LC004529

## 2024 -- Н 7336

# STATE OF RHODE ISLAND

#### IN GENERAL ASSEMBLY

#### JANUARY SESSION, A.D. 2024

#### AN ACT

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

Introduced By: Representatives Donovan, Casimiro, McNamara, Diaz, Cotter, Shallcross Smith, Ajello, Messier, McGaw, and Morales Date Introduced: January 26, 2024

Referred To: House Finance

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 166
4	THE OFFICE OF EARLY CHILDHOOD DEVELOPMENT AND LEARNING
5	<u>42-166-1. Short title.</u>
6	This chapter shall be known and may be cited as "The Office of Early Childhood
7	Development and Learning."
8	42-166-2. 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, including infant and toddler care and school aged child
13	care, and pre-kindergarten education and make progress towards ensuring that all children enter
14	school ready to learn.
15	42-166-3. The office of early childhood development and learning.
16	(a) Effective June 30, 2026, the office of early childhood development and learning ("the
17	office") is established within the executive branch of state government, to serve as the principal
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, 2026, 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, 2026, 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, 2026, 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. 18 (c) The Rhode Island head start collaboration office shall be transferred to the office of 19 early childhood development and learning. 20 42-166-4. 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 the director's agent to exercise all or part of the authority, 25 26 powers and duties of the director in the director's absence. The director shall have the authority to 27 hire qualified and effective staff to manage statewide programs and implement accountability 28 systems. 29 42-166-5. The office of early childhood development and learning -- Additional 30 powers and duties. 31 (a) The office shall be responsible for: 32 (1) Administering funds received by the State of Rhode Island pursuant to the federal Child Care and Development Block Grant Act of 2014, the child care and development fund, and other 33
- 34 federal child care funds and grants received by the State of Rhode Island and shall have authority

- 1 <u>over child care subsidy policy that meets or exceeds federal requirements;</u>
- 2 (2) The delivery of services to young children and their families to ensure optimal health,
- 3 <u>safety and learning for each young child;</u>
- 4 (3) Developing and implementing the early childhood information system, in accordance
- 5 <u>with the provisions of this chapter;</u>
- 6 (4) Developing and reporting on the early childhood accountability plan, in accordance
- 7 with the provisions of this chapter;
- 8 (5) Implementing a communications strategy for outreach to families, service providers
  9 and policymakers;
- (6) Developing, coordinating and supporting public and private partnerships to aid early
   childhood initiatives;
- 12 (7) Developing or identifying and implementing a statewide developmentally appropriate
- 13 <u>kindergarten entry assessment tool that measures a child's level of preparedness for kindergarten;</u>
- 14 provided, the assessment shall not be used as a measure of program accountability or used to
- 15 demonstrate a child's kindergarten readiness. Such statewide assessment tool may be incorporated
- 16 into the early childhood information system;
- 17 (8) Creating a unified set of reporting requirements for the purpose of collecting the data
   18 elements necessary to perform quality assessments and longitudinal analysis;
- (9) Continually monitoring and evaluating all early childhood care and pre-kindergarten
   education and child development programs and services, focusing on program outcomes in
- 21 satisfying the health, safety, developmental and educational needs of all children, while retaining
- 22 distinct separation between quality improvement services and child care licensing services;
- 23 (10) Providing information and technical assistance to persons seeking early childhood
- 24 <u>care, pre-kindergarten education and child development programs and services;</u>
- 25 (11) Assisting the state and municipalities in obtaining available federal funding for early
- 26 childhood care, pre-kindergarten education and child development programs and services;
- 27 (12) Providing technical assistance to providers of early childhood care and pre-
- 28 kindergarten education programs, workforce training, and services to obtain licensing and improve
- 29 <u>program quality;</u>
- 30 (13) Managing a quality rating and improvement system covering home-based, center-
- 31 <u>based, and school-based early child care and pre-kindergarten education;</u>
- 32 (14) 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 <u>learning council, the head start advisory committee, and the legislative commission on child care</u>

