



P-3

2013 Legislative Session

Education Commission of the States

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2013 Legislative Session – P-3 Policies

By Emily Workman

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ECS conducted a scan of enacted policies from the 2013 legislative sessions to capture the ongoing work that lawmakers across the country are engaging in to strengthen their P-3 systems. The diversity of policies seems to demonstrate state policymakers are increasingly recognizing that the developmental supports a child receives in the earliest years provide lifelong payouts for both child and community.

In the 2013 legislative session, policymakers looked for new and innovative ways to support P-3 in their states by strengthening oversight of their early childhood programs, re-directing funds or creating new grants or scholarship programs, expanding access to high-quality programs, ensuring student preparedness by engaging families, screening children early for reading deficiencies, and more.

This report provides summaries of 38 bills from 25 states that illustrate the breadth and depth of P-3 policies enacted in 2013 legislative sessions.

Selected highlights:

- Minnesota leaders created a new pre-K scholarship program for low-income families while states like Texas and North Dakota identified creative ways to fund early childhood programs through the re-allocation of K-12 funds or by allowing the use of local taxes as long as it didn't infringe on support of K-12 programs.
- Hawaii and Mississippi established their first statewide voluntary pre-K programs, thereby raising the number of states to 41 that provide public funds for programs serving 4-year-olds.
- Reading continued to be a topic of interest with Mississippi requiring the intervention and retention of students still struggling to read in grade 3 and Utah, Ohio, and Virginia holding schools increasingly accountable for student results.

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Governance

Typically, early childhood systems consist of multiple agencies responsible for meeting portions of children’s mental, behavioral, physical, and educational needs. Yet some state policymakers have found this patchwork system can result in inefficient service delivery and, in 2013, we saw states taking significant steps to re-organize their early childhood governance structures. Several states sought to provide better oversight through the creation of a central office of early learning within the department of education or health and human services in order to create a centralized governance structure that meets the divergent yet interrelated demands of young children. Others created or expanded the role of their Early Childhood Advisory Council (ECAC). These councils were originally created by the majority of states in 2010 as a stipulation for receiving a one-time, three-year grant as part of the Head Start Reauthorization Act. Many have recognized the value of the councils and have created permanent ECACs through the legislative process.¹

Colorado S.B. 1117	Asserts that it is in the state's best interest for a specific office within the department of human services to administer all early childhood programs. Moves the Early Childhood Leadership Council (ECLC) from the governor's office to the Department of Human Services, expands the ECLC's duties to include more advising and monitoring of efforts around early childhood programs.
Connecticut E.O. 35	This executive order directs the Office of Early Childhood to be the lead agency for the administration of programs, funding, and a coordinated system. Requires all executive branch agencies to collaborate and cooperate with the Office. <i>Note: Although the office was not created by the legislature, the budget bill appropriated funding (PA 13-247).</i>
Florida H.B. 7165	Establishes a division within the Department of Education called the Office of Independent Education and Parental Choice and creates the Office of Early Learning (OEL) to sit within that office. Makes the OEL accountable to the Commissioner of Education but requires the office to independently exercise all powers, duties, functions (previously, the Office was a separate entity from the Department of Education and served at the pleasure of the Governor). Duties include, but are not limited to, the operation and administration of the school readiness program at the state level and administration of the Voluntary Pre-K Education Program at the state level.
Kentucky H.B. 184	Transfers the Early Childhood Advisory Council from the Department of Education to the Office of the Governor. Expands the council's membership from 16 to 26, including one member representing higher education with expertise in early childhood. Significantly expands council responsibilities.
Nevada A.B. 79	Establishes the Nevada Early Childhood Advisory Council as the state advisory council on early childhood education and care. Duties include working to strengthen state-level coordination and collaboration among the various sectors and settings; conducting periodic statewide needs assessments; and identifying opportunities for and barriers to coordination and collaboration among early childhood education programs funded in whole or in part by the federal government, the state or a local government.
Nevada E.O. 16	This executive order directs the Head Start Collaboration and Early Childhood Systems Office and the Office of Early Child Care and Education currently operating under the direction and control of the Department of Health and Human Services to be transferred to the Department of Education within the Division of Early Learning and Development. Also orders the Early Childhood Advisory Council to act as an advisory body to the State Superintendent who will provide their findings and recommendations to the Office of the Governor.
Indiana H.B. 1004	Establishes an Early Learning Advisory Committee. Among other duties, the committee is tasked with assessing the capacity and effectiveness of two- and four-year public and private higher education institutions in Indiana for the support of the development of early educators.

