

# Early Returns

**Lawmakers are sold on the importance of early learning programs. Now they're figuring out how to pay for them.**

BY JULIE POPPE

**E**arly education programs that prepare children for kindergarten may be the single most important thing that helps them graduate from high school, stay out of trouble with the law and hold good jobs later in life.

Even though the poor economy has restricted the money available for these early programs, state lawmakers have increased funding for pre-K in the last several years. But as states try to cope with shrinking revenues—a situation expected to last at least a couple of more years—they will find it more difficult to do so.

Steve Barnett, a national researcher and economist with the National Institute for Early Education Research, argues that pre-K is an investment in the future. “When states cut pre-K, they increase the future costs of state and local government and decrease future tax revenues, so families get hurt now and in the future,” he says. Cuts in state pre-K budgets now come at “just the time when parents have less ability to pay for such programs themselves.”

Research shows pre-K improves kids’ lives in the short and long term. High-quality preschool programs help promote a child’s intellect, build strong social and emotional skills, and boost motivation.

Illinois Representative Roger Eddy, a school superintendent, started pre-K in his district more than 20 years ago. He has seen first-hand the benefits of preschool, but knows cuts are sometimes necessary. “So far,” he says, “budget cuts are not trimming [preschool] classrooms.”

Some 80 percent of all 4-year-olds attend a preschool program, with about half in public programs and the other half in private,

according to the National Institute for Early Education Research. More than 1 million 3- and 4-year-olds attended state-funded pre-K programs in 2008.

#### **HOLDING ONTO FUNDING**

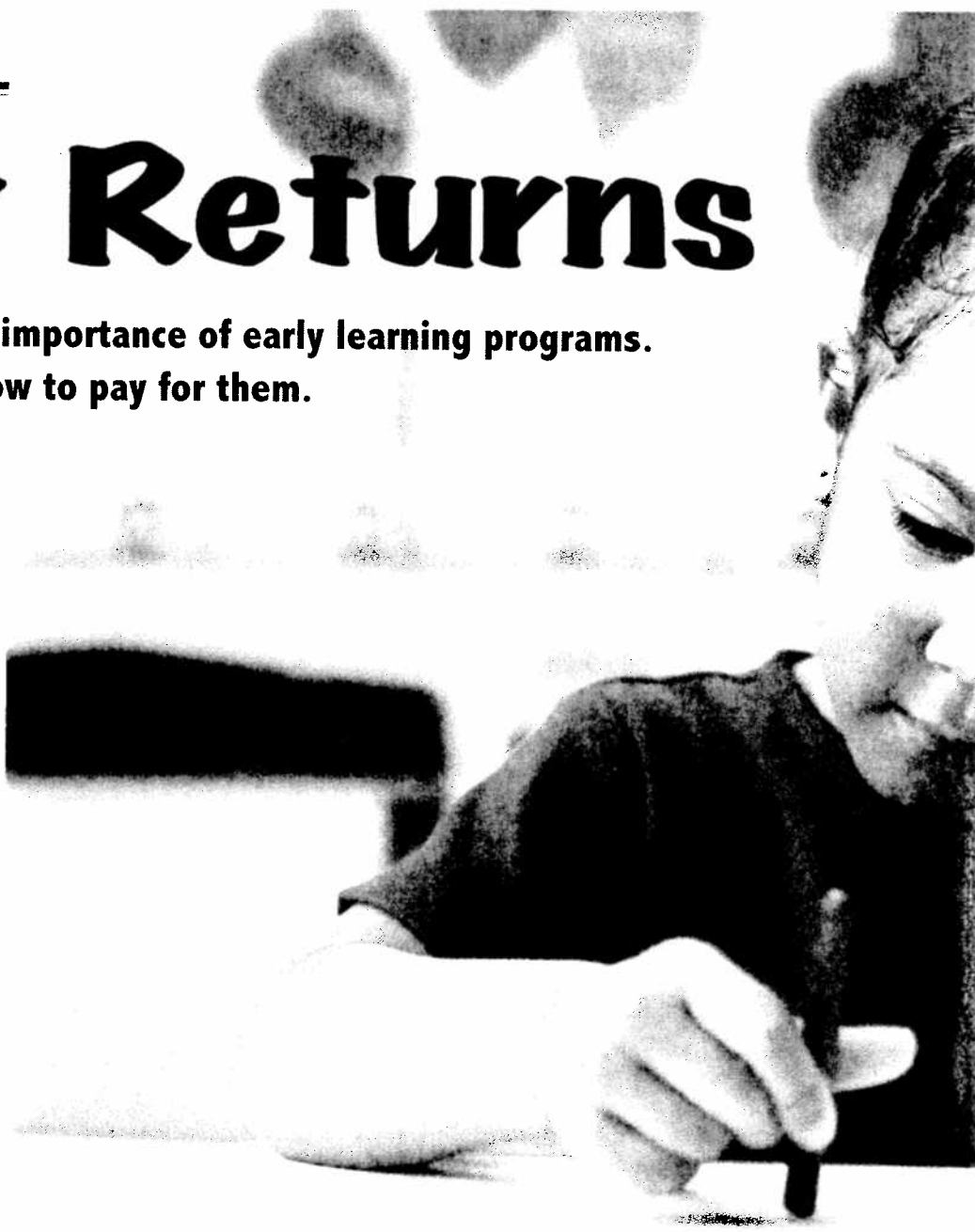
Maybe the most surprising thing about pre-K is that, for the most part, it has not been on the chopping block. According to a recent



