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# State Early Care and Education Public Policy Developments (FY11)

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As states faced growing budget deficits during FY10, the question was not whether funding for early care and education programs and services would be cut, but rather how deep those cuts would go. Although the money that flowed to states through the American Recovery and Reinvestment Act (ARRA) was still available to invest in new programs or to expand existing ones, there were significant cuts made to state child care subsidy programs. These cuts included the elimination of some of these programs, as well as changes to eligibility requirements and co-pays for families.

While some states fully eliminated programs and services for young children, there was still some movement forward. States began to add a new frame for building their early childhood systems through their State Advisory Councils on Early Childhood Education and Care (also known as Early Childhood Advisory Councils). Some states also made changes to the funding or structure of their prekindergarten programs. And in a few states, changes to the kindergarten entry date added to the trend that has been seen over the past few years.

Following is a recap of public policy developments in states in the following areas:

- **State Early Childhood Advisory Councils**
- **Governance**
- **Professional Development**

- **Data Systems**
- **Quality Rating and Improvement Systems**
- **Child Care Subsidies**
- **Child Care Regulations**
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- **Prekindergarten**
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- **Environmental Health**
- **Ballot Initiatives**

## State Advisory Councils on Early Childhood Education and Care

The Head Start Act, which was reauthorized in 2007, established the State Advisory Councils on Early Childhood Education and Care. The Councils are charged with a variety of tasks, including conducting a statewide needs assessment “concerning the quality and availability of early childhood education and development programs and services for children from birth to school entry, including an assessment of the availability of high-quality pre-kindergarten services for low-income children in the State.” For more information on the Councils, visit the Office of Head Start’s information page here <http://eclkc.ohs.acf.hhs.gov/hslc/State%20collaboration/HSSCO/StateAdvisoryCo.htm>.

In **Arizona**, the Board of First Things First (which serves as the designated State Early Childhood Advisory Council) convened 35 community leaders from around the state as members of a special task force to develop the Arizona Early Childhood Plan, which is the vision for the state’s early childhood development and health system. The Arizona Early Childhood Plan will guide the role of various early childhood

programs in implementing this comprehensive system. The work of the task force is expected to result in a strategic roadmap that identifies funding priorities; establishes specific, measurable outcomes and benchmarks; and serves as the foundation for a policy and public affairs agenda.

**HB 470** updates the **Delaware** Code in relation to the responsibilities of the Interagency Management Resource Committee (IRMC) and the Early Childhood Council (ECC). The bill also aligns the ECC with requirements for State Early Childhood Advisory Councils, as stated in the Head Start Reauthorization Act of 2007. The ECC is operating in coordination with the IRMC and has adjusted membership and adopted responsibilities that will carry forward the state's early childhood plan. The IRMC will also coordinate the development of a comprehensive, coordinated early childhood system. The IRMC is composed of the Secretaries of Education, Health and Social Services, and Children, Youth and Their Families; the Director of the State Budget Office; and the Controller General of the Legislature.

In **Minnesota**, an Early Childhood Policy Bill (**SF2505**) instituted changes to the state's early care and education system. The legislation clarifies the duties of the Governor's Early Childhood Advisory Council (ECAC), which is currently charged with a wide array of duties. One of the duties is making recommendations on coordinating or co-locating early childhood and child care programs in a state Office of Early Learning. The new legislation provides more direction to the Council in performing this duty by establishing a task force to explore how, and if, to create a new Office of Early Learning. The legislation also requires the ECAC to create and implement a statewide school readiness report card. The ECAC is also required to examine current practices and make recommendations for determining how to screen children at an earlier age in order to identify any special needs and provide appropriate early intervention services. Work on this part of the Council's new duties will not be implemented until 2011. The legislation also requires that a representative from the Minnesota Department of Health be added to the Council. The School Readiness Funders Coalition, which supported these provisions, has agreed to provide \$158,000 in private funds to assist the ECAC in completing this work.

**Washington** was awarded a **\$1.7M** grant through the American Recovery and Reinvestment Act (ARRA) to support further development of a statewide early learning governance structure, the Professional Development Consortium, Seeds to Success (Washington's QRIS), development of *Washington State Early Learning and Development Benchmarks* supplemental materials, efforts to enhance pre-k through third grade alignment, and quality assurance for the WaKIDS

(kindergarten readiness) process over the next three years as part of the work of its State Advisory Council on Early Childhood Education.

**Senate Bill 268** (now **Act 104**) established the Building Bright Futures State Council as **Vermont's** designated State Early Childhood Advisory Council. The bill specifies that one of the 12 at-large Council members must be a school board member designated by the Vermont School Boards Association. The Council's nominating committee will have a key role in making recommendations to the Governor about whom the appointees should be and will make sure that the selection maintains the intent of the law, which calls for members to have a commitment to early childhood well-being and to represent a range of perspectives and geographic diversity.