Comprehensive Systems

Research shows a number of indicators can affect early childhood program quality. Many of those areas are highlighted throughout this legislative summary. In 2013, one state established a program that encompasses most of the components that a high-quality, early learning system entails.

Washington H.B. 1723	Establishes an Early Start Program – an integrated high-quality continuum of early learning programs for children from birth to age five. Components of early start include, but are not limited to, the following: (a) Home visiting and parent education and support programs; (b) The early achievers program (QRIS); (c) Integrated full-day and part-day, high-quality, early learning programs; and (d) High-quality preschool for children whose family income is at or below 110% of the federal poverty level.
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Funding

Funding for early childhood programs, particularly pre-K, has been on the uptick over the past two years.² Yet states have a long way to go before all eligible children are enrolled in pre-K programs, much less programs serving children ages 0-3. This year, policymakers in some states have looked for innovative ways to direct funds towards early learning programs by permitting districts to use revenues in new and creative ways or by introducing new grant or scholarship programs geared towards the youngest learners.

Arizona S.B. 1447	Permits charter schools to provide and receive state funding for a preschool program for students with disabilities.
Colorado H.B. 1291	Creates the Colorado Infant and Toddler Quality and Availability Grant Program with a goal to improve quality in infant and toddler care, provide tiered reimbursement to high-quality early childhood programs, and increase the number of low-income infants and toddlers served through high-quality early childhood programs, as well as promote voluntary parental involvement. State appropriation for the fiscal year beginning July 1, 2013 is \$3 million.
Hawaii S.B. 1084	Proposes a constitutional amendment to permit the appropriation of public funds for private early-childhood education programs, subject to non-discrimination provisions, as provided by law. (Amendment will be included in the general election ballot in 2014)
Minnesota H.F. 630	Establishes an Early Learning Scholarship program for families with a child who will be 3 or 4 by Sept. 1 and with an income equal to or less than 185% of the federal poverty guidelines. Caps scholarships at \$5000 per calendar year. Sets minimum hour of instruction requirements for a full-day kindergarten program at 850 hours. Permits districts to use revenues generated from all-day kindergarten pupil counts to offer pre-K opportunities to 3- and 4-year-old children.
North Dakota H.B. 1429	Authorizes a local school board to establish an early childhood program and allows local tax revenues to be used as long as they are not necessary to support the district's kindergarten program and the provision of elementary and high school educational services.
Texas H.B. 1112	Section 1 of this bill permits the Dallas Independent School District (ISD) to implement a pilot 3-year high school diploma option and directs the commissioner of education to provide full-day funding for the district's pre-K program for twice as many pre-K students as the number of students who received a diploma under the pilot.

Reading/Literacy

Third grade is a pivotal year for student’s reading comprehension. Research shows that students who enter grade 4 reading below grade level are at greater risk of academic failure and are less likely to graduate from high school or gain a postsecondary credential. Over the past few years, state policymakers have made the improvement of 3rd-grade literacy a priority. In 2012 alone, 14 states passed legislation geared towards the identification, intervention, and/or retention of K-3 students struggling to read³. In 2013, one state introduced a new 3rd-grade retention policy while others focused their attention on increasing school accountability, raising expectations of teachers, and expanding early identification efforts to pre-K.

