

Establishing Universal Access to Prekindergarten as a Constitutional Right



Briefing Guide

A quick look at the key legal and policy arguments, research and analysis that support the case for creating the bedrock of a well-defined right to early education for all.



Many thanks to the Foundation for Child Development, the Alliance for Early Success, the Booth Ferris Foundation and the Early Childhood Partners for their support.

The Center for Children’s Initiatives (CCI) and the Center for Educational Equity at Teachers College, Columbia University (CEE) (formerly the Campaign for Educational Equity), have been working in partnership for several years to develop and advance the right to universal pre-K in New York State. Our new white paper, *Establishing Universal Access to Prekindergarten as a Constitutional Right*, which will be published this month makes the case for this right. Our prior work, laid out in two earlier reports, *Making Prekindergarten Truly Universal in New York* and *Securing the Future of New York’s Children* provided the essential elements and steps necessary for New York State to meet the goal of establishing pre-K as a core educational service for all three- and four-year-olds.

ESTABLISHING UNIVERSAL ACCESS TO PREKINDERGARTEN AS A CONSTITUTIONAL RIGHT



Quality early education, with sustained, appropriate investment in the essential elements documented by research to make a difference for children’s development and learning, can be a game-changer for children, families, communities, public school systems, and society at large. Those essential elements include well-trained and appropriately compensated teachers, high standards, and effective and appropriate assessments.

Experts on children’s academic and social development, early education, and elementary education alike increasingly recognize the critical importance of building a coherent, aligned “P-12” public school system by formally integrating pre-K into public education.

The question that has not yet been answered is how best to make that happen. How can Americans, in all our diverse circumstances, ensure that all children have access to the critical benefits of high-quality early education?

We contend that policy commitments alone, without the bedrock of a well-defined right to early education, fall short of meeting that goal. High-quality pre-K must be considered integral and essential to upholding the

constitutional right to an “adequate,” “thorough and efficient” or “sound basic education” that courts in New York and many other states have held to be an entitlement of all children.

A wealth of new research and political developments around the country support the position that pre-K must be accessible to all children at age three as a core part of their right to a free public education.

The case for establishing a right to universal pre-K is offered in three parts:

- The **rationale**, a review of the evidence showing that pre-K can be successfully mounted on a large scale and documenting its educational, social, and economic benefits for children, the educational system, and society at large.
- The **definition** of the constitutional right to universal pre-K that we seek to establish, as well as the essential elements of the educational opportunities that such a right would entail.
- The **legal strategy**, a national overview of the current state of the law on access to pre-K services as a constitutional right, based on an analysis of constitutions and legal decisions, and a review of state laws and policy documents. Building on these precedents, we suggest a legal strategy for establishing universal access to pre-K as a constitutional right.

We base our case on the examination of state constitutions and legal decisions, reviews of state laws and policy documents, research studies, collections of data from 50 states; and communication with program administrators, policymakers, advocates, and researchers around the country. We focus on New York as an example of a state that is particularly ripe for advancing such an initiative.

RATIONALE FOR ESTABLISHING A RIGHT TO UNIVERSAL PRE-K

Strong Research Base Demonstrates That High-Quality Preschool Benefits All Children

Multiple research studies provide evidence that children with access to high-quality early childhood education are more prepared for school, more likely to be reading and achieving on grade level, and more likely to graduate from high school and go to college. Children who start out behind, the research shows, never catch up, at great expense to themselves, their families, schools, and communities.

New Research Suggests Advantages of Universal Pre-K Over Targeted Programs

Universal pre-K, guaranteed as a right, affords the opportunity for fulfilling the educational rights of diverse learners. It would provide necessary supports early on for dual language learners and could help establish opportunities for multilingual education in our increasingly diverse society. Universal pre-K also provides significant opportunity to create diverse learning environments that can help to enhance social skills and awareness, to better prepare children to function productively as civic participants in an increasingly diverse society and global economy.