**REPRESENTATIVE  
ROGER EDDY  
ILLINOIS**

Pew Center on the States report, overall state pre-K funding in fiscal year 2010 increased by more than \$64 million. A legislative fiscal survey by the National Conference of State Legislatures also showed lawmakers increased support for early care and education programs in the previous fiscal year even as budget gaps emerged.

Forty states and the District of Columbia currently provide a total of \$5.3 billion in state funding for pre-K programs. Twenty-three states and D.C. increased pre-K investments for FY 2010. Alaska and Rhode Island—states that have not previously invested money in pre-K—started pilot programs. Alabama increased funding by \$19 million, New Jersey increased funding by 10 percent, and Texas lawmakers authorized a \$25 million



*Julie Poppe covers pre-K issues for NCSL.*



**REPRESENTATIVE**  
**ELIZABETH COULSON**  
**ILLINOIS**

budget bill and provide construction dollars for preschool facilities, with no or limited decreases to services.”

#### **GETTING CREATIVE**

A little creativity goes a long way as state policymakers look for ways to pay for early childhood education.

Maryland and New Jersey have used money provided under Title I of the federal Elementary and Secondary Education Act. A recent Pew Center on the States report, in fact, recommends state and local policymakers consider new money under the act that was made available through the federal stimulus act.

Decision makers, including school superintendents, may not be aware that Title I can be used for preschool. This flexible funding stream allows districts to subcontract with Head Start and child care programs that meet certain standards to provide services. The U.S. Department of Education issued guidelines for using the money in 2004 and again in September 2009.

In Maryland, 24 school districts use the money for pre-K. The Montgomery County Public Schools used \$900,000 from Title I last year to extend 13 Head Start preschool classes from half day to full day for a small group of children. The results are encouraging. These students made strong gains in reading and some gains in math, according to a recent study by the district. It is now using the federal stimulus money and in-kind contributions from Head Start to expand another 21 classrooms to full time. Money also is being used to provide instructional materials and professional development for early education teachers.

“Pre-K is a better use of time and a wiser expenditure of money” than remediation, says Jerry Weast, schools superintendent in Montgomery County, Md. He says he’s confident that his district’s pre-K programs are setting the foundation for academic, social and emotional skills, and the life-long desire for kids to learn.

increase over two years and pushed for quality improvements. And amid large budget shortfalls, Pennsylvania and Tennessee were able to keep preschool funding stable.