Connecticut S.B. 1097	Requires the coordinated statewide reading plan for K-3 students to include a transition plan relating to oral language and pre-literacy proficiency for children between pre-K and kindergarten.
Mississippi S.B. 2347	Establishes the Literacy-Based Promotion Act to improve the reading proficiency of students in grades K-3. Requires districts to provide intensive reading instruction and intervention to students who have substantial deficiency in reading from K-3 and bans social promotion of students whose reading deficiency is not remedied by the end of grade 3.
Ohio S.B. 21	Requires each district to submit a reading achievement improvement plan every year beginning December 2016 if the district receives a "D" or "F" on the K-3 grade literacy progress measure for the previous two years or has less than 60% of its students who took the third-grade ELA assessment score proficient or above on the Fall and Spring assessments for the previous two years.
Ohio S.B. 21	By Jan. 31, 2014, requires the state board of education to adopt reading competencies with which all reading educator licenses, alternative credentials and training, and reading endorsement programs eventually must be aligned. Beginning July 1, 2017, requires all new educator licenses issued for pre-K-3 or grades 4-9 be based on the applicant attaining a passing score on a rigorous examination of principles of scientifically research-based reading instruction that is aligned with the reading competencies adopted by the state board of education.
Oregon H.B. 3232	Directs the Oregon Education Investment Board to establish the Oregon Early Reading Program to improve readiness of children preparing to enter kindergarten and to improve reading proficiency by the end of 3rd grade. Requires that the money for strategic investments be distributed to: <ul style="list-style-type: none"> • The Early Learning Council to develop materials and curriculum that promote early literacy and distribute moneys to care providers and libraries to provide resources that encourage reading at home or expand access to libraries • The Department of Education to extend or expand reading opportunities in school and to increase the number of school districts that serve students who are at risk for not reading at grade level early and effectively • The Oregon Education Investment Board to develop a statewide approach to early reading awareness; and • The state library to expand the Ready to Read program.
Utah S.B. 260	Includes individualized data-driven instruction as a potential intervention component in the reading achievement plan of each school serving students in grades K-3. Funding is contingent upon districts setting a growth goal for each school in the district or charter school based on benchmark assessments, and a growth goal for each district or charter school based on year-by-year increases in the percentage of 3rd graders reading on grade level. Reduces from three to two consecutive years the threshold after which a district or charter school that fails to meet its goal will be ineligible to receive K-3 Reading Improvement Program funds.

Virginia S.B. 2068	Requires local school divisions to provide early intervention services not only from grade 3 but to pre-K-3rd-grade students who demonstrate deficiencies based on their individual performance on diagnostic reading tests.
Virginia H.B. 2144	Permits any public elementary school that had an adjusted pass rate of less than 75% on the 3rd-grade reading assessment to apply to the board of education for a two-year waiver from the science or history and social science Standards of Learning assessment. The school must hire a full-time reading specialist, commit to offering 30 minutes of instruction per day, and track academic progress with an assessment in the subject waived.

Program Access/Expansion

Research indicates that high-quality programs for pre-K-3 improve graduation rates, reduce grade-level retentions, and reduce the number of special education placements. Many state policymakers continue to look for ways to increase the number of students who have access to these programs. This year, two states created new pre-K programs while others changed or made exemptions to the cut-off dates for eligibility for enrollment in pre-K or kindergarten.