## Governance

**S 2014/HB 1203** revises the duties of Early Learning Coalitions (ELC) and the Agency for Workforce Innovation (AWI) to streamline the administration of **Florida's** School Readiness Program by designating AWI as the lead agency for administering the Child Care and Development Block Grant. AWI must establish a formula for allocating state and federal funds and must also administer the statewide electronic data system; adopt a standard school readiness provider contract for use by ELCs; and adopt specific system support services for implementing the School Readiness Program. The bill also requires AWI, the Department of Education, and ELCs to coordinate with the Department of Children and Family Services to avoid duplication of interagency activities.

In May 2010, **Illinois** Governor Quinn created the Office of Early Childhood Development. The purpose of the Office is to coordinate the work of the state's early childhood advisory council, the Early Learning Council, and to support all efforts to improve and expand existing early childhood programs and services for children from birth to age 5 and their families. The Office will develop initiatives that address and promote access, quality, and accountability in early childhood services.

In **Ohio**, the Center for Early Childhood Development was created to eliminate duplication of professional development, licensing, and other administrative services and to create alignment of standards and quality improvement across the early childhood system.

**Senate Bill 6593 (Transfer of Infant and Toddler Early Intervention Program)** transfers administration of **Washington's** Infant and Toddler

Early Intervention Program from the Department of Social and Health Services to the Department of Early Learning.

## Professional Development

**Maine** used ARRA funding to support its training calendar website, scholarships for coursework toward specific credentials, and increased trainings for Maine's Early Learning Guidelines.

The **Massachusetts** General Assembly level-funded scholarships for early childhood providers at **\$3.2M** for FY11.

The **Massachusetts** Department of Early Education and Care's new Professional Qualifications Registry will gather information on the size, composition, education, and experience of the state's current workforce. It will store information about the retention and turnover of educators working in early education and care and out-of-school time programs.

An elimination of all scholarship assistance for the pursuit of P-3 and CDA certifications by early childhood providers has been announced by the **New Jersey** Department of Human Services.

**North Carolina** now requires early childhood providers working in licensed child care centers or licensed family child care homes to obtain and maintain early education certification through the North Carolina Institute for Child Development Professionals.

**Rhode Island** is using its ARRA quality funds to support work to develop Core Competencies for early childhood professionals.

**Wisconsin** has launched a certificate program for infant/toddler practitioners.

## Data Systems

**Maine** is the recipient of **\$7.3M** for its early childhood longitudinal data systems effort. A pilot that includes Educare Central Maine, all other Early Head Start and Head Start grantees, and all public pre-k classrooms will be a part of the project.

**Washington** received a **\$17.3M** grant from the U.S. Department of Education's Institute of Education Sciences for continued work on the design and implementation of the state's P-20 longitudinal data system.

**Wisconsin** received a **\$13.8M** four-year longitudinal data system grant for education accountability, including a focus on early childhood.

## Quality Rating and Improvement Systems

IdahoSTARS, **Idaho's** quality rating and improvement system (QRIS), rolled out statewide in January 2010. ARRA funds will support enhancement grants for programs enrolled in IdahoSTARS, as well as scholarships to providers enrolled in the IdahoSTARS Professional Development System (PDS).

In **Massachusetts**, approximately **\$3.3M** of ARRA funding was allocated toward QRIS Program Quality Improvement grants, awarded to 640 early education programs for the purpose of advancing programs at least one level before receiving an official rating as part of its QRIS pilot. The QRIS framework adopted by the Department of Early Education and Care includes a five-level system tied to five distinct standard categories.

Among the changes to the state's early care and education system included in **Minnesota's** Early Childhood Policy Bill (**SF2505**) is an alignment of current resources for expansion to a statewide quality rating and improvement system (QRIS). Minnesota currently uses the Child Care and Development Block Grant (CCDBG) quality set-aside to help early childhood programs and providers improve their quality through training, coaching, consultation, and other supports. The legislation allocates **\$500,000** of these funds to the QRIS.

**New Hampshire** suspended the supplemental quality payments for its QRIS.

Early childhood programs participating in Step Up to Quality, **Ohio's** QRIS, with 1-star, 2-star, and 3-star ratings will receive a 5%, 10%, and 15% (respectively) increase to their child care subsidies, in recognition of the increased costs of maintaining high-quality services.

The **New York** State Office of Children and Family Services committed **\$1.2M** in ARRA funds to support a field test of QUALITYstarsNY in 13 communities across the state.

**Rhode Island's** QRIS BrightStars, which launched in center-based programs in early 2009 and family child care in late 2009, will begin work with school-age programs in 2011. The state is using a portion of its ARRA funds to support quality bonuses for programs participating in BrightStars.

**Wisconsin's** QRIS, YoungStar, is funded at **\$10M** for FY11. This amount includes **\$1.5M** to target immediate training and technical assistance to 12 counties serving the highest populations of low-income children, as well as **\$500,000** in additional funding for the T.E.A.C.H. Early Childhood® WISCONSIN Scholarship Program.

