

COMMITTEE ON EDUCATION AND WORKFORCE
DEVELOPMENT

BILL NO. 35-0098

Thirty- Fifth Legislature of the Virgin Islands

June 12, 2023

An Act amending title 3 Virgin Islands Code by adding a new chapter 7A establishing the Virgin Islands Office of Early Childhood

PROPOSED BY: Senator Marise C. James

Be it enacted by the Legislature of the Virgin Islands:

SECTION 1. Title 3 Virgin Islands Code is amended by adding a new chapter 7A to read as follows:

“Chapter 7A. Office of Early Childhood

§ 105. Office of Early Childhood; Director; responsibilities; successor

(a) There is established an Office of Early Childhood. The office is under the direction of the Director of Early Childhood, whose appointment shall be made by the Governor. The Director is responsible for implementing the policies and directives of the Office. The director may designate any employee as an agent to exercise all or part of the authority, powers, and duties of the director in the director’s absence. The Office is within the Department of Education for administrative purposes only.

(b) The Office is responsible for:

(1) Delivering services to young children from birth to eight years of age and their families to ensure optimal health, safety, and learning for each young child.

1 (2) Developing and implementing the early childhood information system, in
2 accordance with the provisions of section 105c of this chapter.

3 (3) Developing and reporting on the early childhood accountability plan, in
4 accordance with the provisions of section 105d of this chapter.

5 (4) Implementing a communications strategy for outreach to families, service
6 providers, and policymakers;

7 (5) Beginning a territory-wide longitudinal evaluation of the school readiness
8 program, examining the educational progress of children from prekindergarten programs
9 to grade four, inclusive;

10 (6) Developing, coordinating, and supporting public and private partnerships to
11 aid early childhood initiatives;

12 (7) Developing a territory-wide developmentally appropriate kindergarten
13 entrance inventory that measures a child's level of preparedness for kindergarten, but
14 shall not be used as a measurement tool for program accountability;

15 (8) Creating a unified set of reporting requirements for the purpose of collecting
16 the data elements necessary to perform quality assessments and longitudinal analysis;

17 (9) Comparing and analyzing data collected pursuant to reporting requirements
18 created under subdivision of this subsection with the data collected in the territory-wide
19 public school information system, for population-level analysis of children and families;

20 (10) Continually monitoring and evaluating all early care and education and child
21 development programs and services, focusing on program outcomes in satisfying the
22 health, safety, developmental, and educational needs of all children, while retaining
23 distinct separation between quality improvement services and licensing services for
24 childcare centers;

25 (11) Coordinating home visitation services across programs for young children;

1 (12) Providing information and technical assistance to persons seeking early care
2 and education and child development programs and services;

3 (13) Assisting departments and agencies in obtaining available federal funding for
4 early care and education and child development programs and services;

5 (14) Providing technical assistance to providers of early care and education
6 programs and services to obtain licensing and improve program quality;

7 (15) Establishing a quality rating and improvement system developed by the
8 Office that covers home-based, center-based and school-based early childcare and
9 learning;

10 (16) Maintaining an accreditation facilitation initiative to assist early childhood
11 care and education program and service providers in achieving national standards and
12 program improvement;

13 (17) Administering any programs assigned to the Office administratively by the
14 Governor pursuant to his or her powers or any programs for which the Governor
15 designates the Office as the lead agency in the territory for a federal program;

16 (18) Ensuring a coordinated and comprehensive territory-wide system of
17 professional development for providers and staff of early care and education and child
18 development programs and services;

19 (19) Providing families with opportunities for choice in services including quality
20 childcare and community-based family-centered services;

21 (20) Integrating early childhood care and education and special education
22 services;

23 (21) Promoting universal access to early childhood care and education;

24 (22) Ensuring nonduplication of monitoring and evaluation;

25 (23) Performing any other activities that will assist in the provision of early care
26 and education and child development programs and services;

(24) Developing early learning and development standards to be used by early care and education providers;

(25) Developing and implementing a performance-based evaluation system to evaluate licensed childcare centers; and

(26) Promoting the delivery of services to infants and toddlers to ensure optimal health, safety, and learning of children from birth to three years of age.

(c) The Office of Early Childhood may enter into memoranda of agreement with and accept donations from non-profit and philanthropic organizations to accomplish the purposes of this section.

(d) The commissioners of Education, Health, and Human Services, with the concurrence of the Governor, may transfer programs relating to early childhood education from their respective departments to the Office of Early Childhood, as long as such programs are not expressly assigned to their department by statute.

(e) The Head Start Office must be based in the Office of Early Childhood.