Mississippi S.B. 2395	Directs the Department of Education to establish a pre-K program that will facilitate collaboration among the entities providing pre-K programs (e.g. Head Start, licensed child care facilities and licensed public, parochial, and private school pre-K programs). This program is expected to be implemented no later than the 2014-15 school year, with funding on a phased-in schedule. Early Learning Collaboratives are required to match state funds 1:1 through use of federal funds, local tax dollars, and parent tuition, among other sources.
Mississippi S.B. 2395	Directs the Department of Education to establish a pre-K program that will facilitate collaboration among the entities providing pre-K programs (e.g. Head Start, licensed child care facilities and licensed public, parochial, and private school pre-K programs). This program is expected to be implemented no later than the 2014-15 school year, with funding on a phased-in schedule. Early Learning Collaboratives are required to match state funds 1:1 through use of federal funds, local tax dollars, and parent tuition, among other sources.
Hawaii S.B. 1093	Establishes the Preschool Open Doors Program as the statewide school readiness program. Requires that priority be given to underserved or at-risk children and to 4-year-old students who were not eligible to attend public school kindergarten in the calendar year in which they turned 5 because they missed the kindergarten entrance age cut-off. Deems enrollment in the program voluntary and requires parents to share in the costs of the program through a co-payment according to a sliding fee scale based on need.
West Virginia S.B. 359	Requires that by 2016-17, county boards ensure that the current voluntary early education program be available full-day and five days a week to all children who have attained the age of 4 prior to September 1.
Minnesota H.F. 630	Authorizes local school boards to establish an early kindergarten admissions policy for students who have not turned 5 by the Sept. 1 cut-off.
Tennessee H.B. 839	Changes the date by which children must be 4 years of age for entrance in public pre-K programs from September 30 to August 31 for the 2013-14 school year and to August 15 for school years thereafter.
Nebraska L.B. 410	The cutoff date remains five on or before July 3. However, the bill changes from allowing admission to requiring admission of children who turn 5 between Aug. 1 and Oct. 15 if the parent or guardian requests such entrance. Parents seeking early admission are required to provide an affidavit stating that (1) the child attended kindergarten in another jurisdiction in the current school year, (2) the family anticipates relocation to another jurisdiction that would allow admission within the current year, or (3) the child is capable of carrying the work of kindergarten which can be demonstrated through a recognized assessment procedure approved by the board.

Parent Involvement

The parent is a child's first teacher and that parent has the greatest impact on a child's learning and development. Yet it can be difficult for state policymakers to identify ways in which to encourage or require districts to involve parents in their children's education. This year, however, a number of states have enacted legislation to do just that. Some states require that parents are informed about academic progress while others encourage parent/teacher interactions or create new avenues for parents to provide feedback and advice on their experience with the early child care and education system in their state.

Alaska S.B. 57	Requires each school district to annually provide parents of K-3 public school students with current information on the importance of early literacy, including intervention strategies, home literacy plans, grade retention standards, policies for the elementary school attended, and strategies and resources to help children learn to read. In partnership with local media outlets, the department is required to create and implement a communications campaign to educate parents and guardians about the importance of early literacy.
Idaho S.B. 1057	Allows districts to utilize a portion of the instructional staff allowance for teachers to visit the parents or guardians of students during the first week of the kindergarten school year. Such visits may take place at school, at the student's home or at another location agreed to by the teacher and parents. Visits are intended to establish parent/teacher expectations of the student and strengthen the working relationship between the teacher, parents, and the student.
Indiana H.B. 1004	Establishes the Early Education Evaluation Program to gather data concerning the school readiness of low-income children who have received early education services from programs that have demonstrated quality and that require parental involvement in the children's education.
Mississippi S.B. 2347	Within the newly established Literacy-Based Promotion Act, requires notification of parents if their K-3 children have a reading deficiency. Requires that school boards submit annual reports to parents on their respective student's progress in reading.
Rhode Island S.B. 784	Establishes a Child Care Assistance Program Parent Advisory Council. Membership is to consist of seven members, six of whom are parents or guardians of children in the Child Care Assistance Program (CCAP) within the two years previous. The council will advise the governor and the director and any providers regarding issues relating to the quality, affordability, and accessibility of child care offered through CCAP.
Washington H.B. 1723	Permits schools administering the Washington Kindergarten Inventory of Developing Skills to use up to three school days at the beginning of the school year to meet with parents and families as required in the parent involvement component of the inventory.

Teacher Preparation/Certification

Effective teacher preparation, licensure, and professional development targeted for the early grades are some critical components of a high-quality P-3 system. Research shows that the level of education and specialized training a teacher received has a significant impact on a teacher's effectiveness in the classroom. This year, we continue to see states raise the bar for teacher qualifications to a higher degree or additional training requirements.

