

National Association of State Boards of Education

## ➔ Early Care and Education Legislation in 2016

By Winona Hao

During their 2016 legislative sessions, state lawmakers signed 181 bills on early care and education into law in 41 states.<sup>1</sup> Most commonly, the bills addressed child care and financing/appropriations.<sup>2</sup> A handful touched on issues in which state boards of education play significant roles: workforce, child care center licensing, and system alignment.

Legislation in 2016 has covered a range of topics related to the well-being of young children from birth to age five. The National Conference of State Legislatures tracks more than 20 areas in its legislation database: Prekindergarten, home visiting, and services ranked next after child care and financing as early care and education (ECE) topics most often addressed this year (see figure).

### CHILD CARE

Thirty-five states passed bills related to child

care quality and subsidies. A majority of the bills that passed addressed eligibility for child care services, facilities, licensing, and health and safety. Ten states passed bills related to background checks for child care staff (DE, GA, IA, ME, NH, OK, RI, TN, UT, VA). Eight states enacted bills that addressed eligibility for subsidy programs (AZ, CA, CO, DC, FL, KS, NE, and NY). Some of these extended their eligibility to underserved groups and families such as foster homes, homeless children, and teen parents. Others revisited and redefined their eligibility definitions. For example, California (A 982) expanded its eligibility list to include homeless children and also expanded the list of district liaison entities that can identify a child in need. Colorado (S 212) aligned state statutes with federal child care and assistance programs. The District of Columbia (B 452) extended eligibility for subsidized child care to foster parents and teen parents.

Six states (ME, MD, OK, WV, SC, KY) strengthened home child care centers'

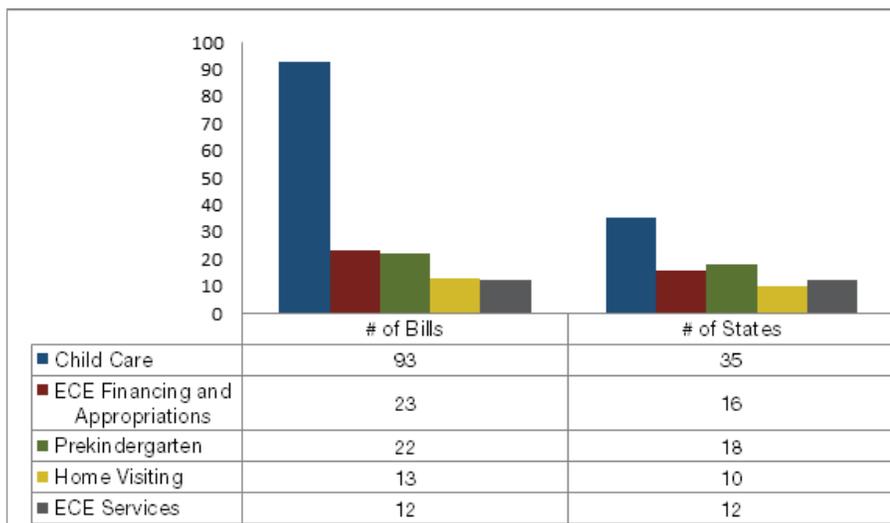
requirements in terms of recordkeeping, administration of medication, reporting, and staff training. South Carolina (H 4262) enacted a bill on home child care and employee training, which requires a minimum of 10 hours of annual training that has been approved by the state's social services department.

Two child care–related bills referenced state boards of education. An Illinois (S 2321) bill requires day care providers who are exempt from licensure but operating in a public school building to comply with health and safety standards that its state board of education approves. Louisiana (H 175) calls on its State Board of Elementary and Secondary Education to set requirements for employees of early learning centers to receive training in the recognition and prevention of shaken baby syndrome. State boards should ensure that information and resources to promote the health, safety, and welfare of children through staff training are well prepared and accessible online.

### FINANCING/APPROPRIATIONS

Sixteen states passed 23 bills on appropriations and financing, including new initiatives on tax credits and incentives. Maryland (S 584) requires that for each fiscal year in which its education department receives an expansion grant through the federal Preschool Development Grants program, the governor shall include it in the state budget for that fiscal year. Mississippi (H 1787) authorized some counties to appropriate more funds to Head Start centers for promoting schools readiness, influencing early learning through planned and spontaneous instruction, increasing growth in literacy and language, teaching early math and science concepts, encouraging social and emotional development, and supplying parental and family support in housing stability, continued education, and financial security. Nebraska (L 889) passed the School Readiness Tax Credit Act, which allows eligible ECE providers and staff to receive tax credits. Virginia (H 47) establishes new funds to award to commu-

Top Five Areas for ECE Bills



nities that use field-tested strategies and evidence-based practices in support of the state's preschool system.

