



Policy Brief

Early Learning

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Early Education Legislation 2005: Overview of Trends and Issues

By Mimi Howard
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Introduction

Bolstered by positive research findings and continued strong support from the economic and business communities, early care and education programming for young children in preschool and kindergarten continued to gain support and attention during the 2005 state legislative sessions. This policy brief reviews the work of state legislatures during 2005 and summarizes key policy decisions in four areas:

- Pre-kindergarten legislation
- Kindergarten and full-day kindergarten legislation
- Governance and coordination of early learning services and programs
- Program and personnel quality.

Pre-kindergarten Legislation

Funding for Pre-K. Funding for state and local early education programs increased in 27 states in 2005. The largest increases in allocations were in **Hawaii**, where a 156.2% increase in funds occurred without legislative action, and in **Tennessee** where funding increased 250%. Two states implemented new pre-K programs. **Florida's** universal pre-K program – established through a ballot initiative – received \$387 million in new funds. In **New Mexico**, a hard-fought legislative decision resulted in \$5 million in nonrecurring funding for the New Mexico pre-K program. In addition, preschool programs in five states received increased funding as part of the school funding formula.¹

Nine states do not operate state-funded programs (**Alaska, Idaho, Indiana, Mississippi, Montana, New Hampshire, North Dakota, Utah** and **Wyoming**). However, Alaska's Head Start program did receive a small increase in state funding, and in a move that may indicate change in the future, First Lady Nancy Murkowski chaired a task force to guide the development of a state pre-K program.

According to a legislative report prepared last November by Pre-K Now – *Votes Count: Legislative Action on Pre-K Fiscal Year 2006* – 41 states and the District of Columbia fund preschools. Of that total, 26 states increased funding for preschool; in nine states (**Alabama, California, Iowa, Kentucky, Maryland, Michigan, New York, Rhode Island** and **South Carolina**) funding was flat and two states – **New Jersey** and **Vermont** – decreased funding to state-supported programs. In **New Jersey**, funding increased for the state's Abbott preschools, however, the other two early education programs operating in the state, Early Childhood Program Aid (ECPA) and the Early Launch to Learning Initiative (ELLI), received flat and decreased funding, respectively. Funding for the **Vermont** Early Education Initiative decreased, however, the state's education funding formula does permit public schools to fund pre-K; allocations to the pre-K portion have increased annually for the past two years. In **Iowa**, one of the nine flat-funded states, legislation passed allocating funds to local Community Empowerment boards for pre-K scholarships, while no new funds went to the state's Shared Visions pre-K program.

Financing Pre-K. In addition to state general fund investments and school funding formulas, financing for pre-K programs came from a variety of sources. Following are examples of some finance strategies used in states:

- Pre-K programs in **Kansas** received funds from the tobacco settlement finalized in 1999.
- Funding in **Tennessee, Georgia, and North Carolina** were generated through lottery revenues. Legislation enacted in **Tennessee** in 2005 stipulated that funds for pre-K programming would be drawn from recurring excess net education lottery proceeds in the Lottery for Education Account, after higher education scholarships had been funded. **Georgia's** lottery financed an additional 2,000 state preschool slots, and the **North Carolina** legislature approved a lottery to raise funds for preschool programs.
- In **Arkansas** funds were generated through a tax on beer, first passed by the legislature in 2001 and which continues to be earmarked for financing pre-K in the state.
- Local programs in **California** used tobacco tax revenues to finance programs.
- **Hawaii** used department of education dollars and transferred Temporary Assistance for Needy Families (TANF) dollars into pre-K programming to increase support without legislative action.
- The newest state to include pre-K funding in the school funding formula is **Nebraska**. Legislation to gradually shift funding was accompanied by a short-term increase in the state's Early Childhood Grant program to allow for ongoing expansion during phase-in.
- Two states, **Iowa** and **Massachusetts**, increased program affordability by increasing child care subsidies to families.

In two states, voters are being asked to sidestep the legislative funding process through large ballot initiatives proposed in 2005 and placed on the 2006 ballot. In **California**, a proposed initiative to increase income tax for the state's highest income bracket would finance universal pre-K. The **Arizona** Early Childhood Development and Health Initiative would ensure that all families have voluntary access to high-quality early learning and health screenings.