1 <u>in Rhode Island;</u>

2	(15) 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	(16) Providing families with opportunities for choice in services for quality childhood care,
6	including community-based, family-centered services;
7	(17) Integrating early childhood care and pre-kindergarten education;
8	(18) Promoting universal access to early childhood care and pre-kindergarten education;
9	(19) Ensuring nonduplication of monitoring and evaluation;
10	(20) Performing any other activities that will assist in the provision of early child care and
11	pre-kindergarten education;
12	(21) Adopting research-based early learning and development quality standards to be used
13	by early child care and pre-kindergarten education providers;
14	(22) Managing the performance-based evaluation system to evaluate licensed child care
15	<u>centers;</u>
16	(23) Managing early child care and pre-kindergarten program licensing that meets or
17	exceeds federal requirements and national licensing benchmarks;
18	(24) Ensuring licensing standards and program quality standards are maintained through
19	inspection and a data collection and reporting system;
20	(25) Coordinating with the early intervention programs administered by the executive
21	office of health and human services and the preschool special education program administered by
22	the department of education for the purpose of ensuring children with developmental delays or
23	disabilities have access to child care and early learning programs; and
24	(26) Adopting rules and regulations to carry out the provisions of this chapter. Any rules
25	and regulations, or any amendments to rules and regulations, to carry out the provisions of this
26	chapter shall be adopted in accordance with the provisions of chapter 25 of title 42 ("administrative
27	procedures") where applicable.
28	(b) The office of early childhood development and learning may enter into agreements with
29	and accept donations from nonprofit and philanthropic organizations to accomplish the purposes
30	of this section.
31	42-166-6. Early childhood information system.
32	(a) The office of early childhood development and learning, under the direction of the
33	director pursuant to § 42-166-4, shall develop and implement an early childhood information

1 between and among early childhood service and pre-kindergarten providers by tracking: 2 (1) The health, safety and school readiness of all young children receiving early care and pre-kindergarten education services from any local or regional board of education, school readiness 3 4 program, or any program receiving public funding; 5 (2) The characteristics of the existing and potential workforce serving such children; (3) The location of the early care and pre-kindergarten education providers; and 6 7 (4) The characteristics of such programs serving such children, as required by the office. 8 (b) Any local education agency, licensed child care provider, or licensed pre-kindergarten 9 provider shall ensure that all enrolled children and all employed staff are entered into the early 10 childhood information system. 11 (c) The office and any local education agency, licensed child care provider, or licensed pre-12 kindergarten provider shall comply with the following data security measures: 13 (1) Limit the collection of personal data to what is adequate, relevant, and reasonably 14 necessary in relation to the purposes for which such data is processed; 15 (2) Establish, implement and maintain reasonable administrative, technical and physical 16 data security practices to protect the confidentiality, integrity, and accessibility of personal data; 17 (3) Limit and delineate who shall have access to the information within the organization; and 18 19 (4) Ensure parents and staff are able to review and correct any data in the system in order 20 to ensure its accuracy. 21 (d) The office shall use the data collected from the early childhood information system for 22 the purposes of policymaking, identifying trends, progress, and potential challenges. Only aggregate and de-identified data may be publicly shared. 23 24 42-166-7. The early childhood accountability plan. 25 (a) The office of early childhood development and learning shall develop, in consultation 26 with the early childhood development and learning council, an early childhood accountability plan. 27 Such plan shall: 28 (1) Identify and define appropriate population indicators and program and system 29 performance measures of the health, safety and readiness of children to enter kindergarten, and 30 early school success of children, and shall identify any new or improved data required for such 31 purposes; and 32 (2) Include aggregate information on the characteristics of children and programs tracked by the early childhood information system, including, but not limited to, family income, whether 33 the families of such children receive public assistance through temporary assistance for needy

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1	families or a similar program, and the communities in which such children reside using a
2	performance measurement accountability framework.
3	(b) Not later than March 1, 2027, and annually thereafter, the office shall develop report
4	cards containing the indicators and performance measures identified in the early childhood
5	accountability plan and provide yearly updates to the council.
6	(c) Not later than March 1, 2027, the office of early childhood development and learning
7	<u>shall:</u>
8	(1) Submit the early childhood accountability plan to the council; and
9	(2) Annually report on the results of such plan and report cards to the speaker of the house
10	and the senate president.
11	42-166-8. The early childhood development and learning council Appointments.
12	(a) There is established the early childhood development and learning council. The council
13	is established to advise and coordinate with the office of early childhood development and learning
14	to help achieve a unified and aligned system of early learning education and services.
15	(b) When appointing council members under this section, the governor, the senate
16	president, and the speaker of the house of representatives shall ensure that the council members
17	represent the racial, ethnic and linguistic diversity of children in this state who are five (5) years of
18	age or younger.
19	(c) The council shall be appointed by the governor with the advice and consent of the senate
20	and be composed of thirteen (13) members consisting of:
21	(1) The executive director of Rhode Island Kids Count, or designee;
22	(2) The director of the office of early childhood development and learning;
23	(3) The commissioner of the department of education, or designee;
24	(4) The director of the department of human services, or designee;
25	(5) The commissioner of postsecondary education, or designee;
26	(6) One representative from the department of education who is responsible for programs
27	required under the Individuals with Disabilities Education Act, 20 U.S.C. 1400 et seq., appointed
28	by the commissioner of education;
29	(7) A representative from head start or early head start programs;
30	(8) An early child care provider of a state funded child care center;
31	(9) A community-based child care provider;
32	(10) A representative from the superintendents' association or a school district;
33	(11) Two (2) parents or guardians of children in early child care or pre-kindergarten, at
34	least one of whom shall be the parent or guardian of a child that receives or received early