### PREKINDERGARTEN

Eighteen states passed 22 bills addressing state prekindergarten systems. California, Georgia, Hawaii, and Iowa voted to supply state pre-K with additional funding.

California (A 104) provided additional funding for parenting education and teacher professional development to improve kindergarten readiness. The District of Columbia (B 1) prohibits pre-K age children from being suspended or expelled from any publicly funded program and requires districts to report suspensions and expulsions data. Vermont (H 480) redefines "elementary education" to include prekindergarten.

State boards of education figure more prominently in bills on ECE standards and kindergarten readiness. Oklahoma (SB 285) specifies that its state board align ECE standards with any new K-12 subject matter standards it adopts. Tennessee (S 1899) calls for districts to address birth to 8 alignment so that the state's voluntary pre-K programs are high quality and meet criteria for kindergarten readiness. The bill also requires districts to develop a plan to ensure continuity across pre-K and elementary-grade instruction and for training teachers and engaging parents. It taps the state board to develop and approve a pre-K/kindergarten growth portfolio model for districts to use for teacher evaluation. Utah (S 101) requires its state board to seek independent, ongoing evaluation of the effectiveness of Utah's school readiness programs.

### HOME VISITING AND ECE SERVICES

Ten states passed 13 bills on home visiting. While most of the 10 provide appropriations to evidence-based home visiting programs, Oklahoma (H 2157) goes further, requiring a framework and outcomes measurement plan from state agencies that provide home visiting services.

Eleven states passed legislation covering a variety of ECE-related policies and programs such as immunization, early intervention, public assistance eligibility, access to facil-

ities, early learning center pest control, and pregnancy and parenting grant programs.

### OTHER SIGNIFICANT BILLS

Fewer bills addressed the ECE workforce in 2016 than in 2015, despite calls from early education researchers and advocates to advance workforce quality and investment. Nonetheless, several states did address the quality of the ECE workforce in legislation.

Nebraska (L 525) called for creation of the Nebraska Early Childhood Professional Record System, which the state education agency will administer to monitor ECE workforce degrees and professional credentials. The database will be connected to Nebraska's Quality Rating and Improvement System to aid in evaluation of the state's ECE programs.

Oklahoma (S 1554) strengthened education requirements for directors of child care centers: They now need either a bachelor's degree in early childhood education or child development, or a bachelor's degree in another subject area and at least three years of experience working with children from newborn to age 12. Virginia (H 46) established a School Readiness Committee to address the development and alignment of a professional development and credentialing system for the ECE workforce. The committee will work with institutions of higher education to review degree programs, align existing funding streams for professional development, and develop innovative approaches to support the workforce. The state board is to review committee recommendations and submit them to the House and Senate for next year's legislative session.

### ROLES OF STATE BOARDS

ECE legislation assigned roles for state boards of education on topics that touch birth through age 5, especially regarding system alignment and workforce credentialing. Legislators in several states recognized the importance of having state boards involved in ECE, and state boards are equipped to work across the silos among the many state agencies and organizations that deal with aspects of ECE in their states. State boards can consider establishing work groups or task forces to promote seamless

collaboration. Meanwhile, they also will want to track appropriations bills related to ECE developments in their states.

### CONCLUSION

The Every Student Succeeds Act has not yet exerted an influence on state legislative sessions in 2016.<sup>3</sup> That is likely to change in 2017, as states work on their plans for the 2017-18 school year.

There were about one-third more bills in 2016 than in 2015 dealing with ECE—a strong sign that more legislators are paying closer attention to the needs of the nation's youngest children. Fewer bills passed this year than last relating to school readiness and workforce development, which are crucial for building a strong birth to 8 continuum. As in 2015, child care subsidies and quality are top priorities. Many legislators acknowledged the key roles that state boards play in ECE by including them in bills, and these roles will not diminish as states address ESSA in 2017 legislation.

*Winona Hao is project manager for NASBE's early childhood education work.*

### NOTES

1. As of July 2016.
2. National Conference of State Legislatures, "Early Education and Child Care Bill Tracking Database," <http://www.ncsl.org/research/human-services/child-care-and-early-education-legislation-databas.aspx>.
3. At this writing, 14 states and territories were still in session, and 4 had not convened, so the numbers in this report are not final for this year's sessions.