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*Single* BILL NO. 357

INTRODUCED BY *Shang HARP & Erik Waterman Bookout*  
*Christina Kitzberger Ellis Liberman*

A BILL FOR AN ACT ENTITLED: "AN ACT ESTABLISHING A MONTANA PREKINDERGARTEN PROGRAM;  
CREATING A MONTANA PREKINDERGARTEN COMMITTEE; ESTABLISHING A PREKINDERGARTEN TRUST  
FUND; AND PROVIDING AN EFFECTIVE DATE."

STATEMENT OF INTENT

A statement of intent is required for this bill because it grants rulemaking authority to the Montana  
prekindergarten committee in [section 5] to implement the Montana prekindergarten program.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MONTANA:

NEW SECTION. Section 1. Short title. [Sections 1 through 5 and 7 through 10] may be cited as  
the "Montana Prekindergarten Program Act".

NEW SECTION. Section 2. Purpose. The purpose of the Montana Prekindergarten Program Act  
is to provide developmentally appropriate educational services that are consistent with the unique physical,  
social, emotional, and cognitive needs of young children.

NEW SECTION. Section 3. Definitions. As used in [sections 1 through 5 and 7 through 10], the  
following definitions apply:

- (1) "Board" means the board of crime control provided for in 2-15-2006.
- (2) "Children with disabilities" means children evaluated in accordance with the regulations of the  
Individuals With Disabilities Education Act, 20 U.S.C. 1400, et seq., as having cognitive delay; learning  
impairment, including deafness; speech or language impairment; visual impairment, including blindness;  
emotional disturbance; orthopedic impairment; autism; traumatic brain injury; other health impairments;  
deaf-blindness; multiple disabilities; or specific learning disabilities and who because of those impairments  
needs special education and related services.
- (3) "Committee" means the Montana prekindergarten committee provided for in [section 6].

1 (4) "Department" means the department of justice provided for in 2-15-2001.

2 (5) "Prekindergarten" means a program that provides comprehensive child and parent education  
3 in order to help maximize the potential of children between 3 and 5 years of age.

4 (6) "Trust fund" means the prekindergarten trust fund account established in [section 4].

5

6 **NEW SECTION. Section 4. Prekindergarten trust fund -- administration.** (1) There is a  
7 prekindergarten trust fund account in the state special revenue fund in the state treasury. The money in  
8 the trust fund is allocated to the committee provided for in [section 6] for funding services and activities  
9 under and payment of administrative costs of the Montana prekindergarten program provided for in [section  
10 5].

11 (2) Funds deposited in the trust fund may be used only for the program authorized in [section 5]  
12 and may not be used to pay the expenses of any other program or service administered in whole or in part  
13 by the department.

14 (3) The assets of the trust fund must be invested by the board of investments as provided by  
15 statute. If not used for the prekindergarten program, the interest and earnings must be returned to the trust  
16 fund. At the end of each fiscal year, the unexpended account balance must carry forward to the next fiscal  
17 year and may not revert to the state general fund.

18 (4) The committee may accept contributions, gifts, and grants to the Montana prekindergarten  
19 program. Monetary gifts, contributions, and grants must, upon receipt, be paid into the trust fund  
20 established in this section.

21 (5) The costs incurred by the committee in administering the Montana prekindergarten program  
22 must be paid for with money from the trust fund. The committee shall keep costs to a minimum and shall  
23 use existing office space, personnel, equipment, and supplies of the department to the extent possible.

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25 **NEW SECTION. Section 5. Montana prekindergarten program.** (1) The committee shall use the  
26 money in the trust fund to provide grants to prekindergarten programs.

27 (2) In administering the Montana prekindergarten program, the committee shall:

28 (a) develop an application packet, application procedure, and criteria for the receipt of grant funds;

29 (b) establish priorities for funding prekindergarten programs;

30 (c) monitor the expenditure of funds by prekindergarten programs receiving funds under this

1 section;

2 (d) evaluate the effectiveness of services and activities funded under this section; and

3 (e) adopt rules necessary to implement [sections 1 through 5 and 7 through 10].

4

5 **NEW SECTION.** **Section 6. Montana prekindergarten committee.** (1) There is a Montana  
6 prekindergarten committee allocated to the department of justice for administrative purposes only as  
7 provided in 2-15-121. The committee shall work in cooperation with the board of crime control.

8 (2) The committee consists of 10 members appointed by the governor as follows:

9 (a) one person representing the child and family services division of the department of public health  
10 and human services;

11 (b) one person representing the families achieving independence in Montana project;

12 (c) one person representing the justice system;

13 (d) one school administrator;

14 (e) one person representing head start;

15 (f) one person representing the office of public instruction;

16 (g) one person representing postsecondary education;

17 (h) two primary grade teachers; and

18 (i) one preschool teacher.