Some state lawmakers last year faced big proposed cuts, however. Illinois, a leader over the years in pre-K support, cut funding, along with nine other states—Connecticut, Louisiana, Massachusetts, Michigan, New York, North Carolina, Ohio, South Carolina and Washington.

Illinois Representative Elizabeth Coulson was relieved pre-K funding was cut by only 10 percent compared to the proposed 50 percent cut, and that the cuts were made to administrative costs, not services to children. “In a bad budget year,” she says, “Illinois lawmakers were able to enact a capital

## **FEDERAL FUNDS FILL GAPS**

In April 2009, the U.S. Department of Health and Human Services announced it would provide \$100 million in federal stimulus money to states to establish State Advisory Councils on Early Childhood Education and Care, which were mandated by the federal Head Start Act of 2007.

The federal mandate and stimulus money for each state to create an advisory council is an opportunity for legislators to get involved in early childhood policy in their state and address the needs of their youngest citizens. The councils will coordinate existing early childhood efforts among federally and state-funded programs and agencies.

States with early childhood advisory councils that pre-date the Head Start Act also can apply to receive stimulus money. Twenty-one states started early childhood leadership bodies before the federal model was mandated.

Seventeen states included legislators in council membership. Shortly after the federal act went into effect, Massachusetts and Minnesota passed legislation to create councils and both included legislators, though the federal law does not require it.

Minnesota Representative Nora Slawik, member of the governor’s Early

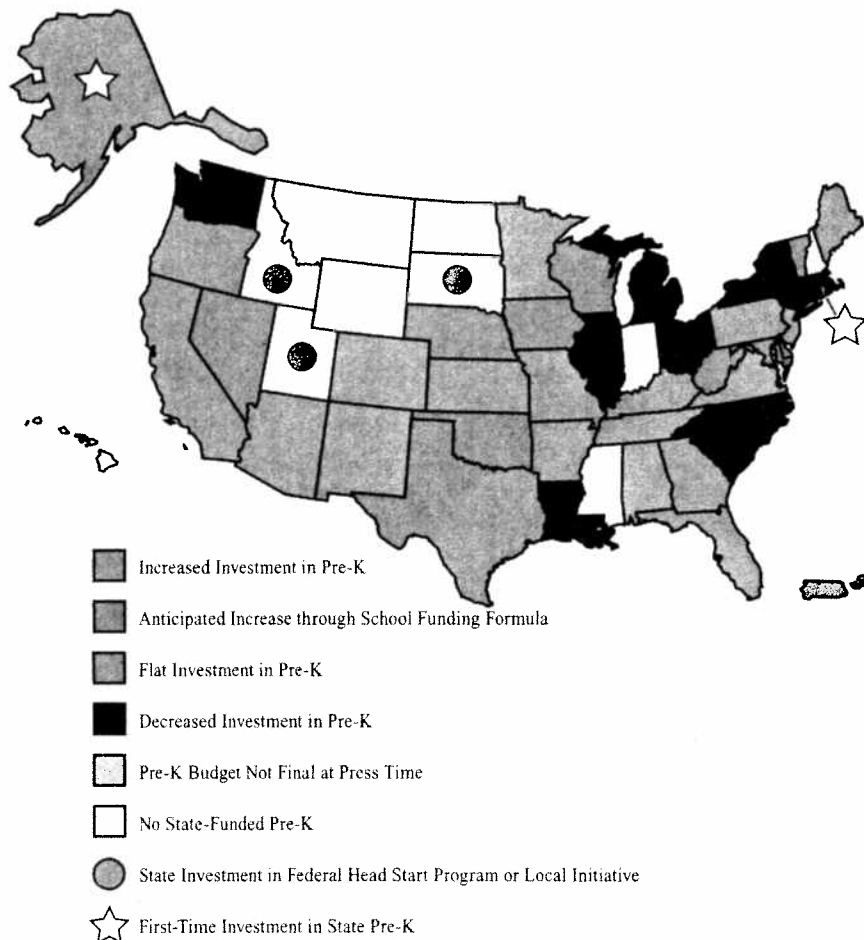


**REPRESENTATIVE**  
**NORA SLAWIK**  
**MINNESOTA**

Childhood Advisory Council, says the council has been working hard to secure the ARRA funds for strategic planning purposes. “Having this money will fill in some of the gaps in the early childhood system and allow us to move forward together more strategically,” says Slawik.