## Child Care Subsidies

As of July 2010, states, territories, and tribes have drawn down 53% (or \$1.05B) of the \$2B in total American Recovery and Reinvestment Act (ARRA) funds. These funds must be drawn down by the end of FY11 but can be spent beyond that fiscal year. ARRA funding has helped many states stave major cuts to early childhood program funding, and the National Women's Law Center has documented how this additional funding has positively impacted funding for child care subsidies here <http://www.nwlc.org/resource/state-child-care-assistance-policies-2010-new-federal-funds-help-states-weather-storm>. Additional information on how states are spending their ARRA dollars can be found on the Center for Law and Social Policy's website here [http://www.clasp.org/federal\\_policy?id=0002](http://www.clasp.org/federal_policy?id=0002).

In **Alaska**, ARRA funds were used to increase child care assistance reimbursement rates in FY10 and will be used to also lower parent income eligibility requirements for child care assistance in FY 2011.

As a result of funding cuts, the **Arizona** Department of Economic Security (DES) established a waiting list for families that are eligible for child care subsidies. Although eligibility for child care subsidies remains unchanged, no new families are being enrolled in the program, and newly eligible working parents or those that are seeking to reapply must update their eligibility annually to remain on the waiting list.

**California's** state legislature eliminated the CalWorks Stage 3 child care program, which provides child care services for low-income working families who have been off welfare for at least 24 months. On November 18, the state reached an agreement to continue to provide child care assistance to these families through December 31. At the same time, parents who receive child care assistance through the program will be notified of their right to be screened for eligibility for other state-subsidized child care programs.

**California's** Governor Schwarzenegger finalized a budget that included a decrease of **\$12.4M**, which will reduce the reimbursement rates for license-exempt child care providers.

On February 1, 2010, **Hawaii's** Department of Human Services (DHS) increased the parent co-pay for families receiving child care subsidies. A family whose income is 100% (\$25,360) of the Federal Poverty Level (FPL) saw an increase in their co-pay from \$0 to \$120 per month, while a family at 175% (\$44,380) of FPL saw an increase in their co-pay from \$120 to \$420 per month. As an interim solution, DHS established a temporary emergency subsidy program through June 2010 for a number of impacted families.

The **Maine** Department of Health and Human Services (DHHS) established a "quality bump" to add to the market-based payment for subsidized child care, based on a program's level in the state's quality rating and improvement system. Because Maine keeps CCDBG and Temporary Aid to Needy Families (TANF) funding streams separate, the higher reimbursement rate was initially planned only for those programs that accept CCDBG vouchers. However, beginning October 1, 2010, providers at Step 4 in the QRIS (the highest level) accepting TANF vouchers will also receive the quality increase.

**Maine** used CCDBG ARRA funding to remove 227 children from the child care subsidy wait list and to transfer 183 TANF recipients to CCDBG vouchers.

Among the changes to the state's early care and education system included in **Minnesota's** Early Childhood Policy Bill (**SF2505**) are simplifications to the child care assistance program (CCAP) for young parents. In the 2008 legislative session, a task force involving agency representatives, advocates, and local government officials was created to examine barriers to families using the Child Care Assistance Program (CCAP). While more than 20 recommendations were made by the task force to simplify the program for families, only one was cost-neutral, and that provision was included in the legislation. The provision allows parents up to 21 years old who are in an approved GED or high school program to receive authorization for CCAP through the end of the school year instead of the 6-month period in current law.

Since the passage of **New Jersey's** FY11 budget, an increase in the family eligibility requirements for "wraparound" voucher funding for the state-funded preschool programs has been announced.

In **Ohio**, the following changes were made to the child care subsidy program and the Early Learning Initiative (ELI):

- Reduction in family income eligibility from 200% to 150% of poverty for child care subsidies.

- Families currently participating in the child care subsidy system with incomes from 150% to 200% of poverty will be grandfathered into the system so that siblings of currently enrolled children will be grandfathered in as well (for both the child care subsidy system and ELI).
- Once in the child care subsidy system, children will remain eligible until their parents exceed 200% of poverty.
- Reductions in the market reimbursement rate for subsidized child care in order to maintain the definitions of full-time, part-time, and hourly care (25 hours is considered full-time care and 7 hours part-time care).
- Child care market reimbursement rate reduced from the 65<sup>th</sup> percentile of the 2006 market rate survey to the 50<sup>th</sup> percentile; if the 2008 market rate survey is implemented, the reduced rate would be the 35<sup>th</sup> percentile of the 2008 market rate survey.
- The 6-month redetermination for child care was eliminated.
- ELI ended on August 22. The Ohio Department of Jobs and Family Services estimates that 4,500 children who were enrolled in ELI entered kindergarten in the fall of 2010, 7,500 transferred to subsidized child care, and 1,200-1,400 were not eligible to transfer to child care because their parents did not meet the work requirement.

Funding for **Vermont's** Child Care Financial Assistance (Subsidy) Program was level-funded for FY11.

**Vermont's** state legislature reduced funding for family eligibility determination for the Child Care Financial Assistance (Subsidy) Program by \$275,000 for FY11. As of February 2011, the Child Development Division and the Economic Services Division (both housed within the Agency of Human Services) will process the majority of applications for the program.

