



NCSL REPORT

Early Care & Education

Child Care and Early Education Legislation Highlights 2006

February 2007

Introduction

In 2006, at least 36 states enacted substantive child care and early education legislation. This is an increase of five states over the 31 that enacted legislation in 2005. Areas of enacted bills included:

- **Preschool and School Readiness:** preschool expansion, financing, professional development, and creating groups such as councils, task forces, and committees
- **Child Development:** home visits, services for infants and toddlers, and early intervention programs
- **Quality Initiatives:** quality rating systems
- **Child Care:** eligibility, professional development, training, reimbursement system, licensing, and tax credits

Highlights of enacted child care and early education legislation through December 2006 are below, organized by topic area. For more detailed information on the laws referenced in this document, refer to the legislation summaries in the attached appendix.

Preschool and School Readiness

At least 22 states enacted legislation that involved preschool or school readiness. For instance, eight states expanded their preschool programs when they allocated additional funding, expanded eligibility, or added new programs. Three states changed how their programs are financed, and four enacted legislation that encouraged preschool teachers to pursue professional development. At least two state legislatures directed a department or commission to develop early childhood education program standards. Ten states either affected the governance structure of their preschool programs or created a type of task force. For example, two states changed the governance structure of their early childhood education programs, three states created task forces, and two states enacted legislation to develop study committees.

Preschool Expansion

To increase access to preschool programs, states allocated additional funding, expanded eligibility, and added new programs. **California** appropriated \$50 million to increase preschool enrollment in low-performing school districts. **New York** also appropriated \$50 million towards its preschool program. **Maine's** legislature authorized transfers from the General Fund's surplus, and gave first priority to the Department of Health and Human Services to expand preschool and child care services. **Colorado** legislation added 2,000 preschool slots to the state's preschool program. Colorado's program serves at-risk three, four, and five year olds who lack overall school readiness. It also includes children who receive services from the Department of Human Services as neglected or dependent children.

Two states—Illinois and Texas—expanded eligibility for state preschool programs to incorporate new populations. **Illinois'** legislature directed the State Board of Education to expand the current grant program in order to provide voluntary preschool for all children ages three to five. Programs serving primarily at-risk children will receive first priority, and the second funding priority will be children whose family income is less than four times the federal poverty limit. The **Texas** legislature expanded eligibility for the state's preschool program to include the children of active duty members of the armed forces, including the state military forces or a reserve component of the armed forces that is ordered to active duty. These children may enroll in the state's prekindergarten program for free.

South Carolina reauthorized the First Steps to School Readiness Act and created the South Carolina Child Development Education Pilot Program, which focuses on the support that children need to be ready for school. The legislation targeted eight priority districts for the first two years, and permitted remaining appropriations to be used to expand the program to other eligible districts. The program will serve at-risk four-year-olds in both public and private settings. **Massachusetts** legislators authorized \$4.6 million for a pilot of the Massachusetts Universal Prekindergarten Program.

Financing

Two states passed legislation that impacted how their early childhood programs are financed. **Florida's** legislature altered how funds are distributed for the state's summer prekindergarten program, based on full-time equivalent student enrollment. Each district's enrollment calculations are based on a number that is divisible by ten, and if the result is not a whole number, the district's enrollment calculation is adjusted by adding the minimum number necessary to make it evenly divisible by ten. **Kansas** allowed school districts to spend certain funds on education programs and services for preschool-aged, at-risk children. It also raised the at-risk pupil weighting over the next three fiscal years, from .193 to .456 by fiscal year 2009.

The **Nebraska** legislature established the Nebraska Early Childhood Endowment Fund, a public-private endowment fund. Interest and earnings generated from the endowment will be used to fund early childhood programs and services for at-risk children. The bill passed by the legislature specified that the funds will benefit children ages birth to three, although the constitutional amendment, passed by voters in the general election, defines the target population as children ages birth to five.