Universal pre-K creates an inclusive education programs that allow children with disabilities the opportunity at a critical early stage to thrive in the “least restrictive environment,” which is their right as set forth in law more than two decades ago. Many states, including New York, have promoted pre-K, among other things, as an opportunity to meet the needs of children with disabilities, by creating the opportunity for inclusive classrooms where they can learn with their typically developing peers.

Diverse, inclusive early childhood learning environments benefit children from all economic, ethnic, racial backgrounds, as well as children with disabilities and dual language learners. The “peer effect” of diverse classrooms enhances learning, supports diverse learning styles, and may help build important civic skills. Universal pre-K programs also facilitate schools’ ability to meet the legal mandate for serving children with disabilities in the least restrictive environment.

Pre-K More than Pays for Itself in Both the Long and Short Term

New cost-benefit studies of expenditures on early childhood education add to the case, projecting positive economic returns to society from investments in pre-K that range from, at the least, two to four times the cost of investment to as much as seven to ten times the investment for a high-quality universal pre-K program brought to scale. It is now well documented that all children benefit from high-quality pre-K, with children from low-income families showing the greatest gains.

“Given evidence that the foundation for literacy and other achievements is laid down in the early years, before children enter school. Beginning universal educational services at age 5 or 6 seems arbitrary. The American public has long supported the right to a free public education. The question is: when should that right begin.” – NIEER researchers

Political Support for Universal Pre-K Is Growing

A growing number of public education organizations are now calling for public education to begin at three, with the alignment of pre-K to 3rd grade education. The continuing expansion of the concept of public education to meet the changing needs of the American people is not a new phenomenon. Leading education reform advocates argue, as does Ruby Takanishi of the New America Foundation, that early education should be considered a civil and human right for all young children. Other leaders in early education also fully support a universal approach that guarantees that no children are denied access to invaluable preschool services, and that each child have access to the appropriate learning environment and resources, as with other public education opportunities.

Support for pre-K is now bipartisan and strong, with momentum for universal pre-K building among policymakers and the public. The Equity and Excellence



Commission, a federal advisory commission chartered by Congress to advise the Secretary of Education on the disparities in meaningful educational opportunity... concluded that access to high-quality early childhood education “must be a matter of highest National Priority.” New York State’s own Educational Reform Commission made early childhood education its top priority in the same year.

Child development specialists, neuroscientists, and educators have strengthened the virtual consensus of prior researchers that high-quality preschool education can help ensure that children are ready for success in school and in life. Support for public preschool programs among educators, policymakers, and the public has grown and is accelerating. In recent years, a growing number of states have declared universal pre-K their official state policy, setting the stage for making pre-K a core and essential educational service. In total, ten states and the District of Columbia have explicitly committed to provide pre-K to all four-year-olds regardless of socioeconomic status or other qualifying characteristic.

Rights-Based Approach Best Protects Progress and Gains

In spite of this important growth, the last decade has not seen steady progress toward the establishment of pre-K for all children. Economic conditions and fiscal constraints have impeded the path to steady expansion of pre-K in most states, with enrollment slowing or even halting in many places during the Great Recession that began in 2008. In many states, including New York, there are also significant regional variations in access and the size and nature of the investment.

State and local commitments to pre-K for all children are an important sign of public and private recognition of the value of early childhood education. But recent history shows that policy commitments alone are not sufficient. To guarantee access for all, quality pre-K must be considered an integral part of the school system and a necessary component of the constitutional right to an “adequate,” “thorough and efficient” or “sound basic education” that courts in New York and many other states have held to be an entitlement of all students.

DEFINING THE RIGHT TO UNIVERSAL PRE-K

Based on the foundations established by existing state and local pre-K policies and court rulings, children's right to pre-K for a meaningful educational opportunity should entail the following:

1. Free Universal Access

All children regardless of race, religion, socioeconomic status, or other qualifying characteristic must have access to a full-day pre-K program. Children's right to preschool must be provided through a universal pre-K program that provides unrestricted access to publicly funded preschool in all school districts without any cost to families.

