

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND TWENTY-SIX

—
H.P. 1429 - L.D. 2114

**An Act Regarding Public Preschool Programs Serving Children Who Are 3
Years of Age**

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §1, sub-§23-A, as amended by PL 2019, c. 241, §1, is further amended to read:

23-A. Public preschool program. "Public preschool program" means a program offered by a public elementary school pursuant to chapter 203 that provides instruction to children who are 3 or 4 years of age, including but not limited to a ~~Head Start~~ program of instruction provided by providers licensed by the Department of Health and Human Services that is approved as a component of the public preschool program.

Sec. 2. 20-A MRSA §405, sub-§3, ¶T, as amended by PL 2013, c. 581, §1, is further amended to read:

T. Establish and maintain a 5-year plan for education that includes goals and policies for the education of children ~~who are 4 years of age~~ in public preschool programs and children in kindergarten and grades one to 12 and that promotes services for public preschool children. The plan must incorporate and build upon the work of the Task Force on Learning Results established in Public Law 1993, chapter 290 and the federal GOALS 2000: Educate America Act;

Sec. 3. 20-A MRSA §4251, first ¶, as amended by PL 2015, c. 267, Pt. C, §1, is further amended to read:

The intent of this subchapter is to encourage school administrative units to place an increased emphasis on instruction and curriculum for all children ~~beginning at 4 years of age~~ in public preschool programs to grade 2. This subchapter is not intended as a method of financing existing efforts but as a way of encouraging the development of new or expanded programs.

Sec. 4. 20-A MRSA §4252, sub-§4, as amended by PL 2007, c. 141, §3, is further amended to read:

4. Programs for children 3 years of age, 4 years of age and 5 years of age. Encourage the development of public preschool programs or 2-year kindergartens in conformity with section 5201, subsection 2, paragraph C, D and E and other appropriate programs to address the needs of children 3 years of age, 4 years of age and 5 years of age;

Sec. 5. 20-A MRSA c. 203, sub-c. 3, headnote is amended to read:

SUBCHAPTER 3

PUBLIC PRESCHOOL PROGRAMS ~~FOR CHILDREN 4 YEARS OF AGE~~

Sec. 6. 20-A MRSA §4271, sub-§2, as enacted by PL 2013, c. 581, §3, is amended to read:

2. Allowable costs; children 4 years of age. Beginning with the 2015-2016 school year and for each subsequent school year, the State may provide start-up funding for the allowable costs to operate public preschool programs for children 4 years of age under this subchapter.

Sec. 7. 20-A MRSA §4271, sub-§2-A is enacted to read:

2-A. Allowable costs; children 3 years of age with disabilities. Beginning with the 2026-2027 school year and for each subsequent school year, in addition to the funding permitted pursuant to subsection 2, the State may provide start-up funding for the allowable costs to operate public preschool programs for children who are 3 years of age and have been identified as a child with a disability pursuant to section 7001, subsection 1-B.

Sec. 8. 20-A MRSA §4271, sub-§3, as amended by PL 2017, c. 284, Pt. C, §5, is further amended to read:

3. Grant funds. Beginning with the 2015-2016 school year and for each subsequent school year until the 2026-2027 school year, the commissioner may provide start-up funding to qualified school administrative units to operate public preschool programs for children 4 years of age and, beginning with the 2026-2027 school year and for each subsequent school year, public preschool programs for children 3 or 4 years of age. Grants provided for allowable costs for approved public preschool programs must be provided from state, federal or private funds appropriated, allocated or authorized by the Legislature for that purpose.

Sec. 9. 20-A MRSA §4271, sub-§4, as enacted by PL 2013, c. 581, §3, is amended to read:

4. Qualifications; rules. To qualify for a grant under this section, a school administrative unit must submit an implementation plan to the department for the operation of a new or expanded public preschool program. The qualifications established for implementation plans must contain standards and best practices for public preschool programs and must encourage a school administrative unit to demonstrate coordination with other early childhood programs in the community to maximize resources and provide comprehensive services to meet the needs of children 3 or 4 years of age in accordance with this subchapter and rules adopted by the commissioner. In awarding grants under this section, the commissioner shall give priority to a qualified school administrative unit that

has a greater percentage of economically disadvantaged students as determined pursuant to section 15675, subsection 2 than other qualified school administrative units under this subsection and in accordance with the following order of preference:

- A. The first preference must be to award grant funds to a qualified school administrative unit that does not operate a public preschool program and that submits a plan for the development and operation of a new public preschool program; and
- B. The 2nd preference must be to award grant funds to a qualified school administrative unit that operates a public preschool program and that submits a plan for the development and operation of an expanded public preschool program.