Connecticut H.B. 6292	Requires any candidate entering a program of teacher preparation to complete training in social and emotional development and learning of children. The training must include: (1) instruction on the use of comprehensive, coordinated social and emotional assessment and on early intervention for children displaying behaviors associated with social or emotional problems; (2) the availability of treatment services for such children; and (3) referring such children for assessment, intervention or treatment services.
Mississippi S.B. 2395	Raises the requirements for the qualifications of master teachers, teachers, and assistant teachers who work in a federal or state-funded early childhood or Head Start setting. Previously, teachers needed an associate's degree or two years of college. The bill requires a bachelor's degree in ECE, child development or a related field, or in another field with at least 12 credit hours of coursework in an ECE-related field.

Assessments

Using assessments in the early years of a child's educational career can help capture early skill gaps so that instruction can be tailored to students who require extra supports. In recent years, an emphasis has been placed on determining a student's kindergarten readiness. But the introduction of the Common Core State Standards in kindergarten has increased the need for ongoing evaluation throughout the K-3 years. This year, one state created a pilot program to implement readiness assessments in pre-K and kindergarten while another is directing districts to identify new assessments for K-2.

California S.B. 247	Requires the state department of education, by November 1, 2014, to identify and make available to districts Common Core-aligned assessment information for diagnostic use by second-grade classroom teachers. Requires the department to ensure that the selected grade-2 diagnostic assessments are valid for purposes of identifying particular knowledge or skills a pupil has or has not acquired.
Nevada S.B. 486	Appropriates \$1,500,000 for the costs of implementing a pilot assessment of the school readiness of children in pre-K and kindergarten.

Quality Rating and Improvement Systems (QRIS)

Early child care and education programs are typically not required to meet the same accountability requirements as publicly funded K-12 education systems, prompting some states to come up with alternative quality measures for these programs. Over 40 states have adopted quality rating and improvement systems to monitor the quality of early care and education programs.

Nebraska L.B. 507	Creates the Step Up to Quality Child Care Act. Directs the State Department of Education and the Department of Health and Human Services to collaborate (1) to develop, implement, and provide oversight for a quality rating and improvement system (QRIS), (2) to establish quality rating criteria for the system, (3) to use the quality rating criteria to assign quality scale, and (4) to provide incentives and support, including professional development, training, and postsecondary education opportunities, to participating applicable child care and early childhood education programs.
Washington H.B. 1723	Requires that, by fiscal year 2015, Washington State preschool programs receiving state funds enroll in the state's voluntary QRIS system and maintain a minimum score level.

Home Visiting

Supporting at-risk pregnant mothers and mothers of infants and toddlers is an effective strategy to ensure that a child’s social/emotional and cognitive developmental needs are met. More than 45 states have at least one home visiting program, with some boasting four or five⁴ initiatives to support at-risk pregnant mothers and mothers of infants and toddlers. However, the majority of programs have been found to have inadequate quality measures⁵. This year, states have prioritized either introducing new programs or requiring current programs to meet new standards and evaluation requirements.

Arkansas S.B. 491	Requires the State Child Abuse and Neglect Prevention Board to implement a voluntary family-focused home visiting service for families with children ages 0-5 that promotes prenatal care to assure healthy births.
New Mexico S.B. 365	Directs the department to provide statewide home visiting services using a standards-based program, create an effective evaluation system, and make reports to the Governor.
Texas S.B. 426	Directs the Health and Human Services Commission (HHSC) to create a strategic plan to serve at-risk pregnant women and families with children under the age of 6 through home visiting programs.

Task Forces/Study Committees

Assigning a task force or study committee to review or develop recommendations for a policy issue can serve as a first step towards eventual implementation of a new program or policy, or the strengthening of an established one. This year, lawmakers in North Dakota, one of nine remaining states without a state-funded pre-K program, issued a directive to study aspects of a comprehensive early childhood system.