19 (3) The members of the committee must be compensated and receive travel expenses as provided  
20 for in 2-15-122.

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22 **NEW SECTION.** **Section 7. Application procedure -- application contents -- eligibility.** (1) An  
23 applicant seeking a grant for a prekindergarten program from the trust fund created in [section 4] shall  
24 submit a grant application to the committee. The application must be made on a form furnished by the  
25 committee.

26 (2) The application must include the following information:

27 (a) the name and address of the applicant;

28 (b) the location of the prekindergarten program;

29 (c) a description of the prekindergarten program, including a proposed budget and the parent  
30 education component;

1 (d) an explanation of how the program will serve the target population and provide all of the  
2 components as specified in the federal head start performance standards and guidelines;

3 (e) the proposed number of children to be served;

4 (f) the qualifications of the instructional staff; and

5 (g) any other information considered necessary by the committee.

6 (3) Nonsectarian organizations, including public school districts and head start grantees, are eligible  
7 to apply for grants.

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9 **NEW SECTION. Section 8. Minimum grant qualifications -- eligibility criteria for children served.**

10 (1) A grant application must meet the following minimum qualifications:

11 (a) Funds must be used to establish and maintain a continuing, new, or expanded prekindergarten  
12 program and may not be used to supplant a federally supported head start program.

13 (b) A prekindergarten program must be coordinated with federal head start guidelines to ensure  
14 efficient delivery of services and to prevent overlap.

15 (c) A prekindergarten program must provide parents with:

16 (i) ongoing opportunities to observe teacher-child interactions; and

17 (ii) hands-on opportunities as available and appropriate in the classroom.

18 (d) A prekindergarten program must provide fundamental instructional approaches to various  
19 curriculum endeavors.

20 (e) A prekindergarten program must provide for ongoing teacher observations and assessments of  
21 each child as well as ongoing communication with parents and receiving elementary school kindergarten  
22 teachers.

23 (f) A prekindergarten program must include a parent education component that:

24 (i) provides parents with information on child development, discipline, communication, and  
25 strategies for preparing their children for school success;

26 (ii) imparts parenting skills and information that reflect the needs of the population served;

27 (iii) requires parents to work in the classroom for a minimum of 2 hours a week; and

28 (iv) coordinates with existing community resources.

29 (2) (a) A prekindergarten program must be for children who are at least 3 years old on or before  
30 September 10 of the entrance year.

1 (b) At least 60% of the children served by the program must meet the eligibility criteria for the head  
2 start program.

3 (c) The program must be for a minimum of six children.

4 (d) At least 10% of the total number of enrollment opportunities statewide must be available for  
5 children with disabilities.

6 (3) A prekindergarten program that has received funds from the trust fund is eligible for a  
7 continuation grant, provided that the program received a favorable evaluation from the committee.

8  
9 **NEW SECTION. Section 9. Grant conditions -- accounts and reports.** (1) A grant may not be  
10 awarded unless the grantee accepts the conditions of the grant and signs a contract stipulating those  
11 conditions.

12 (2) A grantee shall agree in writing that:

13 (a) the grantee is the official and sole agency for the administration of the prekindergarten program  
14 described in the grant agreement;

15 (b) a person may not, on the grounds of race, color, national origin, sex, or age, be excluded from  
16 participation in, be denied the benefits of, or be subjected to discrimination under any program or activity  
17 that results from the expenditure of grant funds;

18 (c) the funds granted will be expended solely for the purpose and activities described in the  
19 approved application;

20 (d) the funds granted will be used for Montana citizens; and

21 (e) a minimum of 4% of the total grant will be used for staff development.

22 (3) The grantee shall maintain accounts, records, and other pertinent materials pertaining to the  
23 costs incurred and expenditures made under the grant. The system of accounting employed by the grantee  
24 must be in accordance with generally accepted accounting principles and be applied in a consistent manner  
25 so that program costs and expenditures can be clearly identified.

26 (4) The grantee shall submit to the committee annual reports of expenditures during the course of  
27 the grant and other financial and descriptive reports that the committee may require.

28  
29 **NEW SECTION. Section 10. Committee reports.** The committee shall make an annual report to  
30 the board and a biennial report to the legislature. The board shall prescribe the contents of the reports.

1           **NEW SECTION. Section 11. Codification instruction.** (1) [Sections 1 through 5 and 7 through 10]  
2 are intended to be codified as an integral part of Title 20, chapter 7, and the provisions of Title 20, chapter  
3 7, apply to [sections 1 through 5 and 7 through 10].

4           (2) [Section 6] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the  
5 provisions of Title 2, chapter 15, part 20, apply to [section 6].