1 intervention and/or preschool special education services in early child care or pre-kindergarten; and 2 (12) A representative of organized labor; 3 (13) The chair of the council shall be appointed by the governor for a two (2) year term, 4 from among the members who are not employed by a state agency. 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 42-166-9. 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) Engage with and seek advice from the RI learning council, the governor's appointed 16 and federally required state advisory council on early care and education. 17 (3) Recommend measures for the efficient and effective consolidation of administrative functions relating to the statewide early learning system, to the extent practicable, including, but 18 19 not limited to, training and technical assistance, planning and budgeting; 20 (4) Advise on the office's adoption of written policies that establish training and technical 21 assistance programs to ensure that personnel have skills in appropriate areas, including, but not 22 limited to, cultural and gender differences and other areas, as needed; (5) Develop a plan for the implementation of a common data system for early childhood 23 24 programs; 25 (6) Assist with the coordination of existing and new early childhood programs to provide 26 a range of community-based supports; 27 (7) Review and verify that all plans for early childhood services are coordinated and 28 consistent with federal and state law, including, but not limited to, plans for Rhode Island pre-29 kindergarten programs, federal head start programs, early childhood special education services, 30 early intervention services and public health services; 31 (8) Identify how the statewide early learning system for children who are zero through five 32 (5) years of age will link with systems of support for older children and their families; and 33 (9) Review and provide recommendations for amendments to the early childhood 34 accountability plan.

1	42-166-10. Open government requirements.
2	The office and the council shall be subject to the provisions of chapter 46 of title 42 ("open
3	meetings") and chapter 2 of title 38 ("access to public records").
4	42-166-11. Transition working group.
5	(a) Transition working group. There shall be created a transition working group consisting
6	<u>of:</u>
7	(1) The director of the department of human services, or designee;
8	(2) The commissioner of the department of education, or designee;
9	(3) The commissioner of postsecondary education, or designee;
10	(4) The director of the department of health, or designee;
11	(5) The director of the department of administration, or designee;
12	(6) Staff and chair of the children's cabinet, who shall be responsible for convening the
13	transition working group; and
14	(7) The co-chairs of the RI early learning council. In lieu of serving on the transition
15	working group, each of the co-chairs of the early learning council may appoint a designee from
16	among the members of the early learning council's membership group who are not employed by a
17	state agency.
18	(b) The transition working group shall convene a minimum of four (4) subgroups to work
19	with the transition working group in developing recommendations for a transition plan. The
20	required four (4) subgroups shall focus on:
21	(1) Special education and early intervention service delivery for RI early child care and
22	pre-kindergarten;
23	(2) The implementation of universal pre-kindergarten;
24	(3) Innovative data, technology, evaluation, and accountability; and
25	(4) Governance, operations and funding.
26	(c) The members of the transition working group shall select the subgroup members and
27	members shall have appropriate and relevant experience, knowledge, and expertise.
28	(d) Transition plan. On or before December 1, 2025, the transition working group, working
29	as needed with consulting facilitators and/or project managers, and with the advice of the transition
30	advisory group, as defined in this section, shall submit the transition plan to the RI early learning
31	council for approval. The transition plan shall include, but need not be limited to:
32	(1) The coordination and administration of early childhood programs and services for the
33	office of early childhood development and learning created in this title, effective June 30, 2026;
34	(2) The governance and structure of the office of childhood development and learning;