In **Washington, Engrossed Second Substitute House Bill 3141 (Redesigning the delivery of TANF for Needy Families)** establishes a 12-month authorization period under the Working Connections Child Care program for eligible families with children enrolled in the Early Childhood Education and Assistance Program, Head Start, or Early Head Start. The bill requires a report to the legislature regarding the impact of the 12-month authorization by September 1, 2011, as well as recommendations to expand the 12-month authorization.

The **Wisconsin** state legislature appropriated **\$3.2M** for child care fraud detection and prevention activities for FY11.

## Child Care Regulations

In **Florida, S 2014/HB 1203** establishes the Gold Seal Quality Care program within the Department of Children and Family Services (DCFS), requires DCFS rulemaking to establish Gold Seal accreditation standards, and establishes standards for approving accrediting associations for participation in the program. The bill adds DCFS authority to collect licensing and registration fees from registered family child care homes, licensed family child care homes, and licensed large family child care homes and deletes several references to obsolete programs.

The **Idaho** Board of Health and Welfare has approved new child care licensing rules, and the Department began enforcing them on July 1, 2010. The Department of Health and Welfare is currently enforcing those aspects of the law that are well defined, including licensing group child care facilities and water hazard and weapon safety. The Department has consolidated all child care licensing provider management functions into one central location. The Idaho Association for the Education of Young Children will help providers navigate this new process and collect all licensing paperwork. The Department made this change in an attempt to standardize the licensing process across the state and eliminate duplication of effort for those providers who are licensed child care facilities and Idaho Child Care Program-approved providers.

As a response to the projected state budget deficit, **New Hampshire** instituted the following changes to child care regulations that went into effect on March 1, 2010:

1. Each child will only be allowed to be linked to one provider. If a parent wants more than one provider for a child, the family will be responsible for paying that provider.
2. The cost share has changed from per family (with the cost share divided by the number of eligible children) to per child (with the cost share assessed at the full level for each child).
3. The cost share went up significantly for all children.

All three required changes to child care regulations. In June 2010, the legislature appropriated an additional **\$2.7M** to cover the cost of changing the cost share back to per family so that families with more than one child would still be able to afford child care.

In **New York, S 3644/A 7923** requires at least one individual to be present in a child care setting who has been trained and certified in first aid and CPR.

The **North Carolina** Child Care Commission (in partnership with the Division of Public Health) is required to develop new nutrition standards for child care facilities. The Division of Child Development is also required to study and recommend guidelines for increased levels of physical activity in child care settings.

**North Carolina** adopted new rules (**.0501** and **.1703**) to address staff-child interactions. Caregivers and staff will be required to relate to children in positive ways by helping children feel welcome and comfortable, treating them with respect, listening to what they say, responding to children with acceptance and appreciation, and participating in many activities with children.

## Infant/Toddler

**New York** used **\$4.6M** in ARRA funding for infant/toddler initiatives. The Early Care and Learning Coalition (ECLC), which coordinates the Infant Toddler Regional Centers, has used this allocation to

- Increase the number of Infant Toddler Specialists and expand resources at the Infant Toddler Resource Centers, with a focus on the credentialing and retention of Infant Toddler Specialists.
- Provide specialized training and certification in the Program for Infant and Toddler Caregivers (PITC) for 120 infant/toddler professionals.
- Expand funding for the ECLC to evaluate the program results and employ a project assistant.
- Conduct statewide information sessions regarding social and emotional foundations for learning and to fund four pilot projects to test on-site consultation in early childhood settings.

In **Washington, Second Substitute House Bill 2867 (Promoting Early Learning among Infants and Toddlers)** directs the Department of Early Learning to collaborate with Thrive by Five and the Early Learning Advisory Council to develop a comprehensive birth to three plan. Birth to three programs may include but are not limited to home visiting; quality incentives for infant and toddler child care subsidies; quality improvements for family home and center-based child care programs serving infants and toddlers; professional development; early literacy programs; and informal supports for family, friend, and neighbor caregivers. The bill also directs the Department of Early Learning to

design programs in a way that honors and respects linguistic and cultural diversity. The birth to three plan, with recommended appropriation levels, was due to the appropriate legislative committees and the Governor by December 1, 2010.

## Prekindergarten

The following was allocated in FY11 for the School Readiness and Voluntary Prekindergarten programs in **Florida**:

- **\$615.4M** for the School Readiness program, level-funding from FY10.
- An increase of **\$37.6M** for the Voluntary Prekindergarten Program, which will allow for an additional 8,895 children to enroll in the program.
- A reduction in the Voluntary Prekindergarten Base Student Allocation (from \$2,575 to \$2,562 per student for the school year and from \$2,190 to \$2,179 for the summer program).

In **Florida, S 2746/HB 1505** establishes that beginning with the 2012-2013 school year, a child who has a disability is eligible for specialized instructional services if the child is eligible for the Voluntary Prekindergarten Program (VPK) and has a current Individual Education Plan (IEP) developed by the district school board. The bill permits the parent of a child who is eligible for the VPK Program option for children with disabilities to select one or more specialized services that are consistent with the child's IEP. Those services include applied behavior analysis, speech-language pathology, occupational therapy, and physical therapy. Specialized instructional services must be delivered according to accepted professional standards and VPK Program performance standards adopted by the Department of Education.