Professional Development

Four states passed legislation to facilitate a preschool teacher's professional development. **Connecticut** developed an accelerated, alternate route program to initial teacher certification with an endorsement in early

childhood education. **Florida** authorized the Agency for Workforce Innovation to administer the Teacher Education and Compensation Helps (TEACH) scholarship program. **Illinois** passed legislation to permit the student teaching requirement for an Early Childhood Certificate to be satisfied through placement in any pre-kindergarten through third grade classroom. **Mississippi** provided additional compensation for teachers holding certain licenses or employed in critical shortage areas. The law also required a needs assessment for an incentive program for teachers or directors that make educational advancements.

Program Standards

Missouri's legislation required the Department of Elementary and Secondary Education to develop standards for early childhood education which would be applicable to public preschool programs that received state or federal funds. The standards must include a focus on cognitive, language, physical, and social/emotional development, and highly qualified teachers. The legislature in **New Jersey** directed the newly-created Commission on Early Childhood Education to develop and recommend standards for early childhood education program design, implementation, and assessment, as well as standards for early childhood education facilities.

Governance/ Task Forces

Ten states passed legislation to create committees, task forces, or councils related to early childhood care and education. **Washington** created the cabinet-level Department of Early Learning to coordinate and consolidate state activities related to child care and early learning programs. The new Department will pull together over a dozen state programs that involve various aspects of early childhood development, including child care and preschool. It will promote linkages and alignment between early learning programs and elementary schools, and support the transition of children from pre-kindergarten to kindergarten. **North Carolina** transferred its More at Four program and the Office of School Readiness to the Department of Public Instruction. It also gave certain four and five-star rated centers first priority for More at Four expansion slots.

Hawaii established an early learning task force and directed it to develop a five-year plan to create an early learning system for children ages birth to five. The legislation specified that the implementation and financing should begin with services for four year olds and then expand to incorporate all children under age five. **Maryland's** legislators developed a Task Force on Universal Preschool Education. **Wyoming** created a task force of employees from the Department of Workforce Services and the Department of Family Services to perform a statewide child care needs assessment. The state also created a legislative oversight committee to oversee the Department of Workforce Services' implementation of the quality child care system and to research alternative quality child care systems.

Two states—New Hampshire and Vermont— created study committees through legislation. **New Hampshire's** legislators focused more broadly and established a committee to identify and assess community-based, educational and human services programs that serve families with children ages birth through eight. **Vermont** formed a prekindergarten study committee to evaluate and make recommendations regarding prekindergarten programs in the state. **Idaho's** legislature convened an early education task force, although it did so without enacting a law.

Child Development

Four states enacted legislation which affected their services for infants and toddlers. Two states expanded their home visiting programs, and three states appropriated funds for programs that serve infants and toddlers. Legislatures in six states passed laws that involve their early intervention programs. They altered how services were delivered, expanded programs, and changed how funds were allocated.

Infants and Toddlers

Two states- Iowa and Pennsylvania- expanded home visiting programs. **Iowa** added home visitation programs as one of the family support services funded and provided under the auspices of the Community Empowerment Board. **Pennsylvania's** legislature established the Ounce of Prevention program as a grant program for public or non-profit organizations to provide home visitation and other services to low-income, at-risk, expectant first-time mothers and their newborn children.

Three states passed legislation that appropriated funds for programs that serve infants and toddlers. **Iowa** allocated \$5 million in each of three fiscal years towards programs for family support services targeted towards families either expecting a child or with children ages birth to three. **Maryland** required the Governor to include a minimum appropriation in the annual budget for the Maryland Infant and Toddlers program. **Nebraska**, mentioned earlier, will use some of the earnings generated by its Early Childhood Endowment Fund to support early childhood programs and services for at-risk children ages birth to three.