North Dakota S.B. 2229	Requires the superintendent of public instruction to study the development, delivery, and administration of comprehensive early childhood care and early childhood education in the state. The study must include an examination of the availability, quality, and cost of services offered by existing public and private sector providers, the projected need for services during the coming 10-20 years, and the ability of public and private sector providers to address the expansion of facilities or the creation of additional facilities.
Washington S.B. 5595	Establishes a legislative task force to address the creation of a tiered reimbursement model and to develop recommendations for a further graduation of the copay scale to eliminate the cliff that occurs at subsidy cut-off. Requires the task force to develop recommendations and an implementation plan for expansion that includes a mixed delivery system. Also asks for funding plans that blend and maximize existing resources, identify new revenue and other funding sources, and include incentives for integrating child care and preschool programming to better serve working families.
Washington H.B. 1723	Directs the chairs of the Early Learning Committees of the legislature to convene a technical working group to: (1) review federal and state early education funding streams; (2) develop technical options for aligning eligibility requirements for child care and Washington state preschool; (3) develop recommendations for an effective and responsive eligibility system; and (4) develop technical options for system designs that blend and braid disparate federal and state funding streams into a single program, including the option of applying for waivers from existing federal requirements.

Other

Rhode Island S.B. 784	Permits the Child Care Assistance Program (CCAP) family child care providers to choose a provider organization to be their representative and to negotiate over the terms and conditions of CCAP family child care providers' participation in CCAP, including, but not limited to: (1) expanding training and professional development opportunities; (2) improving the recruitment and retention of qualified CCAP family child care providers; (3) reimbursement rates and other economic matters; (4) benefits; (5) payment procedures; and (6) a grievance resolution process.
Connecticut H.B. 6385	Requires any local or regional board of education identified as disproportionately and inappropriately identifying English language learners as requiring special education services because such students have a reading deficiency to annually submit a report on the plan adopted to reduce the misidentification of those students by improving reading assessments and interventions for students in kindergarten to grade 3, inclusive. Previously, the law protected 'minority students.'

Conclusion

The emphasis on expanding or strengthening P-3 programs across states may represent a recognition by policymakers of the need for investing in the country's youngest learners. As policymakers enter the 2014 legislative session in January, we expect to see ongoing support for investments in early childhood following the second consecutive year where the majority of states have increased their investments in pre-K, based on ECS analyses.⁶

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¹ Administration for Children and Families, *Early Childhood State Advisory Councils: Status Report April 2013*, 2013, https://www.acf.hhs.gov/sites/default/files/ecdc/508_sac_report_3.pdf (accessed 01 Nov 2013).

² Griffith, Michael. *State Pre-K Funding: 2012-13 School Year*, (Denver: Education Commission of the States, 2012), <http://www.ecs.org/clearinghouse/01/06/90/10690.pdf> (accessed Nov 1, 2013); ECS' updated report for the 2013-14 school year is expected to be released in December 2013.

³ Stephanie Rose, *3rd grade Reading Policies* (Denver: Education Commission of the States, 2011), <http://www.ecs.org/clearinghouse/01/03/47/10347.pdf> (accessed Nov 10, 2013).

⁴ Pew Charitable Trusts, *Home Visiting Inventory*, updated March 2011, <http://www.pewstates.org/research/data-visualizations/home-visiting-inventory-85899372712> (accessed Nov 1, 2013).

⁵ Pew Charitable Trusts, *States and the New Federal Home Visiting Initiative: An Assessment from the Starting Line*, 2010, <http://www.pewstates.org/research/reports/states-and-the-new-federal-home-visiting-initiative-85899377168?p=3> (accessed Nov 1, 2013).

⁶ Michael Griffith, *State Pre-K Funding: 2012-13 School Year* (Denver: Education Commission of the States, 2012), <http://www.ecs.org/clearinghouse/01/06/90/10690.pdf> (accessed Nov 10, 2013); ECS' updated report for the 2013-14 school year is expected to be released in December 2013.