 120.12 (25), Stats.”

b. For clarity, s. PI 16.02 (2) has been amended to read, “Community based provider” means head start and providers licensed under chs. HFS 45 or 46.”

c. Recommendation accepted, changes made.

5. Clarity, Grammar, Punctuation and Plainness:

a. As s. 16.02 (2) has been re-written, the term “centers” is no longer used.

b. Recommendation accepted, changes made.

c. Recommendation accepted, changes made.

d. Recommendation accepted, changes made.

e. Recommendation accepted, changes made.

f. Recommendation accepted, changes made. Section PI 16.03 (1) (a) (intro.) and PI 16.04 (1) (a) have been modified for clarity.

g. Recommendation accepted, changes made.

h. Recommendation accepted, changes made.

i. Recommendation accepted, changes made.

j. Recommendation accepted, changes made.

k. Recommendation accepted, changes made.

l. Recommendation accepted, changes made.

m. The reference to “off-site” under s. PI 16.03 (1) (b) 2., is unnecessary and has been deleted. The reference to “off-site” under s. PI 16.03 (2) (d) has been changed to “non-school district site.”

n. Recommendation accepted, changes made.

o. Recommendation accepted, changes made.

p. Recommendation accepted, changes made.

q. Recommendation accepted, changes made.

r. Recommendation accepted, changes made.

s. Recommendation accepted, changes made.

t. Recommendation accepted. The term “age eligible children” is now used throughout the rule.

u. Recommendation accepted, changes made.

v. Section PI 16.04 (1) (a) has been modified to include the phrase, “eligible school districts under s. PI 16.03 (1) (a)” to clarify that “eligible” applicants have to meet the basic requirements under s. PI 16.03 (1) (a). Also, the second sentence under s. PI 16.04 (1) (a) has been modified to read, “An eligible applicant that uses a community approach to early education . . .” as suggested.

w. Recommendation accepted. Wherever the phrase “third Friday in September pupil count under s. 121.05 (1), Stats.” appears, the phrase “in the school year following the grant application” has been added.

x. Recommendation accepted, changes made.

y. (1) The term “awarding and distributing funds” has been changed to “awarding funds.”

(2) The language under s. PI 16.04 (2) (d) has been amended to read, “The department shall give preference in awarding second year grants to first year grant recipients as described under sub. (1).” The intent is to give second year grants to all first year applicants. If, however, participation in community approach programs increases dramatically, second year grants will be prioritized using the same method that was used to award first year grants.

z. Recommendation accepted, changes made. The application will be modified to reflect the rule changes.

FINAL REGULATORY FLEXIBILITY ANALYSES

Summary of Final Regulatory Flexibility Analysis:

The proposed rules will have no significant economic impact on small businesses, as defined in s. 227.114(1)(a), Stats.

Summary of Comments:

No comments were reported.