Early Intervention

Six states passed legislation on early intervention services. Lawmakers in **Maine** consolidated and reorganized the delivery of early childhood special education programs. This bill also defined what constitutes a disability and specified how early intervention services are to be delivered. **North Carolina's** legislature created incentives and sanctions to encourage local educational agencies to improve results for children with disabilities ages three through 21. It also established an Advisory Council to the State Board of Education, called the Council on Educational Services for Exceptional Children, to advise the Board regarding unmet needs within the state in the education of children with disabilities; comment on rules, policies, and procedures regarding the education of children with disabilities; and assist the State Board to develop evaluations and report on data required by the federal IDEA. **Washington** passed legislation to expand its early intervention services. The state required each school district to provide or contract for early intervention services to all eligible children with disabilities ages birth to three, in partnership with local birth to three agencies and providers. A state's Free and Appropriate Public Education obligation to children with disabilities begins at age three, and this legislation seeks to minimize developmental delays amongst children with disabilities by providing services beginning at birth. Additionally, the legislation required special educational and training programs provided by the state or school districts to include preschool-aged children.

Two examples of states which re-allocated funds to expand their early intervention programs are Michigan and Minnesota. **Michigan's** legislature permitted districts to use funds from a lawsuit settlement for an Early Intervening Program, which provides additional behavioral and learning assistance to students from kindergarten through third grade. **Minnesota** allowed funds formerly appropriated for class size reduction and at-risk students to be used to fund early intervention programs.

Wyoming required that the Division for Developmental Preschool Services' contractual payments be sufficient for contractors to pay salaries to developmental preschool providers that are competitive with local school districts, and to fund staff professional development activities. The payments also must be sufficient to offer adequate services for children ages birth through five with developmental disabilities or delays, and for a statewide program to identify children birth to five years old who need developmental services.

Quality Initiatives

Quality Rating Systems

States continue to develop and implement quality rating systems as one way to improve the quality of their early childhood programs. Legislators in at least seven states enacted measures related to a quality rating system. **Tennessee** and **Minnesota** enacted legislation to require an evaluation of the implementation of each state's quality rating system. **Florida's** legislation defined the criteria that child care centers and homes must meet in order to obtain and maintain designation as a Gold Seal Quality Care Provider.

Legislatures in Massachusetts, Mississippi, Washington, and Wyoming passed legislation that included a voluntary quality rating system as a part of efforts to improve the quality of care for children in their states. **Massachusetts** appropriated funds to develop a quality rating system for those programs that participate in the prekindergarten pilot program. **Mississippi's** legislation established the Mississippi Child Care Quality Step System and developed a pilot voluntary Quality Rating System to be phased in over the next five years. The purpose of the rating system is to improve the quality of early care and education and after school programs. Criteria will address administrative policy, professional development, the learning environment, parental involvement, and evaluation. The legislation that created **Washington's** Department of Early Learning also developed a tiered reimbursement system, which will initially consist of two pilot sites. **Wyoming's** legislature created a quality child care system for the purpose of supplementing high quality care to children. It will consist of a five-tier quality rating system; incentive payments for higher levels of quality care; scholarships for professional development; and technical assistance and quality support. It also provides for a parental education and public awareness program.

Child Care

Numerous states enacted legislation that affects how child care is delivered across a variety of environments such as informal settings, family child care homes, and child care centers. This section provides two examples of how states increased access to care by expanding the income eligibility limits for child care assistance. It also shows different ways in which states improved the quality of child care through professional development and incentives to encourage providers to pursue additional education. Several state legislatures addressed issues regarding their subsidy reimbursement system, while many others passed legislation on licensing regulations.

Eligibility

Three states—Maine, Minnesota, and New Hampshire—passed legislation that expanded access to child care assistance. **Maine** transferred \$2,000,000 to the Department of Health and Human Services to expand child care, including Head Start and other child programs and services. **Minnesota** appropriated funds to increase the basic sliding fee child care assistance grants. **New Hampshire** established a Quality Early

Learning Opportunity Initiative for children whose family income is between 190% and 250% of the federal poverty line and meet all other eligibility requirements for child care assistance.