In **Florida, S 2014/HB 1203** authorizes the State Board of Education to grant a good cause exemption, on an annual basis, to an otherwise ineligible Voluntary Prekindergarten Program (VPK) provider, provided that certain criteria are met (e.g., the provider serves at least twice the statewide percentage of children with disabilities or children identified as limited English proficient). Under current law, holding accreditation from an approved accrediting association is one way a private prekindergarten provider may gain eligibility to offer VPK. The bill specifies additional accrediting associations from which a private prekindergarten provider may receive accreditation as well as required child discipline standards for VPK providers.

Sunset language for **Illinois** Preschool For All, created in 2006, was removed, meaning that the voluntary preschool program for all 3 to 5-year-olds in the state is a permanent program.

The **Maine** Department of Education is implementing a pilot program of public pre-k for 3-year-olds in its new Educare center.

**Maine** used Title I ARRA funding to increase the number of public pre-k classrooms (Title I used as start-up funds, then schools can draw down state funds at 1:10 percent of state share of per student rate) in the state.

The **Massachusetts** FY11 budget allocated **\$7.5M** to the state's universal prekindergarten pilot program for FY11, a decrease of \$500,000 from the FY10 funding level.

In **Massachusetts**, the state supplement to Head Start was allocated **\$7.5M** for FY11, a decrease of \$500,000 from the FY10 allocation.

The **New Jersey** state legislature allocated an additional **\$17.2M** for preschool for FY11, which will be used for increased enrollment in existing programs.

In early July 2010, a report was released by the **New Jersey** Privatization Task Force at the request of the governor. The goal of the Task Force was to provide Governor Christie with recommendations on how the state could implement a more efficient, cost-effective government. One of the areas addressed in the report was preschool. Although the report acknowledges New Jersey's preschool program as an example of successful privatization, it makes several recommendations that if implemented, would impact the quality of the program, including replacing the state Department of Education's high-quality preschool standards in the areas of class size and square footage requirements with Department of Children and Families regulations.

In **Oklahoma**, the Head Start state supplement was allocated **\$2.27M** for FY11, a decrease of almost \$700,000 from FY10 funding levels. Since 2005, the Head Start state supplement has seen a funding decrease of \$1.6M. The state supplement is used most frequently to serve additional Head Start eligible children and families or to increase program quality.

In **Rhode Island**, the new education funding formula includes some categorical funding for voluntary, free high-quality prekindergarten programs. Funding for the expansion of public prekindergarten programs will be phased in over 10 years, beginning in FY12. The current Pre-Kindergarten Demonstration Program has seven classrooms in four

communities using a mixed delivery system that includes child care, Head Start, and public school sites.

**Rhode Island's** Head Start state supplement was level-funded in FY11 at **\$800,000**, preserving the 129 state-funded slots for preschoolers from low-income families. There are 2,455 preschool children served by Head Start statewide.

The **South Carolina** state legislature passed the Child Development Educational Pilot Program (CDEPP/4k) proviso, which stemmed from the December 2005 educational equity lawsuit, and reduced the evaluation budget for the program in exchange for direct services to at-risk children.

In **Vermont**, for the 101 towns (out of 256) with schools identified as not making adequate yearly progress according to the federal No Child Left Behind Act (NCLB), there will be a new way to calculate how many pre-k slots a school district may count in its average daily membership. The school district will inventory all pre-k slots in programs run by and through the school district and in eligible private providers (including out-of-district partnerships). This number of students will then be set as the capacity of that district. Towns can count children up to that capacity, and these towns will essentially be able to count all 3- and 4-year-olds at their maximum capacity.

The **Virginia** state legislature allocated **\$67.6M** for FY11 and **\$68M** for FY12 to the Virginia Preschool Initiative.

In **Washington, Second Substitute House Bill 2731** established voluntary comprehensive early learning programs for eligible 3- and 4-year-olds beginning September 1, 2011. On a space-available basis, the current Early Childhood Education and Assistance Program (ECEAP) may allow enrollment of children otherwise ineligible by assessing a fee. For the 2011-2012 and 2012-2013 school years, the legislature will appropriate an amount that is not less than the amount appropriated for ECEAP in 2009-2011. Beginning with the 2013-2014 school year, additional funding will be phased in to school districts with full-day kindergarten. Annual caseload forecast reports will begin December 1, 2012, with recommendations for phasing in additional funding necessary to achieve full implementation by the target date. The Department of Early Learning is also charged with collaborating with school districts, community-based providers, and educational service districts to ensure an adequate supply of approved providers. Full implementation of the program is to be achieved by the 2018-2019 school year.

The **Washington** Office of the Superintendent of Public Instruction (OSPI), with support from and coordination with the Department of Early

Learning (DEL), convened a work group, beginning April 1, 2010, to identify and recommend a comprehensive plan for a voluntary program of early learning for eligible 3- and 4-year-olds. The plan must examine the opportunities and barriers of at least two options - a program of early learning under the program of basic education and a program of early learning as an entitlement. The work group must make recommendations on criteria for eligible children, program standards, performance measures, criteria for eligible providers, governance responsibilities for OSPI and DEL, necessary funding, a timeline for implementation, and the Early Childhood Education and Assistance Program's role in the new program of early learning. The work group will be overseen by Quality Education Council (QEC) with a progress report due July 1, 2011, and a final report due by November 1, 2011, to the state legislature.