## LEGISLATIVE ACTION ON PRE-K BUDGETS IN FY 2010

In 15 states, lawmakers increased pre-K funding, including two with first-time investments. Nine states and the District of Columbia anticipate increases through their school funding formulas. Six states funded their programs at 2009 levels. Another 10 legislatures decreased pre-K investments. Overall, state pre-K funding increased by a projected \$64 million.



Source: Votes Count: Legislative Action on Pre-K Fiscal Year 2010, 2009, Pew Center on the States.

### EXPANDING IN TEXAS

During the mid-1980s, Texas began a state-funded early education program for children considered at risk—poor and homeless kids, and those for whom English was a second language. In 2006 and 2007, the state added children of military families and children in foster care. With 18 active military installations and nearly 40 percent of children of active duty military personnel under age 6, Texas lawmakers thought it was important to support the educational needs of these youngsters.

Senator Judith Zaffirini, chair of the higher education committee, believes that success for students in college begins as early as preschool. “We need to look at this as a continuum. The solution to reducing the dropout

rate or kids not making it to college is in early childhood education,” she says.

Representative Diane Patrick introduced a bill in 2009 aimed at creating a new grant program to provide money to school districts that want to offer full-day programs. “We can’t afford dropouts and incarceration, and we can’t afford for citizens to not be productive. We need to get kids off to the right



**SENATOR**  
**JUDITH ZAFFIRINI**  
**TEXAS**



**REPRESENTATIVE**  
**DIANE PATRICK**

start,” says Patrick.

The bill received bipartisan support from both Texas chambers—Zaffirini co-sponsored the bill in the Senate—and passed with two-thirds of the votes. The governor vetoed the bill, however, saying fewer children would be served if the bill were enacted because it targeted full-day programs. The Legislature was able to add \$25 million to the existing pre-K grant program, bringing the funding total to more than \$100 million for FY 2011.

“The bill was focused on higher quality standards, such as certified early childhood teachers, standardized curriculum, evaluation, collaborative partnerships with private providers, and increased funding to local districts to pay for the actual cost,” says Patrick.

It also would have set the child-to-staff ratio at 1:11, close to the national benchmark of 1:10. “I think the bill would have raised the level of importance of quality of preschool,” she says. She intends to address the issue again in 2011 when the legislature holds its next session.

### RHODE ISLAND QUALITY

Rhode Island lawmakers faced a \$500 million budget gap while crafting their 2010 budget, which is on top of the \$449 million gap they closed in 2009. The state is facing more budget cuts for FY 2011, revenue estimates are dire, and nearly 16 percent of the state’s 248,000 kids live in poverty.

Even so, the General Assembly is providing \$700,000 for pilot programs in a variety of settings in seven school districts. Two of these new programs also use Title I stimulus money to help pay for pre-K. Pilot classrooms must adhere to high standards, with all pre-K teachers holding a B.A. with a state certification in early childhood education, and other national benchmarks, including smaller classrooms and fewer children per teacher.

Some in the state see early learning as the “little engine that could” moving another



**SENATE PRESIDENT  
TERESA PAIVA WEED  
RHODE ISLAND**

inch forward even in tough economic times because of legislative, business and community support and advocacy.

Rhode Island Senate President Teresa Paiva Weed has made sure early care and education programs hire certified instructors who have the appropriate skills to deal with young children. She sponsored a bill to create a quality improvement and rating system in 2007, and then sponsored a pre-K bill to explore policy and funding options in 2008. Both were enacted.

"During this serious fiscal situation, I am optimistic that the pre-K pilots will prove their value," says Paiva Weed.