2. Voluntary Enrollment

While every school district must guarantee access to free high-quality full-day pre-K to all children whose parents choose to enroll them, enrollment of children should be voluntary. Districts must affirmatively disseminate and promote information about the availability and advantages of full-day pre-K, but parents should also be free to decide the extent to which these opportunities meet their children's and their family's needs.

3. Inclusion of Three- and Four-Year-Olds

Every district must guarantee access to high-quality full-day pre-K for all three-year-olds and all four-year-olds. With voluntary enrollment, fewer families of three-year-olds take advantage of the option; nevertheless, all those who do should be accommodated.

4. Mixed System for Service Delivery

States should continue to use both public school and community-based programs to provide high-quality pre-K. This approach to service delivery makes the most of existing investments, capacity and expertise in supporting children's learning and healthy development. This strategy also offers families the broadest range of options, including access to extended hours and year-round services for working families and support for linguistic and cultural preferences.

5. High-Quality Programs

States and districts must set and monitor quality standards to guarantee access to high-quality pre-K programs for all children regardless of setting. The state must also provide the infrastructure and systems support, and local school districts should have a process in place to review the development and implementation of universal full-day pre-K, overseen by a broad local stakeholder group that includes representatives from both the early childhood and public education community.

6. Integration of Funding into the K-12 School Finance System

To ensure it is stable and sustained, pre-K funding for three- and four-year-olds¹⁴ should be integrated into the state's K-12 school funding formula and should flow to school districts as part of their basic state aid, with pre-K allocations protected for pre-K as a special phase of education. Pre-K allocations must be sufficient for quality programs with per-child costs determined through an objective analysis of the cost of providing high-quality full-day pre-K. Additional weights in K-12 funding for "at risk" students, dual language learners, or students with disabilities, should also apply to similarly situated pre-K students. Allocations should be specifically protected for pre-K as a special phase of education.



THE LEGAL STRATEGY

Recognition of the importance of pre-K for providing all students an adequate education has been growing in the litigations that have challenged state education finance systems in 45 of the 50 states.

From our overview of relevant legal precedents, we draw two major conclusions. First, virtually all of the judges concerned with the needs of students from low-income families, English language learners, students with disabilities, and homeless students, who have explicitly considered the pre-K issue, have understood its importance for ensuring all students a meaningful educational opportunity. Second, in all of these cases, courts identified an important link between pre-K education and the constitutional right to an adequate education, whether at the liability or remedy stage. In other words, there is significant and increasing judicial and legislative recognition of the relationship between pre-K and meaningful educational opportunity.

Courts in nine states have considered the issue of whether students from low-income households have a constitutional right to pre-K services. This includes:

- Courts in two states (North Carolina and South Carolina) that have specifically held that children in poverty have a constitutional right to early childhood services.
- Courts in three states (New Jersey, New York, and Alaska) that have held that pre-K services should be provided to such children as a part of the remedy for the state's failure to provide children from low-income households or children in high-poverty school districts an adequate education.
- Trial courts in three other states (Arkansas, Colorado, and Massachusetts) that ordered similar relief, but their decisions were overturned on appeal (in two of the three states for reasons unrelated to the pre-K issue).
- Finally, in Connecticut, the trial court heard extensive evidence regarding the importance of pre-K and recommended that the legislature consider "high-quality preschool" as part of the solution to problems of constitutionally inadequate instruction in the early elementary years that has resulted in many children in high-poverty school districts being unable to read by the third grade. This case is currently on appeal to the Connecticut Supreme Court and plaintiffs are asking for even stronger recognition of the right to pre-K.



THE NEW YORK CONTEXT

New York State elected officials made pre-K an explicit right, starting first in 1997 with the introduction of pre-K as an integral part of education reform. The promise was made again in 2014, this time with a commitment to full-day high-quality pre-K and expanded attention to quality benchmarks. New York’s Board of Regents have already specifically called for early education as a strategy to help children succeed in today’s global economy.