## Kindergarten

**Arizona** eliminated **\$218M** from the Basic State Aid Formula for All-day Kindergarten but the state restored its Kindergarten program to half-day. Also, **HB 2008** allows school districts and charter schools to charge tuition for a full-day kindergarten program in FY11 if they choose not to offer the half-day program.

**SB 1381**, the Kindergarten Readiness Act of 2010, changes the kindergarten entry date in **California** from 5 years old by December 2 to 5 years old by September 1. The bill also provides a year of "transitional kindergarten" before kindergarten for children with birthdays between September 2 and December 31.

The **Massachusetts** FY11 budget allocated **\$22.95M** for full-day kindergarten expansion grants for FY11, a decrease of \$3M from FY10.

The **Massachusetts** Department of Early Education and Care (EEC) plans to use more than **\$4M** in ARRA dollars to fund a summer-only kindergarten enrichment program, which provides 5- to 7-week experiences to help prepare preschool children for kindergarten. This initiative will fund qualifying public schools and EEC Income-Eligible contracted providers (including center-based programs, public schools, and family child care systems) to provide preschool children not currently enrolled in early education and care programs and/or who are educationally at-risk.

In **Nebraska**, through the 2012-2013 school year, children must turn 5 on or before October 15 of the current calendar year to enter kindergarten. For the following school years, children must turn 5 on or

before July 31 of that calendar year to enter kindergarten. If a child is born after the cut-off date, a parent or guardian may submit a request that the child enter kindergarten along with an affidavit to the school board of the school district stating that

- The child attended kindergarten in another jurisdiction in the current school year,
- the family anticipates relocation to another jurisdiction that would allow admission within the current year, or
- the child has demonstrated through recognized assessment procedures approved by the school board that he or she is capable of carrying out the work of kindergarten.

In **Ohio**, the following changes were made to full-day kindergarten programs:

- The school funding formula counts all kindergarten students as full-day instead of half-day, and funds a full-day of kindergarten for each student.
- Each school district is required to offer all-day kindergarten to all kindergarten students, beginning in FY11, subject to the following exceptions: (1) districts are required to continue to accommodate kindergartners whose parents elect to enroll them for half-day kindergarten; and (2) districts are permitted to apply for a waiver of the requirement to the Superintendent of Public Instruction. The Superintendent may take into consideration space concerns or alternative delivery approaches when considering the waiver.
- Eliminates the permanent law provision by which districts providing all-day kindergarten may charge tuition or fees. Permits school districts and community schools that, in FY09, offered all-day kindergarten and charged tuition for participating students to continue to charge tuition in FY10 and FY11, at the same per student rate charged in FY09.
- Prohibits districts and community schools from charging tuition for all-day kindergarten after FY11.
- Permits a school district to use space in a child care center licensed by the Department of Job and Family Services to provide all-day kindergarten to district students.
- Permits school districts to use state funds provided under the school funding formula for the modification or purchase of classroom space to provide all-day kindergarten or to reduce class sizes in kindergarten through third grade if those funds are not specifically allocated for another purpose and the district certifies its need for additional space to Ohio Department of Education.

## Birth to Five

The **North Carolina** General Assembly decreased funding for Smart Start by **\$5M** for FY11.

In **Vermont**, Children's Integrated Services (CIS) is the name for child development and family support services provided by three programs: Healthy Babies Kids & Families, Children's Upstream Services, and Family Infant Toddler. While state funding for CIS was not cut for FY11, Vermont's Child Development Division (CDD) is changing the way it grants these funds to regions as part of an effort within CDD to reduce overlap and increase efficiency. The first step involves moving to one regional grantee (a single contract) for Children's Integrated Services in three regions which will work to implement these changes by November 1, 2010.

## Continuity of Care

The **Maine** Department of Health and Human Services (DHHS) and Early Head Start/Head Start grantees will participate in a pilot designed to explore eligibility and enrollment policies that best support continuity of care for the most vulnerable families.

## Facilities

Language was added to the **Illinois** capital program to reduce matching requirements from 50% to 10% for nonprofit early childhood education programs. This will allow these programs more access to the state's capital improvement fund in areas designated as "high risk".

## Statewide Councils

In **California**, funding for local planning councils was decreased by **\$3.3M** – a 50% decrease in funding from FY10 levels.

**H.709** establishes a pre-k through post-secondary council in **Vermont** to help coordinate and better align the efforts of the prekindergarten – (grade)12 educational system with the higher education community to increase postsecondary aspirations; the enrollment of Vermont high school graduates in higher education programs; the postsecondary degree completion rates of Vermonters; and public awareness of the economic, intellectual, and societal benefits of higher education.