Defining Eligible Providers of Pre-K Services. With the rapid expansion of pre-K programming came the need to identify providers of those services. Early childhood services are spread across a variety of programs, from Head Start to public and private center-based pre-school and childcare to home-based care. The necessity of tapping into the existing service delivery options, and at the same time maintaining some consistency with regard to quality and accountability, led to the passage of several measures designed to stipulate a process for identifying and enabling programs to operate using state funds. In 2005 six states passed legislation focused on issues of service provision (**Kansas, Florida, Illinois, Louisiana, North Dakota** and **West Virginia**). Some states passed legislation that allowed private entities to contract to deliver services (**Florida** and **Kansas**), while other states identified guidelines such as teacher qualifications and compliance with state and local regulations, or set standards for program quality for eligible entities (**Illinois, North Dakota** and **West Virginia**). Although **North Dakota** does not operate a state-funded pre-K program, legislation passed that requires approval of an early childhood program be granted through the state superintendent. In **Louisiana**, legislation expanded definitions of eligible program providers by enabling charter schools to deliver the state-funded pre-K LA4 programming.

Kindergarten and Full-day Kindergarten Legislation

Full-Day Kindergarten. Eight states passed legislation to support targeted or universal full-day kindergarten (FDK). As part of the **Oklahoma** Achieving Classroom Excellence Act of 2005, legislation phases in universal full-day kindergarten requirements. Further, legislation defines full-day kindergarten through the requirement that districts offer "full 6-hour-day kindergarten free of tuition for every child residing in the district." Four states – **Arizona, Nevada, Delaware** and **Wyoming** – continued to provide districts with funds to expand full-day kindergarten programs in districts. **Nevada** transferred \$9.3 million to districts to provide FDK during the 2005-07 biennium. **Wyoming** continued to assist districts offering FDK with a \$5 million increase in funding. **Delaware** approved \$3 million to continue to phase in voluntary full-day kindergarten. An additional \$13 million was allocated for construction of classrooms to house new programs.

Arizona made progress toward the governor's 2004 vision of universal voluntary FDK by providing an additional \$17 million to the existing \$25 million allocated for full-day kindergarten to support additional schools meeting lowered poverty guidelines. (In her 2006 State of the State address, Governor Janet Napolitano called on the legislature to create a universal voluntary full-day kindergarten program for

Arizona this year.) Legislation passed in **Colorado** targets low-performing schools by allowing schools with unsatisfactory ratings on the state accountability system to implement full-day kindergarten, and provides funding for those schools so they *could* implement FDK. The legislation also allows districts to contract with other public/private providers to offer FDK.

Quality improvement of existing programs was the focus of legislation passed in **Massachusetts**. The state approved \$25 million in grants to improve full-day kindergarten instruction and strengthen the connection between pre-K, kindergarten and 1st grade. In addition, the governor called for the development of a kindergarten readiness tool.

Kindergarten. The issue of kindergarten entrance age was addressed in five states. No matter where the age of entry is set, most kindergarten classrooms have an age span of at least one year among students, and further contributing to this age span are allowances for early entrance to kindergarten. Raising the entrance age delays access to kindergarten for one year. From a policy perspective, many lawmakers argue that raising the kindergarten entrance age will increase student achievement because they believe older children are better prepared for later school success. From a fiscal perspective, raising the kindergarten entrance age creates a one-time decrease in the education budget as it reduces the number of children who enroll in kindergarten when the age change takes effect. States addressing issues of entrance age and early admission in 2005 included **Arizona, Delaware, Indiana, Maryland** and **Minnesota**.

Other kindergarten legislation enacted in 2005 included:

- The **Arizona** legislature passed a bill that allows for parental choice of half- or full-day programs where both options are available in a district and a requirement that half-day kindergarten programs be aligned with state academic standards.
- **Colorado** passed legislation requiring all districts to offer kindergarten.
- **Maryland** revised its student record systems to include data on pre-K and kindergarten assessment, enrollments and phase-in dates.
- Districts characterized as Abbott “rim districts” received additional K-12 funding to address poverty rates and the needs of low-performing schools in **New Jersey**. (“Abbott” refers to 31 school districts in New Jersey that were named in the 1998 Supreme Court equity funding litigation to benefit from state financial assistance and implement specific remedies mandated by the court. Since that time, many districts surrounding the 31 Abbott districts have been characterized by the same economic disadvantage which originally led to the court’s decision.)
- The **New Hampshire** state kindergarten construction program was extended through June 2006

