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SENATE BILL NO. 1391
AMENDMENT IN THE NATURE OF A SUBSTITUTE
 (Proposed by the Senate Committee on Rules
 on January 24, 2025)

(Patrons Prior to Substitute—Senators Srinivasan and Carroll Foy [SB 1427])

A BILL to amend and reenact § 2.2-208.1 of the Code of Virginia, relating to Commission on Early Childhood Care and Education; members.

Be it enacted by the General Assembly of Virginia:

1. That § 2.2-208.1 of the Code of Virginia is amended and reenacted as follows:

§ 2.2-208.1. Commission on Early Childhood Care and Education.

A. In recognition of the fact that early care and education of young children is linked to academic success and workforce readiness, the Commission on Early Childhood Care and Education (the Commission) is hereby established for the purpose of providing recommendations for and tracking progress on the financing of a comprehensive birth-to-five early childhood care and education system as established in § 22.1-289.03 that provides stable, high-quality early childhood care and education services for families who need them the most, empowers parents with choices that meet their needs and preferences, and supports both school readiness and workforce participation.

B. The Commission shall have a total membership of no fewer than ~~34~~ 32 members that shall consist of nine legislative members, no fewer than ~~18~~ 19 nonlegislative citizen members, and four ex officio members. Members shall be appointed as follows: five members of the House of Delegates to be appointed by the Speaker of the House of Delegates in accordance with the principles of proportional representation contained in the Rules of the House of Delegates; four members of the Senate to be appointed by the Senate Committee on Rules on the recommendation of the Chair of the Senate Committee on Education and Health; and no fewer than ~~18~~ 19 nonlegislative citizen members to be appointed by the Secretary of Education. The Secretary of Education, upon receiving recommendations for appointments from the Virginia Council for Private Education, the Virginia Child Care Association, the Virginia Head Start Association, the Virginia Alliance for Family Child Care Associations, and the Virginia Chamber of Commerce, shall appoint nonlegislative citizen members to the Commission in a manner that ensures representation from each of the nine Ready Regions identified by the Virginia Early Childhood Foundation (Ready Regions). Nonlegislative citizen members shall include one representative of the Virginia Early Childhood Foundation, one representative of the Virginia Association of School Superintendents, *one representative of the Department of Veterans Services*, one representative of the Virginia Economic Development Partnership, three executive-level representatives of the private business sector who each represent different Ready Regions, one local government representative recommended by the Virginia Association of Counties and the Virginia Municipal League, one administrator from a public early childhood education program, one administrator from a faith-based private early childhood education program, one administrator from a non-faith-based private early childhood education program, one administrator from a Head Start program, one administrator from a family child care program, one representative from an organization advocating for children with disabilities, three parents or guardians of children who are age-eligible or who were recently age-eligible to participate in early childhood care and education in the Commonwealth, one educator from a public early childhood education program, and one educator from a private early childhood education program. The Secretary of Education, the Secretary of Labor, the Superintendent of Public Instruction, and the Commissioner of Social Services, or their designees, shall serve ex officio with voting privileges.

C. The Commission shall have the following powers and duties:

1. Expand access to and the quality of child care in all regions of the Commonwealth;
 2. Analyze all existing and potential new opportunities for financing early childhood care and education programs with a focus on outcomes that are verifiable by data;
 3. Retain, grow, and strengthen the quality of the Commonwealth's early childhood care and education workforce;

4. Gather and study information and data to accomplish its purposes as set forth in this section;

5. Gather and analyze data on the current and the projected five-year availability, quality, cost, and affordability of early childhood care and education throughout the Commonwealth for children from birth to age five, determine needs and priorities for early childhood care and education, and develop funding recommendations focused on family choice, access, affordability, and quality, giving due consideration to potential unforeseen impacts of funding and policy changes on the early childhood care and education sector;

6. Annually report on specific expenditures, outcomes, and impact, including the number of children served, demographics, child-level assessment data via the Virginia Kindergarten Readiness Program (VKRP), classroom-level assessment data via the Unified Virginia Quality Birth to Five System (VQB5), teacher turnover and retention data, and parental employment data;

60 7. Support the development of an integrated early childhood longitudinal data process to capture and link
61 access, quality, and educator data with preschool growth and school readiness outcome data through third
62 grade and facilitate the sharing and use of such data and the seamless integration of the early childhood
63 longitudinal data process with other student longitudinal data systems and processes; and

64 8. Monitor and support ongoing research and evaluation conducted by the Department of Education, the
65 University of Virginia, and the Virginia Early Childhood Foundation, and any other higher education or
66 research institutions as deemed relevant, to continuously improve the quality of early childhood care and
67 education services in the Commonwealth.

