

118TH CONGRESS
1ST SESSION

H. R. 2425

To direct the Secretary of Education to make allotments to States to carry out full-day kindergarten programs, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 30, 2023

Mr. GALLEGO (for himself, Ms. JACOBS, and Mr. TORRES of New York) introduced the following bill; which was referred to the Committee on Education and the Workforce

A BILL

To direct the Secretary of Education to make allotments to States to carry out full-day kindergarten programs, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Universal Full-Day
5 Kindergarten Act”.

6 **SEC. 2. FULL-DAY KINDERGARTEN GRANT PROGRAM.**

7 (a) IN GENERAL.—The Secretary shall carry out a
8 grant program to make grants in accordance with the for-

1 mula described in subsection (b) to States to carry out
2 full-day kindergarten programs.

3 (b) FORMULA.—

4 (1) SECRETARIAL RESERVATIONS.—

5 (A) TECHNICAL ASSISTANCE.—From the
6 amount appropriated under section 6 for a fis-
7 cal year, the Secretary shall reserve 2 percent
8 of such amount for technical assistance (includ-
9 ing capacity building) to States.

10 (B) SECRETARY OF THE INTERIOR.—From
11 the amount appropriated under section 6 for a
12 fiscal year, the Secretary shall reserve one-half
13 of 1 percent for the Secretary of the Interior
14 for programs under this Act in schools operated
15 or funded by the Bureau of Indian Education,
16 Indian tribes and tribal organizations, or con-
17 sortia of Indian tribes and tribal organizations.

18 (C) OUTLYING AREAS.—From the amount
19 appropriated under section 6 for a fiscal year,
20 the Secretary shall reserve one-half of 1 percent
21 for the outlying areas to be distributed among
22 those outlying areas on the basis of their rel-
23 ative need, as determined by the Secretary, in
24 accordance with the purpose of this Act.

25 (2) STATE ALLOTMENTS.—

1 (A) IN GENERAL.—From the amount ap-
2 propriated under section 6 for a fiscal year that
3 remains after the Secretary makes the reserva-
4 tions under paragraph (1), the Secretary shall
5 allot to each State with an approved State plan
6 under section 3(a), an amount that bears the
7 same relationship to the remainder as the
8 amount the State received under subpart 2 of
9 part A of title I of the Elementary and Sec-
10 ondary Education Act of 1965 (20 U.S.C. 6331
11 et seq.) for the preceding fiscal year bears to
12 the amount all States received under that sub-
13 part (20 U.S.C. 6331 et seq.) for the preceding
14 fiscal year.

15 (B) MINIMUM AMOUNT.—No State receiv-
16 ing an allotment under this paragraph shall re-
17 ceive less than one-half of 1 percent of the total
18 amount allotted under this paragraph.

19 (C) REALLOTMENT.—If a State does not
20 receive an allotment under this paragraph for a
21 fiscal year, the Secretary shall realLOT the
22 amount of the State's allotment to the remain-
23 ing States in accordance with this paragraph.

24 (D) STATE RESERVATIONS.—

1 (i) ADMINISTRATIVE COSTS.—A State
 2 may reserve not more than 2 percent of
 3 the allotment received by State under this
 4 paragraph for administrative purposes, in-
 5 cluding the activities described in para-
 6 graphs (2) and (3) of section 3(a).

7 (ii) LOCAL ALLOCATIONS.—A State
 8 shall reserve not less than 98 percent of
 9 the allotment received by the State under
 10 this paragraph to make allocations to local
 11 educational agencies under paragraph (3).

12 (3) ALLOCATIONS TO LOCAL EDUCATIONAL
 13 AGENCIES.—

14 (A) IN GENERAL.—From the funds re-
 15 served by a State under paragraph (2)(D), the
 16 State shall allocate to each local educational
 17 agency in the State that has an application ap-
 18 proved by the State under section 3(b), an
 19 amount that bears the same relationship to the
 20 total amount of such reservation as the amount
 21 the local educational agency received under sub-
 22 part 2 of part A of title I of the Elementary
 23 and Secondary Education Act of 1965 (20
 24 U.S.C. 6331 et seq.) for the preceding fiscal
 25 year bears to the total amount received by all

1 local educational agencies in the State under
2 such subpart (20 U.S.C. 6331 et seq.) for the
3 preceding fiscal year.

4 (B) MINIMUM LOCAL EDUCATIONAL AGEN-
5 CY ALLOCATION.—No allocation to a local edu-
6 cational agency under this paragraph may be
7 made in an amount that is less than \$10,000,
8 subject to subparagraph (D).