Yet there continue to be wide disparities in access to pre-K within New York State, especially between New York City and the rest of the state. Today, New York City provides access to all four-year-olds and is expanding to three-year-olds, while close to 90,000 four-year-old children in the rest of the state are still without access to full day pre-K. New York City’s Pre-K for All initiative has demonstrated the ability to go to scale but still needs an assured robust funding strategy to secure its long-term future.

In New York’s school-funding adequacy case, *CFE v. State*, the trial court judge provided a broad framework for resource areas that the public schools must provide in order to offer a “sound basic education.” In addition the fact that the preschool years are important for promoting inclusive learning environments, and orienting children toward civic values and civic skills, support the court’s emphasis on the importance of preparing students for civic participation.

Establishing the right to pre-K can ensure that New York adopt mechanisms to guarantee appropriate policy frameworks for strong quality standards, effective curricula, and consistent professional development – and necessary infrastructure investments such as facilities expansion, workforce preparation and compensation, and comprehensive, aligned data systems. All must be in place to guarantee adequate and equitable access to high-quality pre-K programs for all children.

The federal government has also enacted statutory requirements that provide relevant precedents for a right to access pre-K services:

- **The Elementary and Secondary Education Act (ESEA) (now known as the Every Student Succeeds Act [ESSA])** permits states to use funds to implement school-wide early childhood education programs for schools in which 40% of the students are from low-income families.

Title III of ESSA that provides grants to states to support services for English language learners (ELLs), includes all ELLs from age 3 and up, and explicitly authorizes these federal funds to be used for pre-K programs.

- **The federal Individuals with Disabilities Education Act (IDEA)** goes further, explicitly stating that “A free appropriate public education [must be made] available

to all children with disabilities residing in the State between the ages of 3 and 21.” (The law also specifies, however, that the obligation to provide pre-K services to three- and four-year-olds with disabilities does not apply to the extent that doing so “would be inconsistent with State law or practice...respecting the provision of public education to children in those age ranges.”)

- **Federal law also requires that “homeless children have access to public preschool programs, administered by the State educational agency or local educational agency, as provided to other children in the State.”** New York State law provides that all three- and four-year-old homeless children who reside in a school district that provides preschool services are entitled to attend the preschool program, even if the program is not universally available to other preschool aged children residing in the district.

CONCLUSION

Public education was established in this country in order to provide necessary services to economically disadvantaged children whose families could not afford private school tuition. The common school movement identified the benefits for our nation of educating for all children, together, resulting in our universal system. Today, the well-documented value of universal access to early childhood education necessitates making preschool an integral part of the education system for all children beginning at age three. Articulating this new understanding of the right to education as encompassing pre-K is the best way to assure stable, sustained, adequate funding; high standards of program quality; and equal access to high-quality programs. As James E. Ryan, dean of Harvard Graduate School of Education writes, “State legislatures and executive officials have already started down the path of providing access to preschool. Court decisions recognizing a right to preschool should move them further along that path.”

Today, only a handful of states currently exhibit the political will and leadership necessary to support the establishment high quality preschool programs for all of their young children, and even fewer are actually providing them. Moreover, around the country, access to pre-K programs remains vulnerable to political and economic shifts, even in states where the governor and legislature have committed to delivering universal pre-K. Establishing universal pre-K as a state constitutional right is vital to ensuring quality, equity, and adequacy of access to early childhood education in the United States.

As one of those handful of states, New York State would appear to be the best venue for developing and initiating a new adequacy litigation that would focus exclusively on establishing access to universal pre-K as a constitutional right.

Citations available upon request from Jessica Wolff at wolff@tc.edu or Betty Holcomb at bholcomb@ccinyc.org.