68 D. One of the most important factors in learning outcomes for young children is exposure to high-quality
69 teacher-student interactions made possible through the hiring, training, and retention of skilled educators who
70 support their growth and learning. In recognizing the importance of strong professional supports and
71 competitive compensation to retaining skilled educators, the Commission shall prioritize financing early
72 childhood care and education services using the Department of Education's cost of quality estimation model.
73 Adoption of this model will ensure that early childhood care and education programs are resourced to attract
74 and retain talented educators and consistently deliver high-quality services, yielding strong school readiness
75 and literacy outcomes for participating young children. As part of this effort, the Commission should consider
76 best practices and innovations in the private and public sector from across the Commonwealth and the
77 country. The Commission should consider different sources of revenue and establish long-term goals and
78 targets for affordable access to quality care and education for all birth-to-five children in the Commonwealth.
79 Based on disparities in school readiness outcomes, the Commission should ensure that all recommendations
80 address the needs of the Commonwealth's most vulnerable children, families, and early childhood educators.
81 The Commission shall review the goals set forth in this subsection and other priorities within the early
82 childhood care and education system and submit no later than October 1 of each year recommendations to the
83 Governor and the Chairmen of the House Committee on Appropriations, the Senate Committee on Finance
84 and Appropriations, the House Committee on Labor and Commerce, the Senate Committee on Commerce
85 and Labor, the House Committee on Education, and the Senate Committee on Education and Health. The
86 Commission shall also post such recommendations on its website in a manner and format that ensure ease of
87 access by interested parents and other members of the public.

88 E. Appointments to fill vacancies, other than by expiration of a term, shall be for the unexpired terms.
89 Vacancies shall be filled in the same manner as the original appointments. All legislative members and
90 nonlegislative citizen members may be reappointed.

91 F. After the initial staggering of terms, legislative members and nonlegislative citizen members shall be
92 appointed for terms of three years.

93 G. No legislative member or nonlegislative citizen member shall serve more than two consecutive three-
94 year terms. The remainder of any term to which a member is appointed to fill a vacancy shall not constitute a
95 term in determining the member's eligibility for reappointment.

96 H. The Commission shall elect a chairman and vice-chairman from among its membership. The chairman
97 shall be a legislative member. The vice-chairman shall be a nonlegislative citizen member who is an
98 executive-level representative of the private business sector. A majority of the members shall constitute a
99 quorum. The meetings of the Commission shall be held at least four times per year at the call of the chairman
100 or whenever the majority of the members so request.

101 I. Recommendations and other actions by the Commission shall require an affirmative vote of a majority
102 of the members of the Commission.

103 J. The Virginia Early Childhood Foundation shall provide for the facilitation of the work of the
104 Commission under the direction of the Secretary of Education or his designee and with the guidance of a
105 steering committee that includes the Secretary of Education, the Secretary of Labor, one legislative member,
106 one executive-level representative of the private business sector, one representative of the Virginia Early
107 Childhood Foundation, and one parent or guardian of a child who is age-eligible or was recently age-eligible
108 to participate in early childhood care and education in the Commonwealth.

109 K. The chairman may request and access the expertise of additional representatives and organizations
110 relating to the Commission's goals and priorities.

111 L. The Commission may appoint, employ, and remove an executive director and such other persons as it
112 deems necessary, and determine their duties and fix their salaries or compensation within the amounts
113 appropriated therefor. The Commission may also employ experts who have special knowledge of the issues
114 before it.

115 M. The Commission may request and shall receive from every department, division, board, bureau,
116 commission, authority, or other agency created by the Commonwealth, or to which the Commonwealth is
117 party, or from any political subdivision of the Commonwealth, cooperation and assistance in the performance
118 of its duties.