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HOUSE BILL NO. 2376**AMENDMENT IN THE NATURE OF A SUBSTITUTE**(Proposed by the House Committee on Education
on February 4, 2015)

(Patron Prior to Substitute—Delegate Sickles)

A *BILL to amend the Code of Virginia by adding a section numbered 22.1-199.1:1, relating to establishing a program to provide grants for the costs of certain at-risk four-year-olds' attending pre-kindergarten or preschool programs designed for kindergarten preparation; Pre-kindergarten Grant Program established.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 22.1-199.1:1 as follows:

§ 22.1-199.1:1. *Pre-kindergarten Grant Program established; grants for certain at-risk four-year-olds attending pre-kindergarten or preschool programs designed for kindergarten preparation.*

A. As used in this section:

"At-risk four-year-old" means an at-risk four-year-old unserved by Head Start programs (i) whose family's annual household income is not in excess of 150 percent of the current poverty guidelines and (ii) who resides in the Commonwealth.

"Poverty guidelines" means the poverty guidelines for the 48 contiguous states and the District of Columbia updated annually in the Federal Register by the U.S. Department of Health and Human Services under the authority of § 673(2) of the Omnibus Budget Reconciliation Act of 1981.

"Program" means the Pre-kindergarten Grant Program established in this section providing grants on behalf of at-risk four-year-olds attending certain pre-kindergarten programs or preschool programs designed for child development and kindergarten preparation.

B. There is hereby created in the state treasury a special nonreverting fund to be known as the Pre-kindergarten Grant Program Fund, referred to in this section as "the Fund." The Fund shall be established on the books of the Comptroller. All moneys as may be appropriated by the General Assembly and any gifts, bequests, endowments, grants, or other sources of funds, public or private, designated for the Fund shall be paid into the state treasury and credited to the Fund. Interest earned on moneys in the Fund shall remain in the Fund and be credited to it. Any moneys remaining in the Fund, including interest thereon, at the end of each fiscal year shall not revert to the general fund but shall remain in the Fund. Moneys in the Fund shall be used solely for the purpose of making grant payments under the Program as described under subsection C. The Department of Education shall administer the Fund and the Program. Expenditures and disbursements from the Fund shall be made by the State Treasurer on warrants issued by the Comptroller upon written request signed by the Superintendent of Public Instruction.

C. 1. Every at-risk four-year-old shall be eligible for a grant from the Fund for tuition and education-related fees incurred for the child's attendance at a center-based or similar program that is (i) an early childhood education program accredited by the National Association for the Education of Young Children, (ii) a preschool program designed for child development and kindergarten preparation that complies with nonpublic school accreditation requirements administered by the Virginia Council for Private Education pursuant to § 22.1-19, (iii) participating in Virginia's Quality Rating and Improvement System with a rating of at least three stars under such rating system, or (iv) participating in the Virginia Preschool Initiative. No grant shall be paid unless the program (a) provides at least half-day services and (b) operates for the school year. Grants paid by the Department of Education to a program shall be used solely for operating costs of the program and not capital expenses.

2. The grant amount shall be the same for each at-risk four-year-old attending a full-day program, and the grant shall be at least \$2,500. The grant amount for each at-risk four-year-old attending a half-day program shall be 50 percent of the grant amount allocated to an at-risk four-year-old attending a full-day program.

In no case, however, shall the full grant be paid on behalf of an at-risk four-year-old if such grant plus any other financial aid awarded to or on behalf of the child, from whatever source, exceeds the tuition and education-related fees incurred for the child to attend the program.

3. Grants shall be paid on behalf of each at-risk four-year-old directly to the respective program.

4. A parent may apply for a grant on behalf of his at-risk four-year-old to the local public school division in which the child resides. The Department of Education shall prescribe the forms to be used to apply for a grant. Upon receipt of an application, the local public school division shall make an initial determination as to whether the child qualifies for a grant pursuant to this section and the guidelines described under subdivision 6. The local public school division shall promptly (i) make the initial

60 determination and (ii) submit to the Department of Education a copy of the completed application and
61 such other information reasonably required by the Department for each child the school division has
62 initially determined to be qualified, including the pre-kindergarten or preschool program the child is
63 attending or is enrolled in. The Department of Education shall as soon as practicable make a final
64 determination as to whether the child qualifies for a grant and provide written notice of its
65 determination to the parent who applied for the grant, which shall include the amount of the grant to be
66 paid on behalf of the child, if any, and the anticipated date of payment of the grant. Final
67 determinations of grant eligibility by the Superintendent of Public Instruction or the Department of
68 Education shall be final and not subject to review or appeal.

69 5. Grants under this Program shall be supplemental to and not in lieu of other grants and aid
70 available or awarded to at-risk four-year-olds.

71 6. The Department of Education shall develop and publish guidelines to implement the program. The
72 guidelines shall establish processes and procedures for parents to apply for grants and for payment of
73 grants to eligible programs. The guidelines shall be exempt from the provisions of the Administrative
74 Process Act (§ 2.2-4000 et seq.).