To learn more about our work and to download copies of our reports:

www.ccipolicy.org

www.CenterforEducationalEquity.org

Or contact bholcomb@ccinyc.org or wolff@tc.edu



The Center for Children's Initiatives (CCI) champions the right of all children to start life with the best possible foundation of care, health and learning. Realizing the long term benefits – for children, for families and for our society – CCI works to ensure investments in quality and supports for working families to give all of our children the opportunity for a bright future.



The Center for Educational Equity (CEE) is a nonprofit research and policy center at Teachers College, Columbia University, that seeks to advance the right of all children to meaningful educational opportunity. CEE works to define and secure the full range of resources necessary to guarantee this right to all children, particularly children in poverty and children of color.



Testimony of Center for Children's Initiatives

**Joint Legislative Public Hearing
2018-19 Executive Budget Proposal: Elementary and Secondary Education**

**Honorable Catherine Nolan, Chair, Assembly Education Committee
Honorable Carl Marcellino, Chair, Senate Education Committee
Honorable Helene Weinstein, Chair, Assembly Ways and Means Committee
Catharine Young, Chair, Senate Finance Committee**

**Submitted by
Betty Holcomb, Policy Director**

January 30, 2018

Thank you for the opportunity to testify on the 2018-19 Executive Budget Proposal for Elementary and Secondary Education. The Center for Children's Initiatives (CCI) has deep expertise and experience in the launch and implementation of the state's pre-K program, as a key component of education reform and a proven strategy for preparing children for success in school and later life.

CCI co-founded and continues to lead the Ready for Kindergarten, Ready for College Campaign, in partnership with the Schuyler Center for Analysis and Advocacy, the Alliance for Quality Education and Citizen Action. CCI also helped found and continues to serve on the steering committee of Winning Beginning, NY, the state's leading coalition for early care and learning and supports the agenda of the Empire State Child Care Campaign. In addition, CCI partners with the Campaign for Educational Equity at Teacher's College in promoting universal access to pre-K as a constitutional right, a core educational service and foundation tier of the state's guarantee of a "sound, basic education." The CCI-CEE work includes careful analysis of financing strategies to support quality standards and assure a quality implementation as the state moves toward a single pre-K program. CCI is strongly committed to use of a diverse system for the delivery of pre-K services, in both public schools and early childhood programs in the community, as the most effective and efficient way to meet the needs of children and families, and to leverage existing resources, capacity and expertise in local communities.

CCI also serves on the Board of Regents' blue-ribbon committee on early learning, as part of the workgroup on financing strategies. We applaud the broad engagement of that group in seeking to assure New York State continues to build a full continuum of early learning and care, from birth to school-age. We fully support the committee's initial recommendations for state aid, and look forward to further work to shape the committee's final report in May.

Our testimony today draws on that experience and the shared agenda carried by these campaigns and partnerships.

PRE-K: A WISE INVESTMENT AND SOME PROGRESS

The evidence to support the investment in quality early childhood education only grows stronger by the year: Investments in high-quality full-day services more than pay for themselves and are proven strategies for reversing the growing income inequality in New York State, the most extreme in the nation.¹

We are glad that New York State leaders have recognized this evidence with strategic investments in prekindergarten in recent years, and that those investments include new attention to full-day services and quality standards as the program expands. We also appreciate the action taken in last year's budget to secure and consolidate the state's multiple pre-K funding streams and stated goal in last year's enacted budget to move toward a single state pre-K program by 2020. The state's total investment in pre-K now totals \$803 million and supports part-day and full-day services for more than 120,000 3- and 4-year-olds across New York.

But we remain concerned, as I will testify today, that the state's pre-K investment still fails to equitably support all children across the state and falls far short of state leaders' promise to provide quality full-day pre-K to all the state's 4-year-olds by 2020.