The commissioner shall adopt rules that establish criteria for the approval of implementation plans and for the awarding of start-up funds for the allowable costs of operating public preschool programs. Rules adopted pursuant to this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

Sec. 10. 20-A MRSA §4271, sub-§5, as enacted by PL 2013, c. 581, §3, is amended to read:

5. Application for federal public preschool funds. The department may apply for assistance from the Federal Government for the development of public preschool programs for children 3 or 4 years of age on behalf of school administrative units in the State. The department shall administer any federal funds received for the benefit of public preschool programs in the State. As the designated state agency authorized to administer federal funds, the department shall develop a state plan and application for funding public preschool programs and shall disburse federal funds as authorized and required by applicable federal law. Beginning in fiscal year 2015-16, the department shall provide any federal funds received to qualified school administrative units as part of the start-up funding provided for the development and operation of public preschool programs under this section. If federal funds are used as part of the start-up funds to operate new or expanded public preschool programs, the students enrolled in these programs must be considered subsidizable pupils for purposes of state subsidy calculations pursuant to chapter 606-B, except that students who have not attained 4 years of age and have not been identified as a child with a disability pursuant to section 7001, subsection 1-B may not be considered subsidizable pupils for the purposes of state subsidy calculations made pursuant to chapter 606-B.

Sec. 11. 20-A MRSA §4502, sub-§9, as amended by PL 2013, c. 581, §5, is further amended to read:

9. Public preschool programs for children 3 or 4 years of age. To the extent the State provides adequate start-up funding for a public preschool program for children 3 or 4 years of age, a school administrative unit that does not have a public preschool program for children 3 or 4 years of age may develop a public preschool program implementation plan for children 3 or 4 years of age for submission to and approval by the department. Evaluation and approval of the proposal must include consideration of at least the following factors:

- A. Demonstrated coordination with other early childhood programs in the community to maximize resources;
- B. Consideration of the extended child care needs of working parents; and

C. Provision of public notice regarding the proposal to the community being served, including the extent to which public notice has been disseminated broadly to other early childhood programs in the community.

Beginning with the 2015-2016 school year until the 2026-2027 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 4 years of age as required under this subsection. Beginning with the 2026-2027 school year, the commissioner may provide start-up funding as set forth in section 4271 to school administrative units to implement or expand public preschool programs for children 3 or 4 years of age as required under this subsection.

Sec. 12. 20-A MRSA §5201, sub-§2, ¶C, as amended by PL 2007, c. 141, §12, is further amended to read:

C. A person who will be at least 4 years of age on October 15th of the school year may enroll in a public preschool program prior to kindergarten if it is ~~offered~~ available.

Sec. 13. 20-A MRSA §5201, sub-§2, ¶D is enacted to read:

D. A person who will be at least 3 years of age on October 15th of the school year and is not identified as a child with a disability pursuant to section 7001, subsection 1-B, may enroll in a public preschool program if it is available and the program provides instruction to children who are 3 years of age and have not been identified as a child with a disability pursuant to section 7001, subsection 1-B.

Sec. 14. 20-A MRSA §5201, sub-§2, ¶E is enacted to read:

E. A person who is at least 3 years of age and is identified as a child with a disability pursuant to section 7001, subsection 1-B may enroll in an available public preschool program at any time prior to enrolling in kindergarten.

Sec. 15. 20-A MRSA §15688-A, sub-§4, as enacted by PL 2013, c. 581, §10, is amended to read:

4. New or expanded public preschool programs for ~~children 4 years of age~~. Beginning in fiscal year 2015-16 and for each subsequent fiscal year until the 2026-27 fiscal year, the commissioner may expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children 4 years of age pursuant to chapter 203, subchapter 3. Beginning in fiscal year 2026-27 and for each subsequent fiscal year, the commissioner may expend and disburse one-time, start-up funds to provide grants for expanded access to public preschool programs for children 3 or 4 years of age pursuant to chapter 203, subchapter 3. The amounts of the grant funding provided to qualified school administrative units pursuant to chapter 203, subchapter 3 are limited to the amounts appropriated, allocated or authorized by the Legislature for the operation of public preschool programs. Any balance of funds appropriated, allocated or authorized by the Legislature remaining at the end of a fiscal year do not lapse and are carried forward to the next fiscal year to carry out the purposes of chapter 203, subchapter 3.