Governance and Coordination of Early Learning Services and Programs

Creation of P-16/20 Councils. Six states recognized the need to coordinate educational services as a means to increase school readiness and program effectiveness and to assure more consistent accountability. **Ohio** created the Partnership for Continued Learning to “promote systematic approaches to education” by supporting regional efforts to foster collaboration among providers of pre-K through secondary school. The group was also charged with addressing issues of expanding access to learning opportunities for children under 5 years old, aligning teacher preparation across the state, and measuring the impact of collaboration efforts. The **Delaware** P-20 Council, originally created by executive order, was placed into code in 2005 and charged with “making recommendations for a more integrated seamless education system that enables children to enter school ready to learn.” In four states – **Arizona, Maine, Rhode Island** and **Virginia** – new councils were created through executive order.

Creation of Early Childhood Councils. Efforts to coordinate the diverse early education service delivery models that operate in single communities resulted in the creation of early childhood councils or other governance structures in eight states. The composition and purpose of these groups varied from state to state. **Maryland** created a Division of Early Childhood Development within the state department of education. This new division consolidated Child Care Administration and selected programs that had previously been housed in the Office of Children, Youth and Families.

In **Connecticut** the new Early Childhood Cabinet will oversee the creation and implementation of professional standards for teaching. The Early Childhood Investment Corporation, a joint effort of the

Michigan Department of Health and Human Services and the governor's Children's Cabinet, was created to offer requests for proposals to early learning pilot sites.

Florida's newly enacted Voluntary Pre-K Education Program established collaboration between the Department of Education to oversee accountability, and the Agency for Workforce Innovation (AWI) to oversee program operations. Additionally, the program created the Florida Early Learning Advisory Council within the AWI.

Other states creating governance or coordinating entities included the following:

- **North Carolina** established the Office of School Readiness to oversee the expansion of services in the state.
- The **Washington** Early Learning Council was formed to analyze issues affecting the delivery of early learning services and to create an evaluation system for programs. The 17-member panel was charged with the development of an early learning plan to "improve the organization of early learning programs and services...and to improve the accessibility and quality of programs across the state."
- **Pennsylvania** initiated a public/private partnership to increase pre-K quality.
- The **Virginia** Early Learning Council was formed to explore potential increased economic growth and job creation through investing in early education.

Quality

Legislation addressing quality issues tended to fall into two broad areas: teacher quality and program quality. States showed the greatest variation in approaches to creating policies affecting program quality. For purposes of reporting and analysis, this report briefly addresses teacher quality in terms of qualifications and professional development. Under the general heading of program quality, four subtopics are presented: standards, incentives and the creation of quality rating systems, accreditation and school readiness.

Personnel Quality: Teacher Qualifications and Professional Development. Three states addressed issues of qualifications for early childhood educators. In order to align requirements with the state standard teaching certificate, **Delaware** changed the requirements for early childhood education teacher qualification from 0-kindergarten to 0-grade 2. The **Illinois** Early Learning Funding and Programs Bill required that all pre-K teachers hold an early childhood education teaching certificate. In **Rhode Island**, new requirements for teacher qualifications aligned early childhood education and K-12 by creating a PK-2 certificate. **Florida** legislation creating the Voluntary Pre-K Education program established minimum standards for professional development and set instructor credential goals for the 2010-11 and the 2013-14 academic years.

Efforts to support professional development and increase teacher quality were passed in four states. **Massachusetts** created a pilot scholarship program for early childhood educators. The **New Mexico** Pre-K Act included funds for professional development as well as other program quality supports. The **Texas** legislature expanded the Texas Early Education Model – a pilot program that delivers training and technical assistance to early childhood educators. The **Iowa** Strong Start program received funds to address issues of teacher training for preschools.

Program Quality. State legislators took a variety of policy approaches to addressing issues of program quality. Again, the creation of legislation was driven to a large degree by the need to assure continuity across the diversity of programs offering pre-K services. Policy decisions tended to fall into four general yet overlapping areas: creating and enforcing quality standards; offering incentives and implementing quality rating systems; developing accreditation guidelines; and supporting school readiness.