## Legislative Commissions

The **North Carolina** General Assembly established a Joint Legislative Study Committee on the Consolidation of Early Childhood Education and Care. The Committee consists of 18 appointed members and will continue the work of the Task Force on the Consolidation of Early Childhood Education and Care - working toward the development of an integrated system of early care and education in the state. The Committee is expected to coordinate its activities with the Governor's State Advisory Council on Early Childhood Education and Care.

The **Rhode Island** General Assembly created a joint legislative commission, The Task Force on the Education of Children and Youth in the Care of the Department of Children, Youth and Families. The commission will conduct a comprehensive study of the educational challenges of children and youth involved with RI Department of Children, Youth and Families (DCYF) from prekindergarten through college and develop recommendations regarding how to address these challenges.

## Public Schools

A major national effort impacting public schools is the Common Core State Standards Initiative, which focuses on kindergarten through 12<sup>th</sup> grade content standards. These standards define the knowledge and skills students should have within their K through 12 education careers so that they will graduate high school able to succeed in entry-level, credit-bearing academic college courses and in workforce training programs. Currently, the English Language Arts and Mathematics standards have been released and 41 states (including the District of Columbia) have adopted them so far. For more information on the standards and which states have adopted them, visit [www.corestandards.org/in-the-states](http://www.corestandards.org/in-the-states).

In **Arizona, Senate Bill 1119** established a Task Force on K-3 Accountability and Assessments within the state's Department of Education. The Task Force is charged with

- Examining and evaluating best practices in accountability and assessment measures and measures of academic gains for schools that provide instruction in kindergarten programs and grades one through three
- Conducting trial examinations of pupils in kindergarten programs and grades one through three

- Soliciting and accepting funding to carry out the task force's activities
- Submitting an annual report on or before December 1 regarding the Task Force's findings to the Governor, the Speaker of the House of Representatives, and the President of the Senate.

**Illinois** established new requirements for anyone seeking to receive school principal certification prior to July 1, 2014. The new requirements have gone into effect and will allow schools to highlight certain aspects of early learning such as prekindergarten instruction, special education, and students learning English as a second language.

In **Massachusetts** "An Act Relative to the Achievement Gap" includes several prekindergarten through third grade strategies for raising student achievement and turning around under-performing schools, including

- requiring the 13-person local stakeholder group created to inform each underperforming school's turnaround plan to include a representative of the early education and care field, chosen by the Commissioner of the Department of Early Education and Care;
- encouraging underperforming schools to provide high-quality prekindergarten and full-day kindergarten;
- encouraging underperforming schools to implement a research-based early literacy curriculum to aid struggling readers; and
- requiring underperforming schools to conduct developmentally appropriate prekindergarten through third grade assessments to monitor children's progress.

**Rhode Island** established a new formula for allocating state aid for public education in the state. The education funding formula will go into effect in 2012 and will be phased in over 10 years. The formula includes a core amount for each student statewide and is adjusted for student need, community poverty concentrations and community ability to support education through an income- and property-tax base. The formula includes categorical funding for high-needs special education students, career/technical education, and some phased in funding for prekindergarten. Previously, Rhode Island was the only state without an education funding formula.

**H.66 (Act 153)** creates a voluntary school district merger incentive program in **Vermont**, as well as a mandatory "virtual" merger that changes the roles and responsibilities of supervisory unions. The voluntary school district merger incentive program requires that, by December 1, 2010, the board of every supervisory union in the state discuss whether it wishes to explore the merger of districts within the supervisory union or with one or more districts outside of the

supervisory union, or both. To qualify for the temporary incentives, which include lower equalized homestead property tax rates, reimbursement for planning costs, and the ability to set multi-year budgets, the newly formed Regional Education District (RED) must consist of either 1,250 students or four districts. A waiver provision is included for districts that can demonstrate that the requirements would not be cost-effective, would decrease educational opportunities, or diminish student achievement. The new RED will be responsible for providing special education services district-wide, will develop and oversee the implementation of a RED-wide curriculum, and will assume all collective bargaining agreements in the participating districts until it reaches its own agreement with teachers and administrators.

H. 66 also changes the roles of supervisory unions across Vermont, not just in districts that voluntarily merge. These changes, effective on July 1, 2012, will largely require supervisory unions to manage and provide services that currently may be offered by the supervisory union or individual districts. The duties of supervisory unions will be expanded to include

- establishing a supervisory union-wide curriculum and ensuring its implementation;
- providing for professional development for member district educators and staff;
- providing special education and compensatory and remedial services;
- providing financial and student data management services;
- overseeing contract negotiations with educators, administrators, and other school personnel (contract terms may vary by district, and districts must still individually ratify agreements);
- providing transportation, or arrange for its provision, in districts that offer student transportation; and
- providing human resources management support.

The Commissioner of Education is authorized to grant waivers to individual supervisory unions for any or all of the above requirements, except for curriculum and professional development, if a supervisory union shows that it can provide the service more effectively and efficiently at the district level.

## Quality Supports

The **California** state legislature decreased funding for quality improvement initiatives by **\$2.1M** for FY11 – a 4.3% decrease from FY10 funding levels.

The **Massachusetts** FY11 state budget allocated **\$14M** to Quality Supports for early childhood providers for FY11.