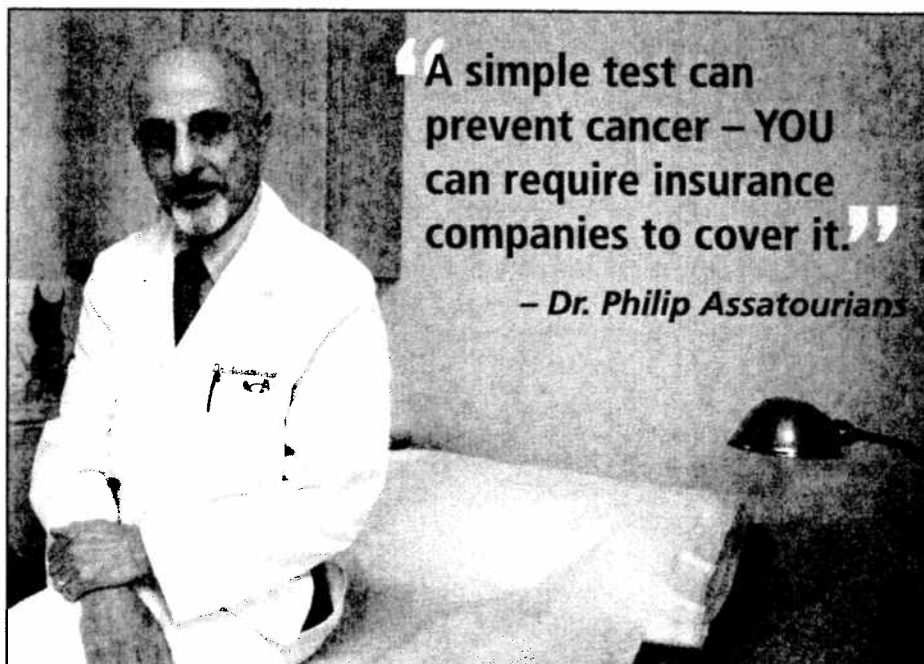
The state is using stimulus money for child care and Head Start, too. Close to \$700,000 in stimulus money will pay for better quality infant and toddler care, training for early childhood teachers, financial incentives for providers to meet higher standards, and scholarships for teachers to pursue advanced degrees.

"We have learned to use a combination of strategies to increase quality and access," says Paiva Weed. "Together, they will have a positive impact on a range of social, health and educational outcomes."

Lawmakers are bracing themselves for prolonged fiscal difficulties as revenues decline and federal stimulus money runs out. And while legislators may be less likely to cut programs they have worked hard to expand in recent years, it's going to be a tough year for pre-K.

Illinois' Eddy sums up the difficult position in which many legislators find themselves. "Preschool is definitely among the priorities," he says. "But when property values are down, pension costs are up, Medicaid costs are up and revenue doesn't rebound in our state, this raises some tough questions."

**CHECK OUT** pending federal legislation that could have a huge effect on funding for preschool education at [www.ncsl.org/magazine](http://www.ncsl.org/magazine).



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## NCSL REPORT

# Early Care & Education

### 2008 Pre-K Legislative Update

May 2008

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During the 2008 legislative session, at least 32 states and the District of Columbia introduced over 150 pieces of legislation on preschool, including bills to expand eligibility, increase or decrease funding, promote higher quality, support teachers, and establish early learning councils. This document provides an overview of proposed state legislation in these areas. Some state legislatures have completed their sessions and a few enacted bill examples are provided in this update.

At least eleven state legislatures—Alabama, Iowa, Florida, Tennessee, Kansas, Michigan, Missouri, Massachusetts, North Carolina, South Carolina and Virginia—are currently considering appropriation bills for preschool. Most of these are governor driven with some states considering significant funding increases even with budget deficits. At least two states have proposed changing their funding structure allocations for preschool. **Illinois** lawmakers proposed a bill that would increase the set-aside amount of the Early Childhood Block Grant from 11 percent to at least 20 percent by 2014 used to fund programs for children birth to age 3, depending on sufficient funding for grants to existing preschool programs. A **Missouri** bill would increase the annual allocation of gaming revenues to the Veteran's Commission and decrease the allocation to the Early Childhood Development, Education and Care Fund, which funds Missouri's pre-k program.