1 (3) Mission and vision statements and guiding values and principles; 2 (4) Fiscal structure for the office of childhood development and learning and the services provided and programs administered, including the necessary administrative and operational 3 4 infrastructure; 5 (5) Coordination and collaboration with state agencies that oversee or operate programs that are not moved into the office of childhood development and learning in order to maximize the 6 7 effectiveness of services; and 8 (6) Early childhood data system strategies to inform planning, leverage resources, 9 maximize children's access to programs, and support data driven decision making. 10 (e) Members of the transition working group and the governor's office shall provide staff 11 assistance and resources, as necessary, to assist in completing the duties of the transition working 12 group identified in this section. 13 (f) Transition advisory group. The co-chairs of the RI early leaning council shall convene 14 a transition advisory group to advise the transition working group in developing the transition plan. 15 The transition advisory group shall prioritize consideration of the child and family experience in 16 accessing and using early childhood programs and services in advising the transition working group 17 on the design of the new office of early childhood development and learning. 18 (g) The co-chairs of the RI early learning council shall determine the appropriate size and 19 specific membership of the transition advisory group to ensure that the representation of 20 perspectives on the transition advisory group is sufficiently broad and diverse to adequately inform 21 the transition working group concerning the full spectrum of early childhood programs and issues. The transition advisory group shall include at a minimum: 22 (1) Parents of children who are enrolled in a variety of public and private early childhood 23 24 programs; 25 (2) Members of the early childhood workforce, including community and school based 26 educators; 27 (3) Representatives of a diverse geographic community and programs and school based 28 public and private early childhood program providers; and 29 (4) Representatives of the business community, private nonprofits, early childhood and 30 education advocacy organizations, and persons with expertise in early childhood and business 31 practices. 32 (h) The co-chairs of the RI early learning council shall to the extent practicable ensure that 33 persons from under-resourced and under-represented communities constitute at least one-third (1/3) 34 of the members of the transition advisory group.

(i) On or before January 1, 2026, the RI early learning council, in coordination with the
 transition working group shall submit the approved transition plan to the senate president, speaker
 of the house of representatives, and the governor, along with any proposed legislative
 recommendations aimed at facilitating an effective transition of services to a new office of early
 childhood development and learning.
 (j) By May 1, 2026, RI early learning council, in coordination with the transition working

7 group, shall submit a final transition plan update demonstrating complete readiness for the

8 establishment of the office of early childhood development and learning on June 30, 2026, to the

9 <u>senate president, speaker of the house of representatives, and the governor.</u>

(k) As outlined in the 2023 final report of the Early Childhood Governance Working
 Group, the general assembly shall appropriate one million dollars (\$1,000,000) to support executive
 staffing for a one-year transition to launch the new office of early childhood development and
 learning. This funding shall support executive staffing needed to manage the transition and oversee
 the new office including a director, chief of strategic planning/evaluation, chief of
 policy/legislation, chief of communications, chief of legal services, and chief of
 administration/HR/finance.

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

## 19 <u>16-87-3. Planning phase for a prekindergarten program.</u>

20 (a) The Rhode Island department of elementary and secondary education shall begin 21 planning an initial, pilot prekindergarten 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 24 concentrations of low performing schools. This planning phase will develop specific goals to 25 expand the pilot prekindergarten program over time and will also identify opportunities to 26 strengthen care and learning programs for infants and toddlers. 27 (b) During this planning phase, the Rhode Island department of elementary and secondary

education will quantify the resources needed to achieve and maintain high quality standards in prekindergarten programs and identify incentives and supports to develop a qualified early education workforce, including opportunities for experienced early childhood educators and 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 prekindergarten program
 34 on participating children's school readiness and school achievement.

1 SECTION 3. Sections 40-6.5-1 and 40-6.5-2 of the General Laws in Chapter 40-6.5 entitled 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 child care. 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. 23 42-12-24. Development, innovation and start-up of early education and care 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.

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 child care 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	<del>purposes of this section.</del>
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	income children and establish the numbers of additional Head Start slots in underserved areas to be
21	funded; provided, however, that priority shall be given in the allocation of funds to applicants who
22	serve children in underserved communities; who integrate children with special needs; who
23	collaborate with existing early education and care programs and other existing services including
24	child opportunity zone family centers, schools and agencies providing health, mental health,
25	nutrition and social services; and who address the child care needs of the families to be served.
26	SECTION 5. This act shall take effect upon passage.

LC004529

#### 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
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. This act would further provide for a one million dollar (\$1,000,000)
10	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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