Standards. The development of both program and content standards played a role in establishing program quality in three states. **West Virginia** addressed program quality issues related to its Universal Access to Early Education System by adding health and safety standards to the state policy for implementing high-quality pre-kindergarten programs. One of the charges to the **Washington** Early Learning Council was to create an evaluation system by setting program quality standards (see discussion of rating systems below). **Florida's** Voluntary Pre-K Education Program (UPK) required the development of performance standards for students to be in place by April 2005.

Incentives and quality rating systems. In four states – **Hawaii**, **Iowa**, **Texas** and **Washington** – policies created to increase program quality include the provision of incentives to programs and providers, and the creation of quality rating systems to provide a structure for program quality improvement as well as enable parents and families to make informed decisions about child care. The Improving Early Education Bill passed by the **Hawaii** legislature appropriates funds to establish a temporary Early Education Task Force to increase access to programs, improve quality, support professional development and inform parents. Financial incentives are available to programs to adopt the state content standards. As part of the bill to expand the **Texas** Early Start program statewide, the commissioner of education was authorized to establish a program to provide incentives to early childhood providers who coordinated services with Head Start and pre-K programs.

Iowa and **Washington** both implemented efforts in 2005 to create and put into action quality rating systems. The National Child Care Information Center (<http://www.nccic.org>) defines quality rating systems as “a method to assess, improve, and communicate the level of quality in early care and education settings.” Quality rating systems typically address multiple aspects of care and education through a uniform approach available statewide or at the local level. In 2005, the **Iowa** legislature enacted a bill directing the Department of Human Services and the Empowerment Board to establish a voluntary quality rating system based on a menu of key indicators related to professional development, environment, health and safety, leadership and administration, and family and community involvement. An oversight committee was formed to develop and implement the system, which was targeted to begin in early 2006. The initial focus of the **Washington** Early Learning Council, housed within the governor’s office, was to develop and implement program quality improvement through two specific mechanisms: “A voluntary, quality-based, graduated rating system to provide information to parents on the quality of childcare programs and to provide resources and incentives for quality improvements; and a tiered reimbursement system to state subsidized childcare programs.” In **Wisconsin**, the legislature rejected the governor’s call to implement a quality rating system and incentives for child care providers.

Licensing and accreditation. Three states addressed the need to assure uniform high quality across programs by contracting for early learning services. The expansion of the **Texas** Early Start Initiative – a program designed to increase language and pre-literacy skills – included a provision for the creation of a certification system to “ensure that those who participate in the Early Start program meet high standards and are focused on the goal of preparing children for school.” In **Maryland**, the state department of education was charged with the development of a plan to accredit early learning and childcare programs that provide services supported by state funding. A temporary private preschool licensing and accreditation task force was established in **Hawaii** to develop recommendations for licensing and accreditation standards, policies and procedures for private elementary schools serving children under the age of 5. Recommendations from the task force are intended to inform legislation enacted during the 2006 session.

School readiness. A number of state legislatures tackled issues of program quality through policies designed to increase school readiness and improve academic outcomes. In **Colorado** the School Readiness Quality Improvement Plan expands the number of communities eligible to apply to the Department of Human Services for quality improvement funding. The legislation allows for the creation of community councils to develop comprehensive systems for early care and education, and serve as funding conduits to local providers seeking quality improvement funding. The legislation also allows for targeting efforts to programs feeding into low-performing schools as determined by the state school accountability system. A final component expands the voluntary professional credentialing system.

The **Connecticut** School Readiness program, launched in 1997, received additional funding from the legislature in 2005. The state-funded initiative oversees the development and operation of a network of school readiness programs. The program allows priority school districts and severe-need schools to apply for funds to increase access to quality accredited and/or approved programs. Local readiness councils oversee funding, quality improvement and accountability. Quality components include: collaboration with other community services, health and nutrition services, inclusion, parent involvement, kindergarten transition, professional development and program evaluation.

In **Iowa**, the Impact of Early Intervention Block Grant legislation is designed to measure school readiness of students enrolled in programs receiving grant funds. The legislation requires districts to collect data on

student enrollment and achievement dating back to 2001. Required information includes reports of allocations, students enrolled in 4th grade, and number of students not proficient in reading in grade 4.