Also, there was legislative activity in states that currently do not have state-funded preschool programs. Seven state legislatures—Alaska, Idaho, Mississippi, New Hampshire, Rhode Island, South Dakota and Utah—proposed bills that focused on establishing statewide preschool programs, standards, and taskforces. To date, three state legislatures—Alaska, New Hampshire and Rhode Island—still have bills that are currently pending. A bill overview of these seven states' progress on pre-k is provided later in the document.

#### Preschool Expansions

Legislators in at least 12 states — California, Colorado, Georgia, Illinois, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Missouri, New York, Tennessee—and the District of Columbia proposed bills to expand their current state preschool programs. **Kentucky, Louisiana, Minnesota, Tennessee** and the **District of Columbia** proposed establishing universal preschool for 4-year-olds and **Georgia** proposed a bill to expand pre-k to all 3-year-olds. **Kentucky** and **Minnesota** also proposed bills establishing an at-risk preschool program for 3- and 4-year-olds. A **Kentucky** bill would establish a trust fund to allot grants to provide collaborative community-based preschool to serve low-income children living at 200 percent of FPL. **Illinois** lawmakers proposed removing certain provisions that limit funding distribution so that the state may achieve the goal of preschool for all. **Colorado's** school finance bill proposed an increase of 300 preschool spaces to bring its statewide total to 20,160 to be funded by a freeze on property tax mill levies. **Maryland** lawmakers proposed two bills that would expand eligibility to children of military families.

A **Missouri** bill would establish a pilot preschool plus grant program to serve up to 10,000 children with high-quality early childhood education services in school districts with at last 30 percent free or reduced lunch population. A **California** bill specifies that preschool is available to 3- and 4-year-olds and consolidates the funding for pre-k. **New York** lawmakers proposed a bill that would allow the commissioner to grant a waiver to certain school districts to expand grants to certain programs to fund full-day pre-k. A **Minnesota** bill would establish a Preschool through 3<sup>rd</sup> grade community grant program and would appropriate \$5 million for the initiative. **Michigan** lawmakers passed a bill to allocate \$99.6 million for school readiness, preschool and parent program grants to enable eligible districts to develop or expand preschool and parenting education programs. The bill is currently awaiting the governor's signature.

#### Preschool Age Requirement

Three states legislatures—Illinois, Iowa, and Tennessee—proposed changing preschool age requirements. **Iowa** lawmakers proposed that any child who is 4 years old on or before September 15 can enroll in preschool. A **Tennessee** bill changes the date from

September 30 to September 1 of which children must reach age 4 to enter preschool. **Illinois** legislators proposed allowing a child who has attended preschool and who will be 5-years-old by December 31 (currently September 1) to be allowed to attend school.

#### Other Preschool Program Components

A **Florida** bill proposed revising the number of preschool instructional hours from 540 to 720 hours for private preschool providers to be considered a full-time equivalent student in the voluntary pre-k program. **Colorado** lawmakers proposed a pre-k alignment bill, which would require preschool students to have a numerical identifier that would follow the child through the state's P-16 system. **Florida** legislators proposed a few bills that provide legislative intent to revise laws relating to pre-k through 12<sup>th</sup> grade and also proposed a bill for an amendment to the state constitution relating to preschool through 12<sup>th</sup> grade education.

#### Quality

State legislatures proposed bills on preschool quality, including quality rating systems (QRS), teacher quality improvements and supports. **Florida** lawmakers proposed two bills that would establish the Florida's Sunshine State Star QRS requirement for early learning programs including those participating in the voluntary pre-k program.

#### Professional Development

A **Florida** bill would establish a pilot program to enhance the quality of pre-k and provide education requirements for teachers. A **California** bill would require a system of professional development for prekindergarten teachers and would require the state to develop teaching competencies. An **Iowa** bill would appropriate \$750,000 for implementation of a statewide professional development system to support the statewide 4-year-old preschool program. Another Iowa bill proposes if funding is made available for a professional development system that it be implemented by the state's department of education.