The **New Hampshire** Child Development Bureau eliminated plans for new quality improvement initiatives and reduced ongoing quality initiatives until spending on quality initiatives met only the minimum amount for the CCDBG quality set-aside.

## Health Care

KidsCare, **Arizona's** S-CHIP program, was eliminated in **HB 2010**. The statutory language was later reinstated in **SB 1043**, which appropriated **\$9M** to cover the children who were currently enrolled in the KidsCare Program. The Arizona Health Care Cost Containment System (AHCCCS), the KidsCare administrator, is still accepting applications but children newly determined eligible are placed on a waiting list.

Funding for **Florida's** KidCare/Healthy Kids program was increased by **\$7.5M** over FY10 levels. The increase will fund a 9% expansion of the program, allowing the program to serve an additional 22,374 children.

In **Rhode Island**, eligibility for RItE Care was maintained at 250% of the federal poverty level (FPL) for children and at 175% FPL for parents. Eligibility for legally present immigrant children enacted in 2009 was implemented on April 1, 2010.

## Child Immunizations

**LD 1408**, An Act To Establish the Universal Childhood Immunization Program, provides universal immunization coverage to **Maine** children in **Maine** by purchasing and making available to health care providers every vaccine for childhood immunization that is recommended by the United States Center for Disease Control's Advisory Committee on Immunization Practices, approved by the FDA, and available under contract with the United States Center for Disease Control's Advisory Committee on Immunization Practices.

## Dental Care

**LD 1773**, An Act To Improve Dental Insurance Coverage for Maine Children, requires health insurance policies in **Maine** that provide dental

plans to cover dependent children from birth if the policyholder elects to participate in the dependent coverage plan.

### Developmental Screenings

**HB 199** mandates private health insurers in **Delaware** to cover developmental screenings for infants and toddlers that are recommended by the American Academy of Pediatrics and the Delaware Early Childhood Council. These screenings are currently covered for children enrolled in the state's Medicaid program.

### Early Intervention

**LD 425**, An Act To Require Private Insurance Coverage for Certain Services for Children with Disabilities, requires private health insurance companies to provide coverage for early intervention services for children in **Maine** from birth to 3 years of age if the child has a developmental disability or delay.

### Autism

**LD 1198**, An Act To Reform Insurance Coverage To Include Diagnosis for Autism Spectrum Disorders, requires all individual and group health insurance policies to cover the diagnosis and treatment of autism in children in **Maine** up to age 5 years, to a maximum annual benefit of \$36,000 a year.

### Early Childhood Mental Health

In **Florida**, funding for children's mental health services was decreased by **\$3M** from FY10 funding levels.

The **Massachusetts** FY11 state budget decreased the funding for early childhood mental health by \$250,000, allocating **\$750,000** to these services for FY11.

Funding for **Ohio's** Early Childhood Mental Health Treatment program was eliminated for FY11.

**Rhode Island** is using its ARRA quality funds to support infant-toddler mental health consultation.

## Home Visiting

The **New York** state legislature restored funding for home visiting for FY11 so that the state can meet the Maintenance of Effort requirement and apply for new federal home visiting funding.

**Ohio's** home visitation program, Help Me Grow, received a 40% reduction in funding and was restructured to focus on low-income, first-time parents and achieve standardization of the Help Me Grow model statewide. Policy changes also will limit enrollment in Help Me Grow to first-time parents at 200% of the Federal Poverty Level and below and parents of children with an identified developmental disability or delay. Child enrollment for the non-IDEA Part C portion of Help Me Grow will be limited to prenatal to 6-months-old with some exceptions (i.e., children with substantiated cases of abuse and neglect).

## Environmental Health

**S. 247 (Act 112)** restricts the sale, manufacture, and distribution of the synthetic hormone bisphenol A (BPA) in a variety of consumer products ranging from infant formula and baby bottles to reusable food and beverage containers, such as sports bottles and thermoses. In **Vermont**, beginning July 1, 2012, the sale, manufacture, and distribution of reusable food and beverage containers and infant formula and baby food plastic containers with BPA will be banned. Beginning July 1, 2014, infant formula and baby food containers with BPA will be banned. The law also requires manufacturers to use the least toxic alternative when replacing BPA and specifies manufacturers will not replace BPA with reproductive toxicants or known, likely known or suggestive of human carcinogens as identified by the EPA. A violation of the law will be considered a violation of the Consumer Fraud Act, chapter 63 of Title 9.

## Ballot Initiatives

During the General Election on November 2, 2010, 69.90% of **Arizona** voters gave a “no” vote to **Proposition 302/HCR 2001**, which would have repealed the Early Childhood Development and Health Board and moved the revenues from the state’s tobacco tax to the General Fund.

**Washington** had on the November ballot initiative **I-1098**, which would have raised new revenue dedicated to education and health services by adding an income tax on the wealthiest 3% of households. The new revenue would have been dedicated to the Education Legacy Trust Fund for K through 12 class-size reductions, extended learning

opportunities, prekindergarten, and expanding access to higher education. This ballot measure was defeated by 64% of Washington voters.