6

7           **NEW SECTION. Section 12. Effective date.** [This act] is effective July 1, 1997.

8

-END-

STATE OF MONTANA - FISCAL NOTE

Fiscal Note for SB0357, as introduced

DESCRIPTION OF PROPOSED LEGISLATION:

An act establishing a Montana prekindergarten program, creating a Montana Prekindergarten Committee, and establishing a prekindergarten trust fund.

ASSUMPTIONS:

1. The prekindergarten committee created by Section 6 of SB 357 would be attached to the Department of Justice for administrative purposes. Under Section 4, the committee would use existing office space, personnel, equipment, and supplies of the department to the extent possible.
2. The Department of Justice does not now operate any program similar to the proposed prekindergarten program where staffing responsibilities could be incorporated. Staff would be necessary to assist the committee with the functions set forth in Sections 4 and 5 of the bill and to develop grant proposals and grant administration. The department would be able to provide administrative support and office space for committee staff; however, some equipment would need to be purchased in fiscal year 1998 only.
3. The department would not hire staff until funds are available in the trust fund. The projected fiscal impact is based the funds being available on July 1, 1997.

The budget includes a grade 14 program manager as staff to the committee at an annual cost of \$31,835 and operating costs of \$2,500 a year for supplies, printing, communications, and travel.

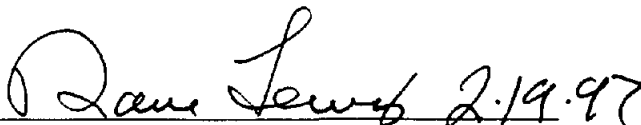
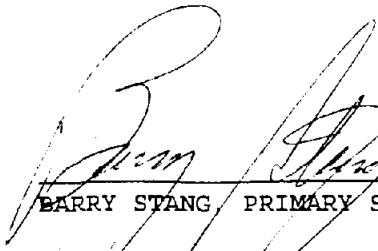
It is projected that the committee would meet quarterly for a one day meeting. Travel costs for the 10 committee members are projected to be \$120 per day times four meetings per year for a total of \$4,800.

4. The only dedicated revenue source to the state special revenue fund is through contributions, grants, and gifts. The Department of Justice is not able to estimate these potential revenues.

FISCAL IMPACT:

	<u>FY98</u>	<u>FY99</u>
	<u>Difference</u>	<u>Difference</u>
<u>Expenditures:</u>		
FTE	1.00	1.00
Personal Services	31,835	31,835
Operating Expenses	7,300	7,300
Equipment	<u>5,000</u>	<u>0</u>
Total	44,135	39,135
State Special Revenue (02)	44,135	39,135

(Continued)



2/20/97  
 DAVID LEWIS, BUDGET DIRECTOR      DATE      BARRY STANG, PRIMARY SPONSOR      DATE  
 Office of Budget and Program Planning

Fiscal Note for SB0357, as introduced

**SB 357**

DEDICATION OF REVENUE:

- a) Are there persons or entities that benefit from this dedicated revenue that do not pay? (Please explain)

Yes, it appears that only funding source is gifts or contributions. So awards of grants are made to people that don't contribute.

- b) What special information or other advantages exist as a result of using a state special revenue fund that could not be obtained if the revenue were allocated to the general fund?

None

- c) Is the source of revenue relevant to current use of the funds and adequate to fund the program/activity that is intended?  Yes  No (if no, explain)

Unknown amount of revenue source. So not able to determine if enough to cover expenses.

- d) Does the need for this state special revenue provision still exist?  Yes  No (Explain)

Could exist in general fund.

- e) Does the dedicated revenue affect the legislature's ability to scrutinize budgets, control expenditures, or establish priorities for state spending? (Please explain)

No.

- f) Does the dedicated revenue fulfill a continuing, legislatively recognized need? (Please explain)

Unknown revenue estimates so not able to answer.

- g) How does the dedicated revenue provision result in accounting/auditing efficiencies or inefficiencies in your agency? (Please explain. Also, if the program/activity were general funded, could you adequately account for the program/activity?)

No accounting efficiencies. Activity could be accounted for in the general fund through use of responsibility centers and revenue estimates.



ON MOTION RECONSIDER  
ADVERSE COMMITTEE REPORT

COM ON EDUCATION  
AND CULTURAL RESOURCES

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 3 Christina Kelly Ellis Waterman Bookout  
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4            (2) [Section 6] is intended to be codified as an integral part of Title 2, chapter 15, part 20, and the  
5 provisions of Title 2, chapter 15, part 20, apply to [section 6].

6

7            **NEW SECTION. Section 12. Effective date.** [This act] is effective July 1, 1997.

8

-END-