Professional Development

Three states passed legislation to increase compensation to child care providers with more education and training. **Minnesota** passed legislation to reimburse family child care providers who meet certain state-approved education credentials, and child care centers which are accredited by state-approved organizations, at a higher rate. They will be reimbursed at a 15% differential above the maximum reimbursement rate, up to the rate they charge private customers. Subject to the availability of funds, **Washington** permitted the Department of Early Learning to administer a child care career and wage ladder in licensed child care centers that meet specific criteria. **Wyoming** established incentives, which could include scholarships or salary enhancements, to encourage providers to attain certificates or degrees in early childhood development or a related field.

Washington's legislature allowed family child care providers who serve Department of Social and Health Services (DSHS) subsidized children to be represented by a union and collectively bargain with the state. The scope of collective bargaining will be limited to economic compensation (to include subsidy and reimbursement rates), health and welfare benefits, professional development and training, labor-management committees, grievance procedures, and other economic matters. **New York's** legislature passed a bill to permit certain family child care providers who serve publicly subsidized children to be covered by the state Public Employees' Fair Employment Act and the State Labor Relations Act. The Governor vetoed this bill.

At least four states enacted legislation that involved training requirements for child care providers. **Minnesota's** legislature required family child care providers to complete eight hours of early childhood development training every year. It also mandated that all teachers and assistant teachers in a licensed child care center must complete first aid training within 90 days of the initial date of employment, and repeat this training at least every three years. **South Carolina** passed legislation that required all classroom personnel in the state's Child Development Education Pilot Program to attend 15 hours of training annually. **Utah** required recipients of a residential child care certificate to undergo ten hours of annual training, including annual CPR and first-aid courses. **Virginia** permitted providers in child care centers to distribute medication if they complete a training program approved by the State Board of Nursing, and obtain written permission from the child's parent or guardian.

Minnesota legislators passed several bills which affected training requirements for child care providers. One law requires family child care providers to complete eight hours of training each year, and to have at least one provider present in the home that has been trained in first aid and CPR. Another law requires child care providers who transport children under age nine to undergo training on the proper use and installation of a child restraint system.

Reimbursement System

Four states passed legislation that involved their payment systems. **Iowa** required the Department of Human Services to implement an electronic payment system for the state child care assistance program. **Minnesota** permitted counties to use certain allocations to fund accelerated payments during the conversion to the automated child care assistance program. Under certain conditions, the state also permitted child care providers to be reimbursed for up to 10 designated holidays per year, if the holiday falls on a day that the

child is authorized to attend. **Rhode Island** gave child care providers the option to be paid every two weeks and have the option of automatic direct deposit and/or electronic funds transfer of reimbursement payments. **Tennessee** passed legislation that child care providers must receive at least 48 hours advance notice before payments for an eligible child may be terminated.

California required the California Department of Education to implement regional market rate schedules as determined by the regional market rate survey conducted in 2005, and to update the family fee schedule.

Licensing

Numerous states enacted legislation on the licensing practices for child care centers and family child care homes. For example, both **Maine** and **Minnesota** passed laws that affected the conditions under which a family child care provider must be licensed. **West Virginia's** legislation defined informal family child care and directed the Department to create requirements for these types of homes.

Three states, **California**, **Indiana**, and **Maine**, passed legislation that impacted child care facility inspections. **California** and **Iowa** passed legislation that required parents to be notified when substantiated complaints or abuse have occurred in a child care setting.

Nebraska and New Jersey passed legislation to evaluate the state's child care licensing regulations. **Nebraska** required the Department of Health and Human Services, at least every 5 years, to review and provide recommendations to the Governor about updating child care rules and regulations. **New Jersey** created the Child Care Advisory Council to review licensing laws and regulations and make recommendations.

Tax Credits

Several states passed legislation that permitted tax credits for certain early childhood care and education expenses. **California** extended tax credits for startup expenses for child care programs, and **Georgia's** legislature provided for an income tax credit for qualified child and dependent care expenses. **Colorado** extended through 2008 the period during which the state's income tax form will include a voluntary contribution designation to benefit The Family Resource Centers Fund. The Fund will distribute this money to one of the state's family resource centers, which provide community-based services to assist families, including early childhood education.