#### Teachers

State legislatures are examining ways to promote better teacher quality through training, certification and degree requirements for early education teachers. In recent years, some state lawmakers have proposed and enacted bills to increase teacher requirements while other legislatures have proposed or enacted bills to relax requirements. A **Florida** bill would require that pre-k classes by the 2010-11 school year have at least one pre-k instructor who holds an associate or bachelor's degree. **Vermont's** bill would require by 2011 all school district prekindergarten teachers be licensed. The bill also would require the commissioner of education and the commissioner of children and families examine the availability of sufficiently higher trained pre-k teachers. **Minnesota** lawmakers proposed a bill that would require preschool instructors to complete a reading instruction competence assessment before being granted an initial teaching license. **Oklahoma's** bill would require teacher early childhood certification be approved by the Oklahoma Commission for Teacher Preparation. **New Jersey** legislators proposed a bill that would require certification of new teachers hired by licensed child care centers that provide preschool classes in Abbott districts. A **Florida** bill would allow preschool teachers to be allowed to access Florida's retirement system benefits.

**Maine** enacted legislation that requires the rules established by the state board of education be amended before being approved to establish eligibility for an endorsement of a teacher employed during a certain period of time in a prekindergarten to 3<sup>rd</sup> grade program. **Tennessee** enacted legislation that directs the state to survey local school districts with preschool programs to determine if all employment rights for K-12 teachers apply to preschool teachers and report the findings to the legislature.

#### Community-based Providers

Four state legislatures—Missouri, New Jersey, Pennsylvania, and Vermont—proposed legislation on community-based providers. **Pennsylvania's** bill would allow center or family child care settings that have met or exceed a 3-star standard under the Keystone Stars quality rating system to be eligible for Pre-k Counts funding. **Vermont** lawmakers proposed authorizing school districts that do not yet participate in the STARS programs to be granted a 3-star eligibility if the program is in good regulatory standing. The bill also requires the department of children and families and education to approve rules for the STARS program for public and private providers. A **Missouri** bill would require the state to provide fully subsidized preschool at licensed child facilities that employ highly qualified teachers for children residing in a school district classified as unaccredited or provisionally accredited by the state board of education. **New Jersey's** bill would require the state to monitor twice a year contacts with private preschool providers in Abbott districts.

#### Assessment

**Washington** lawmakers proposed a bill that would require the state and Thrive by Five to make recommendations regarding the implementation of a statewide kindergarten entry assessment. **Florida** legislators proposed a bill that would have required private pre-k providers and public schools to conduct certain assessments of the progress of students enrolled in the voluntary pre-k program.

#### Transportation

Lawmakers in four states—Iowa, Illinois, Maine and New York—proposed legislation addressing transportation of preschool students. **New York's** bill would define "bus" to include preschool programs. **Illinois'** bill proposes to change the reimbursement for preschool transportation. **Iowa** lawmakers proposed a bill that would allow community empowerment areas to offer preschool transportation without approval of all the school districts. **Maine** enacted legislation requiring school districts to provide transportation to preschool

students.

### Governance, Councils and Studies

Legislators in two states—Kansas and Connecticut—are considering governance bills. The **Kansas** bill transfers the prekindergarten pilot program from the Department of Social Services and the Children's Cabinet to the State Board of Education. **Connecticut's** bill proposes to add new members to the early childhood education cabinet.

At least six states legislatures —California, Hawaii, Iowa, Minnesota, New Hampshire and New Jersey—are considering bills that would establish a council, commission or partnership to examine early learning. **Hawaii** lawmakers are considering two bills to create an Early Learning Council. **California** legislators introduced legislation to create a preschool advisory council. A **New Hampshire** bill would establish a commission to study the feasibility of creating a preschool program. **Minnesota** lawmakers proposed three bills to create a P-20 Partnership and **New Jersey** proposed to create a P-20 Council. The **Iowa** legislature established a state committee on research an development of preschool through 12th grade. The governor signed the bill and is based on the prek-12 feasibility study committee created in 2007.

