



# An Act Relative to Early Education and Care

## Chapter 215 of the Acts of 2008

### Fact Sheet

#### **BACKGROUND**

The goal of the Early Education for All (EEA) Campaign, an initiative of Strategies for Children, Inc., is to make high-quality early education, delivered through a mixed system of private and public providers, available to all Massachusetts children, beginning with ages three through five. To achieve this goal, EEA built a broad-based, statewide coalition to help develop and advocate for early education and care legislation in 2003, significant portions of which were made law under the Fiscal Year 2005 budget. This included the enabling statute which created the first-in-the-nation Board and consolidated Department of Early and Care (EEC) to administer the state's early education and care system and laid the foundation for voluntary, universally-accessible, high-quality early education.

To build on this foundation and achieve the long-term vision included in the original EEA legislation, a second bill, *An Act Establishing Early Education for All* was filed for the 2005-2006 legislative session. With supportive testimony from business, early education, and labor leaders, a new version of this bill, *An Act Relative to Early Education and Care*, received a favorable report from the Joint Committee on Education and was unanimously passed by both the House and Senate. However, Governor Romney vetoed the bill on August 4, 2006, too late for the legislature to override his veto.

*An Act Relative to Early Education and Care* was re-filed for consideration during the 2007-2008 legislative session, again receiving a favorable report from the Joint Committee on Education. The bill again unanimously passed the House and Senate on May 28, 2008, and July 10, 2008, respectively, and was signed into law by Governor Deval Patrick on July 31, 2008 as Chapter 215 of the Acts of 2008.

#### **SUMMARY**

*An Act Relative to Early Education and Care* is a comprehensive statute for the effective development of a coordinated system of early education and care in Massachusetts, greatly enhancing EEC's original enabling statute. Specifically, it codifies in state law, and helps shape the future directions for, a broad range of programs and initiatives, such as the Massachusetts Universal Pre-Kindergarten (UPK) Program, that EEC has been developing and implementing over the last three years. It further delineates the powers and duties of the Board, Department, and Commissioner of EEC. Summaries of key substantive sections follow:

**Massachusetts Universal Pre-Kindergarten (UPK) Program** - Establishes a voluntary, high-quality, universally-accessible early education program for children ages 2 years and 9 months through the age the child becomes eligible for kindergarten in the city or town where the child resides to be delivered through a mixed system of providers and programs. The UPK Program shall be designed to meet and enhance preschool children's ability to make age appropriate progress in the development of cognitive, linguistic, social, emotional and physical capacities, and school readiness based on the curriculum frameworks. Programs are required to meet high-quality standards, and the EEC Board shall adopt the "Early Childhood Program Standards for 3 and 4 Year Olds and Guidelines for Preschool Learning Experiences" accordingly until such time as any superseding standards and requirements are adopted by the EEC Board. The Department is required to develop a state policy on kindergarten transitions and all preschool programs to a local transition policy consistent with state policy. The Department must study and make recommendations relative to the programmatic, financing, and phase-in options for the program's development and universal implementation.

**Families with Infant and Toddlers** – Requires EEC to plan for and address the unique needs of families with infants and toddlers, including providing parent education, early literacy services and meaningful opportunities for families not enrolled in early education and care to support their children's development.

**Professional Development** - Requires EEC to facilitate the development of the early education and care workforce by: providing for training programs and professional development when appropriate; identifying ways to recognize and honor advancement in educational attainment among early educational and care professionals; requiring that the professional development of early educators be provided in languages other than English; and requiring that core competencies to be aligned with program quality standards.

**Program Quality Standards** - Requires EEC to develop program quality standards and learning standards for all publicly-funded early education and care programs and services, and to develop comprehensive developmental benchmarks. Standards

must incorporate essential elements that promote healthy cognitive, linguistic, social, emotional and physical outcomes for children.

**Performance Measurement** - Requires EEC to implement educationally sound evaluative tools to assess the age-appropriate progress and school readiness of preschool-aged children, including a kindergarten readiness assessment, and to create a comprehensive performance measurement system for all programs providing early education and care, including a formal evaluation of UPK programs every two years.

**Department of Early Education and Care** - Delineates powers and duties for EEC, including: coordinating and consolidating early education and care services; developing a rate structure for vouchers and contracts; adopting income eligibility requirements; monitoring and evaluating programs; establishing a database of providers and children; and disseminating information to parents.

**Commissioner of Early Education and Care** - Delineates duties for the EEC Commissioner, including: the establishment of divisions for the efficient operation of the Department; the proposal of an annual budget; the ability to make agreements with other agencies; and the creation of a five-year master plan for the development of a comprehensive, coordinated system of early education and care.

**Board of Early Education and Care** - Delineates powers and duties for the EEC Board, including: overseeing the coordination of early education and care programs and services; promulgating regulations relative to age-appropriate and developmentally-appropriate standards for various developmental stages; and submitting an annual report relative to the Department's progress, particularly on implementation of universal early education for pre-school aged children and reduction of expulsion rates.

**Regional Coordination** - Requires the EEC Commissioner to establish a regional coordination system and to maximize statewide coordination of services. Directs EEC to support the development of community plans by local early education and care councils that address how communities will build on and improve access to the local array of services, increase quality, support comprehensive services, collaborate across agencies, and provide services for hard to reach populations. Directs EEC to work with regional resource and referral agencies to develop region-wide improvement plans and to maximize coordination with local councils.

**Licensing of Programs** - Adds several new licensing responsibilities to EEC, including the promulgation of regulations relative to licensure requirements addressing: provisions relative to admission policies; safe transport of children; physical plant and equipment; the number and qualifications of staff; the nature of programs of care or treatment; behavior management and child guidance policies and procedure; health care and nutrition; rights and responsibilities of parents, children and staff; procedures relevant to evaluation; organization, financing and administration; and the imposition of sanctions.

**State Advisory Council on Early Education and Care** - Creates an Early Education and Care Advisory Council comprised of representatives of 38 key groups and, ex officio, the following individuals or their designees: the commissioners of the departments of social services, public health, transitional assistance, mental health, and mental retardation. Membership also includes eight legislative appointees: three appointed by the house speaker, one appointed by the house minority leader, three appointed by the senate president, and one appointed by the senate minority leader. The EEC Commissioner also has discretion to recommend additional members subject to the EEC Board's approval. The EEC Commissioner shall consult with the Council on the development of the five-year master plan for early education and care. The Council may review and offer comments on rules or regulations prior to promulgation by the EEC Board and make recommendations to the EEC Board for changes and improvements in early education and care programs and services.

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