

117TH CONGRESS  
1ST SESSION

# H. R. 3391

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

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## IN THE HOUSE OF REPRESENTATIVES

MAY 20, 2021

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

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## 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—

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

10 (2) that permits children ages 4 through 6, in-  
11 clusive, to be enrolled in such program;

12 (3) that does not require payment for participa-  
13 tion in such program;

14 (4) that is offered for the full school year;

15 (5) that is taught by teachers who meet the  
16 professional qualifications, including licensure and  
17 certification requirements, for kindergarten teachers  
18 in the State or Tribal organization in which the eli-  
19 gible entity is located;

20 (6) that includes academic standards that pre-  
21 pare students to meet grade-level benchmarks;

22 (7) that may include standards related to cog-  
23 nitive development, socio-emotional learning, phys-  
24 ical and behavioral skills development, and rec-  
25 reational activity; and

1           (8) that, if supported by paraprofessionals, is  
2           supported by paraprofessionals who meet the quali-  
3           fications outlined in the Elementary and Secondary  
4           Education Act of 1965 (20 U.S.C. 6301 et seq.).

5 **SEC. 5. REPORT.**

6           Not later than 120 days after the date of the enact-  
7           ment of this Act, and annually thereafter, the Secretary  
8           shall conduct a study and submit a report to Congress  
9           that—

10           (1) specifies the number of States, local edu-  
11           cational agencies, Indian tribes, tribal organizations,  
12           and outlying areas that offer full-day kindergarten  
13           programs; and

14           (2) assesses the availability of such programs to  
15           individuals in each such entity.

16 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

17           There are authorized to be appropriated to carry out  
18           this section such sums as may be necessary for each of  
19           fiscal years 2022 through 2027.

20 **SEC. 7. DEFINITIONS.**

21           In this section:

22           (1) **ESEA TERMS.**—The terms “local edu-  
23           cational agency” and “outlying area” have the  
24           meanings given the terms in section 8101 of the Ele-



1       mentary and Secondary Education Act of 1965 (20  
2       U.S.C. 7801).

3           (2) SECRETARY.—The term “Secretary” means  
4       the Secretary of Education.

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

8           (4) TRIBE; TRIBAL ORGANIZATION.—The terms  
9       “Indian tribe” and “tribal organization” have the  
10      meanings given such terms in section 5212 of the  
11      Tribally Controlled Schools Act of 1988 (25 U.S.C.  
12      2511).

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