§ 105a. Cooperation and coordination with other agencies and departments

It is the duty of all other departments, agencies, officers, and employees to assure the most effective coordination and use of territorial resources, personnel, and facilities for the benefit of children and youths and to assist the Office of Early Childhood in effectuating the purposes of this chapter by making available to the Office upon request of the director and to the extent permissible by law the services, resources, personnel, and facilities of their respective departments and agencies.

§ 105b. Office authorized to establish non-profit corporation; requirements; annual report

(a) The Office of Early Childhood may incorporate a non-profit corporation that could qualify as a public foundation under Section 501(c)(3) of the Internal Revenue Code to aid the department in carrying out any of its powers and in accomplishing any of its purposes. Any

1 non-profit corporation created pursuant to this power must be organized pursuant to title 13,
2 chapter 3, and the Lieutenant Governor may accept such filing.

3 (b) Any non-profit corporation created pursuant to this section is subject to the
4 following provisions:

5 (1) In accordance with the laws of the Virgin Islands, no governmental functions
6 or regulatory powers may be conducted by any such non-profit corporation;

7 (2) Upon dissolution of any such non-profit corporation incorporated by the
8 Office, any assets must revert to the Office or to any successor to the Office or, failing
9 such succession, to the Territory of the Virgin Islands;

10 (3) As used in this paragraph, the term "direct employee costs" means salary,
11 benefits, and travel expenses. To avoid the appearance of undue influence on regulatory
12 functions by donors, no donations to any such non-profit corporation from private
13 sources shall be used for direct employee costs of the Office;

14 (4) Any such non-profit corporation shall be subject to all laws relating to open
15 meetings and the inspection of public records;

16 (5) The Office is not liable for the action or omission to act of any such non-
17 profit corporation;

18 (6) No debts, bonds, notes, or other obligations incurred by any such non-profit
19 corporation may constitute an indebtedness or obligation of the Territory of the Virgin
20 Islands nor may any act of any such non-profit corporation constitute or result in the
21 creation of an indebtedness of the Government of the Virgin Islands. No holder or holders
22 of any such bonds, notes, or other obligations shall ever have the right to compel any
23 exercise of the taxing power of the Government of the Virgin Islands nor to enforce the
24 payment thereof against the Government of the Virgin Islands; and

(7) Any non-profit corporation created pursuant to this section may not acquire or hold a fee simple interest in real property by any method, including but not limited to gift, purchase, condemnation, devise, court order, and exchange.

(c) Pursuant to this section, the Office may establish a non-profit corporation to be designated as the “Virgin Islands Foundation for Early Care and Education” to promote public-private partnerships between businesses, non-profit organizations, institutions of higher education, local school systems, public schools, and early care and education programs for the purpose of supporting educational excellence for children and families. Funds received by the foundation may be awarded through a competitive grant process administered by the Office. The Virgin Islands Legislature may appropriate funds for purposes of this foundation.

(d) Any non-profit corporation created pursuant to this section shall make public and provide an annual report showing the identity of all donors and the amount each person or entity donated as well as all expenditures or other disposal of money or property donated.

§ 105c. Early childhood information system

(a) The Office of Early Childhood shall develop and implement an early childhood information system. Such early childhood information system shall facilitate and encourage the sharing of data between and among early childhood service providers by tracking

(1) The health, safety and school readiness of all young children receiving early care and education services from

(A) any school readiness program; or

(B) any program receiving public funding,

(2) The characteristics of the existing and potential workforce serving such children,

(3) The characteristics of such programs serving such children, and

(4) Data collected from the preschool experience survey.

(b) Any school readiness program or any child care center, licensed by the Department of Education or the Office of Early childhood, shall ensure that all children and all staff of a school under the jurisdiction of such program or center are entered into the early childhood information system.

§ 105d. Early childhood accountability plan; report cards. Report

(a) Not later than December 31, 2023, the Office of Early Childhood shall develop an early childhood accountability plan. Such plan must

(1) identity and define appropriate population indicators and program and system performance measures of the health, safety and readiness of children to enter kindergarten, and early school success of children, and must identity any new or improved data required for such purposes; and

(2) include aggregate information on the characteristics of children and programs tracked by the early childhood information system, developed pursuant to this section including, but not limited to, family income, whether the families of such children receive assistance through temporary assistance for needy families, or a similar program, and the communities in which such children reside using a performance measurement accountability framework.

(b) Not later than 2024, and annually thereafter, the Office shall develop report cards containing the indicators and performance measures identified in the early childhood accountability plan.

(c) Not later than 2024, the Office of Early Childhood shall

(1) submit the early childhood accountability plan; and

(2) annually report on the results of such plan and report cards to the Committee of the Legislature having cognizance of matters relating to education and appropriations.