9 (C) CONSORTIA.—Local educational agen-
10 cies in a State may form a consortium with
11 other surrounding local educational agencies
12 and combine the funds each such agency in the
13 consortium receives under this paragraph to
14 jointly carry out the activities described in this
15 section 4.

16 (D) RATABLE REDUCTION.—If the amount
17 reserved by the State under paragraph
18 (2)(D)(ii) is insufficient to make allocations to
19 local educational agencies in an amount equal
20 to the minimum allocation described in sub-
21 paragraph (B), such allocations shall be ratably
22 reduced.

23 **SEC. 3. STATE PLANS; LOCAL APPLICATIONS.**

24 (a) STATE PLANS.—In order to receive an allotment
25 under this section for any fiscal year, a State shall submit

1 a plan to the Secretary, at such time and in such manner
2 as the Secretary may reasonably require. Each plan sub-
3 mitted by a State under this section shall include the fol-
4 lowing:

5 (1) A description of how the State will use
6 funds reserved under section 2(b)(2)(D)(i).

7 (2) A description of how the State will ensure
8 that the allocations made to local educational agen-
9 cies meet the requirements of section 2(b)(3).

10 (3) Assurances that the State will—

11 (A) review existing resources and full-day
12 kindergarten programs across the State and co-
13 ordinate such resources and programs with the
14 State plan submitted under this subsection and
15 the funds received under this Act;

16 (B) monitor the implementation of activi-
17 ties under this Act and provide technical assist-
18 ance to local educational agencies in carrying
19 out such activities; and

20 (C) provide for equitable access for all stu-
21 dents to the activities supported under this Act,
22 including aligning those activities with the re-
23 quirements of other Federal laws.

24 (b) LOCAL APPLICATIONS.—To receive an allocation
25 under this Act, a local educational agency shall submit an

1 application to the applicable State at such time, in such
2 manner, and containing such information as may be re-
3 quired by such State.

4 **SEC. 4. USE OF FUNDS.**

5 A local educational agency that receives an allocation
6 under this section shall use the allocation to establish or
7 maintain a full-day kindergarten program that—

8 (1) has a duration of at least 5 hours per
9 school day;

10 (2) permits children who are not younger than
11 age 5 or older than age 6 to be enrolled in such pro-
12 gram, except that a program that permits children
13 who are not younger than age 4 or older than age
14 6 meets the requirements of this paragraph;

15 (3) does not require payment for participation
16 in such program;

17 (4) is offered for the full school year;

18 (5) is taught by teachers who meet the applica-
19 ble professional qualifications (including licensure
20 and certification requirements) for kindergarten
21 teachers working in the geographic area in which the
22 program is located;

23 (6) includes academic standards that prepare
24 students to meet grade-level benchmarks;

1 (7) may include standards related to cognitive
2 development, socio-emotional learning, physical and
3 behavioral skills development, and recreational activ-
4 ity; and

5 (8) in a case of a program supported by para-
6 professionals, is supported by paraprofessionals who
7 meet the applicable professional qualifications (in-
8 cluding licensure and certification requirements) for
9 paraprofessionals working in the geographic area in
10 which the program is located.

11 **SEC. 5. REPORT.**

12 Not later than 120 days after the date of the enact-
13 ment of this Act, and annually thereafter, the Secretary
14 shall conduct a study and submit a report to Congress
15 that—

16 (1) specifies the number of States, local edu-
17 cational agencies, Indian tribes, tribal organizations,
18 and outlying areas that offer full-day kindergarten
19 programs; and

20 (2) assesses the availability of such programs to
21 individuals in each such entity.

22 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

23 There are authorized to be appropriated to carry out
24 this section such sums as may be necessary for each of
25 fiscal years 2024 through 2029.

1 **SEC. 7. DEFINITIONS.**

2 In this section:

3 (1) ESEA TERMS.—The terms “local edu-
4 cational agency” and “outlying area” have the
5 meanings given the terms in section 8101 of the Ele-
6 mentary and Secondary Education Act of 1965 (20
7 U.S.C. 7801).

8 (2) SECRETARY.—The term “Secretary” means
9 the Secretary of Education.

10 (3) STATE.—The term “State” means each of
11 the 50 States, the District of Columbia, and the
12 Commonwealth of Puerto Rico.

13 (4) TRIBE; TRIBAL ORGANIZATION.—The terms
14 “Indian tribe” and “tribal organization” have the
15 meanings given such terms in section 5212 of the
16 Tribally Controlled Schools Act of 1988 (25 U.S.C.
17 2511).

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