Five state legislatures—California, Georgia, Mississippi, Oklahoma and Tennessee—proposed bills to create a task force or conduct a study to examine preschool. **Mississippi** lawmakers proposed three bills establishing a task force to study universal pre-k. **California** legislators proposed a preschool quality commission to examine standards for programs educating 3- and 4-year-olds, including examining a quality rating system (QRS). **Oklahoma's** proposed legislation requires the Oklahoma Partnership for School Readiness Board to conduct an assessment of existing pre-k programs for effectiveness and accessibility. A **Tennessee** bill directs the state department of education to report on the costs associated with its preschool programs. **Georgia** passed a measure creating a House study committee on Georgia's pre-k program.

### Movement in Non-Prekindergarten States

During the 2008 legislative session, seven states without state-funded preschool programs—Alaska, Idaho, Mississippi, New Hampshire, Rhode Island, South Dakota and Utah—proposed bills that focused on preschool.

**Alaska** lawmakers introduced two prekindergarten bills. One bill would allow the state board of education to adopt regulations to provide early education programs. Another bill, which is currently awaiting the governor's signature, allows school districts to provide pre-elementary and Head Start programs. Alaska's governor also proposed additional funding for the state early childhood education initiatives. **New Hampshire** legislators proposed legislation to establish a commission to study the feasibility of creating a preschool program. **Utah's** proposed bill would create a pilot project using a home-based educational technology program to develop school readiness skills of preschool children. **Utah** lawmakers enacted a bill that appropriates state funds for Head Start for the first time. The **Idaho** legislature considered two bills on pre-k, including a bill to establish a state funded community-based preschool program for at-risk 4-year-olds. Idaho maintained its Head Start supplement with TANF funds at the same level of FY 2007. **South Dakota's** proposed legislation would establish standards for pre-k programs and certified personnel. Lawmakers also proposed a bill that would allow pre-k programs in public schools and funds through the state aid education formula for preschoolers in accredited pre-k programs. **Rhode Island's** bill proposes a preschool program for at-risk 3- and 4-year-olds in communities with low performing schools.

Lawmakers in **Mississippi** introduced a total of seven bills in both houses on prekindergarten, which all failed. One bill would have established a pilot pre-k program eighteen counties that meet certain criteria. Three of the bills proposed would have created a task force to study universal pre-k. Three bills proposed appropriated funding to fund the Early Learning Collaborative Act of 2007, which set up a professional development system for early childhood caregivers and teachers. At the end of the session, legislators appropriated \$3 million to support the governor's request to provide financial incentives for preschools to increase their educational content.

### Other

- Hawaii lawmakers proposed a bill that would require qualified preschool teachers and aides for its junior kindergarten program. Minnesota proposed funding for voluntary full-day kindergarten.
- A New Jersey bill would continue the property tax exemption for portions of tax exempt building for preschool.
- California legislators proposed a bill that would require the creation and funding of a preschool pilot program to develop and demonstrate methods for preschool information transfer to public schools.
- A New Mexico bill would provide for an education data warehouse to serve pre-k through post-graduate education.
- A Minnesota bill would make changes to the prekindergarten exploratory projects and the involvement of the Minnesota Early Learning Foundation.

This document contains proposed and a few examples of enacted legislation from January 1, 2008 to April 21, 2008. The author used a variety of sources including state legislative websites and State Net, a legislative tracking database, for bill searches. Bills in carry-over states were highlighted when there was movement on the bill in 2008. This analysis is intended to provide examples of significant legislation in each state and does not include bills with technical changes. Please contact Julie Poppe at [julie.poppe@ncsl.org](mailto:julie.poppe@ncsl.org) for more information.

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**Denver Office:** Tel: 303-364-7700 | Fax: 303-364-7800 | 7700 East First Place | Denver, CO 80230 | [Map](#)

**Washington Office:** Tel: 202-624-5400 | Fax: 202-737-1069 | 444 North Capitol Street, N.W., Suite 515 | Washington, D.C. 20001