§ 105e. Creation of document regarding developmental milestones. Posting of document

(a) Not later than January 1, 2024, the Office of Early Childhood shall create a one-page document that

(1) lists important developmental milestones experienced by children ages birth to five years; and

(2) contains notice that any parent or guardian who is concerned that such parent or guardian's child has not met one or more such developmental milestones may access the Office of Early Childhood Child Development Infoline for information concerning appropriate services. The Office shall make such document available on its website.

(b) On and after February 1, 2024, each operator of a childcare center, shall post a copy of the document developed pursuant to subsection (a) of this section in a conspicuous place on the premises of such child care center.

§ 105f. Preschool experience survey

On or before March 1, 2024, the Director of Early Childhood, in consultation with the Department of Education, shall develop a preschool experience survey that must be included in kindergarten registration materials provided to parents or guardians of children enrolling in kindergarten. The board shall use such survey to collect information regarding (i) whether the child enrolling in kindergarten has participated in a preschool program, and (ii) if such child has participated in a preschool program, the nature, length and setting of such preschool program, or (iii) if the child has not participated in a preschool program, the reasons why such child did not participate in a preschool program, including, but not limited to, financial difficulty, lack of transportation, parental choice regarding enrollment, limitations related to the hours of operation of available preschool programs and any other barriers to participation in a preschool program. No parent or guardian of such child shall be required to complete such survey as a condition of such child's enrollment in kindergarten.

§ 105g. Competitive grants for schools

The Office of Early Childhood, in collaboration with the Department of Education, may offer from funds that may originate from public, private, federal or philanthropic sources, a competitive grant for up to three schools to develop and implement a strategy to promote the social and emotional well-being and health of preschool children from age three to children in third grade, with a focus on instructional tools and family engagement. Up to five per cent of the grant funds provided under this section for any fiscal year may be used to pay for administrative costs.

§ 105h. Assigned to the Department of Education for administrative purposes

(a) The Office of Early Childhood is assigned to the Department of Education for administrative purposes only and shall:

(1) exercise any quasi-judicial, rule-making or regulatory authority, licensing and policy-making functions that it may have independent of the Department of Education and without approval or control of the Department of Education

(2) prepare its budget, if any, and submit its budgetary requests through the Department of Education ; and

(3) hire its own personnel or enter into contracts, if authorized bylaw.

(b) The Department of Education to which the Office of Early Childhood is assigned for administrative purposes only shall:

(1) provide record keeping, reporting, and related administrative and clerical functions for the Office to the extent determined necessary by the Commissioner of Education;

(2) disseminate for the Office any required notices, rules or orders adopted, amended or repealed by the Office;

(3) provide statistics for the Office subject to the provisions of subparagraph (3) of subsection(a) of this section; and

(4) include in the Departmental budget the Office's budgetary request, if any, as a separate part of said budget and exactly as prepared and submitted to the Department by the Office.

(c) The Office shall hire personnel, including but not limited to specialist, analysts, coordinators, administrative and clerical staff based on practices and procedures set forth in title 3, chapter 25 and title 24, chapter 14 of the Virgin Islands Code, and other practices and procedures of the Government of the Virgin Islands."

SECTION 2. (a) The sum of \$ _____ is appropriated from the General Fund of the Government of the Virgin Islands in the fiscal year ending 2023, for the initial funding of the Virgin Islands Office of Early Childhood, and to secure the services of the BUILD initiative to help develop systems, programs, services, and policies on the territorial level that help children to succeed.

(b) The sum appropriated in subsection (a) remains available until expended.

BILL SUMMARY

This Bill amends title 3 of the Virgin Islands Code by adding a new Chapter 7A creating the Virgin Islands Office of Early Childhood. The new chapter is divided into nine sections. Section 105 establishes the Director as head of the Office and lists its responsibilities. It further mandates that Head Start will be based within the Office. Section 105a outlines the necessary cooperation and coordination with other Agencies and Departments. Section 105b authorizes the Office to establish a non-profit corporation. Section 105c details the development and implementation of an early childhood information system, and section 105d. details the development of an early childhood accountability plan. Section 105e provides for the creation of a one-page document that lists important developmental milestones experienced by children ages birth to five years. Section 105f establishes the development a preschool experience survey that shall be included in kindergarten registration materials provided to parents or

1 guardians of children enrolling in kindergarten. Section 105g provides for the awarding of a
2 competitive grant for up to three schools to develop and implement a strategy to promote the
3 social and emotional well-being and health of preschool children from age three to children in
4 third grade. Finally, Section 105h establishes that the Office of Early Childhood is assigned to
5 the Department of Education for administrative purposes only.

6 **BR23-0256/February 6, 2023/LMW**