Two states took steps to monitor school readiness by passing legislation to develop kindergarten readiness assessment tools. The **Florida** Voluntary Pre-K Education Program establishes a system of statewide kindergarten readiness screening to assess the impact of preschool programs. As part of state efforts to improve the quality of kindergarten instruction in **Massachusetts**, funds were allocated to develop a kindergarten readiness tool designed to inform instruction and strengthen the alignment of programming pre-K to kindergarten to 1st grade.

Conclusion

Legislation passed in 2005 reflects the diversity and unique needs and priorities of states. In every case, where early learning policy was enacted, decisionmakers took important steps to advance early childhood education within the larger education policy arena. In a recently released special report, "Executive Agendas," *Education Week* reviews the 2005 education agendas and outcomes for all 50 governors. In almost every case, state legislatures backed gubernatorial priorities for early learning.² ECS has produced a companion policy brief to this report, *Current and Emerging State Policy Trends in Early Childhood Education: A Review of Governors' 2006 State of the State Addresses* (March 2006), which discusses governors' early learning agendas for 2006 and reflects much of what was accomplished by policymakers in the previous year.

The table below provides a state-by-state snapshot of key legislative decisions in 2005. Checks in each column indicate the policy area addressed in legislation. Content areas included in this table are: pre-K legislation addressing issues of program funding (\$) and guidelines for eligibility as a service provider (eligibility); legislation addressing issues of access and policies for kindergarten and full-day kindergarten; efforts to coordinate program delivery and establish governance structures for accountability and operation; and policies that address both early education programs and early education personnel.

2005 State Legislation on Early Childhood Education

State	Pre-K		Kindergarten Full-Day Kindergarten	Governance/Program Coordination	Quality	
	\$ ³	Eligibility			Personnel	Program
Alabama	<input checked="" type="checkbox"/>					
Alaska	<input checked="" type="checkbox"/>					
Arizona	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		
Arkansas	<input checked="" type="checkbox"/>					
California	<input checked="" type="checkbox"/>					
Colorado	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>
Connecticut	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Delaware	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
Florida	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Georgia	<input checked="" type="checkbox"/>					
Hawaii	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Idaho						
Illinois	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Indiana			<input checked="" type="checkbox"/>			
Iowa	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Kansas	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Kentucky	<input checked="" type="checkbox"/>					
Louisiana	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>				
Maine	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Maryland	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
Massachusetts	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Michigan	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Minnesota	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			

State	Pre-K		Kindergarten Full-Day Kindergarten	Governance/Program Coordination	Quality	
	\$ ³	Eligibility			Personnel	Program
Mississippi						
Missouri	<input checked="" type="checkbox"/>					
Montana						
Nebraska	<input checked="" type="checkbox"/>					
Nevada	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
New Hampshire						
New Jersey	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
New Mexico	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
New York	<input checked="" type="checkbox"/>					
North Carolina	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
North Dakota		<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	
Ohio	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Oklahoma	<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>			
Oregon	<input checked="" type="checkbox"/>					
Pennsylvania	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Rhode Island	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	
South Carolina	<input checked="" type="checkbox"/>					
South Dakota	<input checked="" type="checkbox"/>					
Tennessee	<input checked="" type="checkbox"/>					
Texas	<input checked="" type="checkbox"/>				<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Utah						
Vermont	<input checked="" type="checkbox"/>					
Virginia	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		
Washington	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>		<input checked="" type="checkbox"/>
West Virginia	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>			<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
Wisconsin	<input checked="" type="checkbox"/>					
Wyoming			<input checked="" type="checkbox"/>			

\$ = Indicates passage of legislation that provides state funds for pre-K programs regardless of funding level: increased, flat or decreased. For a state-by-state breakdown by funding level, see Pre-K Now report referenced below.

Eligibility = States in which legislation defines program eligibility for delivering services and receiving state funding for pre-K programs.

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Endnotes

¹ Pre-K Now, *Votes Count: Legislative Action on Pre-K Fiscal Year 2006*. (Washington, DC: Pre-K Now, November, 2005.)

² Richard, Alan, "Executive Agendas." *Education Week* (March 22, 2006): 25.

³ For a detailed description of the level of funding for each state, see the Pre-K Now legislative report, *Votes Count: Legislative Action on Pre-K Fiscal Year 2006* at www.preknow.org.