Currently, 81,000 4-year-olds have no access to full-day pre-K, most of them outside New York City – and many of them dual language learners and living in poverty, most likely to benefit from quality pre-K. The Governor's proposal to add just \$15 million to this year's budget for pre-K expansion falls far short of the urgent need, leaving tens of thousands of preschoolers without full-day pre-K. Many children with disabilities suffer harsh consequences from the lack of expansion. The state's pre-K effort also continues to lack a sustainable, predictable and equitable financing strategy with its own aid formula distributed by allocation and at funding levels that support the true costs of quality, including appropriate compensation and support for qualified and effective teachers in both community programs and public schools. And given the current size of the state's pre-

¹ For complete references to the research case for pre-K, and other data in this report, in our attached report, "Opportunities Foreclosed, Equity Denied. New York Youngest Learners Still Left Out! Make Quality Early Learning Top Priority in 2018 Budget." released January 2018, available at ccipolicy.org, which includes both national and New York-specific data and supports the case we make here.

K investment and continued expansion, there is urgent need for technical assistance and aid for infrastructure, especially transportation.

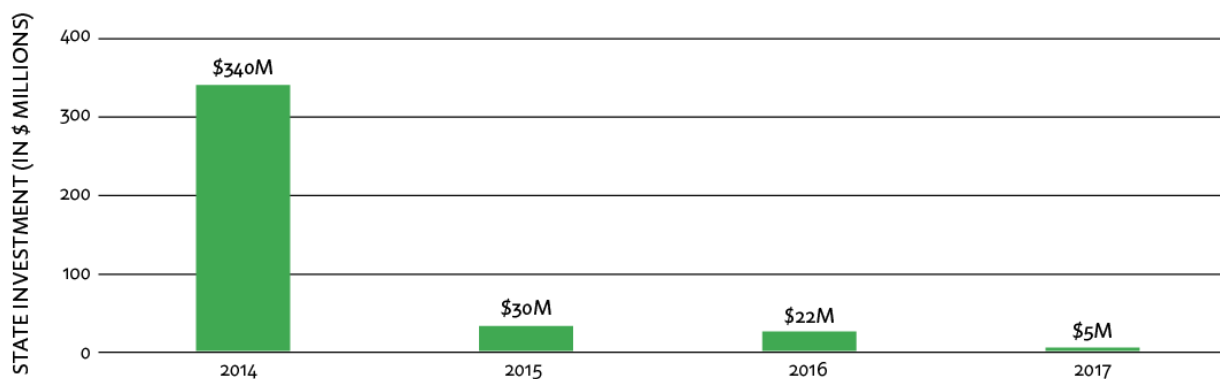
We also appreciate that **New York has wisely chosen to deliver pre-K services through a mixed delivery system that includes early childhood programs in the community as well as public schools.** Today, more than half the pre-K services are offered in community settings, a strategy that leverages existing resources and better serves the state’s working families who often need extended hours and year-round care. **Our recommendations for the short- and long-term include strategies to strengthen that system and assure equity across all settings.**

We appreciate the Governor’s bold pledge made in 2014 to fund high-quality full-day pre-K for all the state’s four-year-olds. We also applaud both the goal and the pledge. We also agree with national media and policymakers who have given New York significant attention for setting that agenda. The initial state investment that year of \$340 million—with \$300 million earmarked for New York City’s bold Pre-K for All initiative—was groundbreaking, and resulted in a promise of a full-day seat for every 4-year-old who seeks to enroll.

But with each passing year, the promise to 4-year-olds outside New York City rings more hollow, with state policymakers scaling back expansion plans to nearly a halt.

SHRINKING COMMITMENT TO PRE-K EXPANSION SINCE GOVERNOR’S PROMISE

Year-by-Year Increase in State Pre-K Funding in Budget, 2014-2017



Data on state’s pre-K investment since 2014 from New York State Education department.

Last year’s meager investment of \$5 million resulted in just 479 new full-day seats for 4’s, leaving more than 81,000 4-year-olds outside New York City without access to full-day pre-K.² Continuing last year’s strategy, it would take 163 years—eight generations—to meet the goal.

² Data on pre-K seats added in 2017 provided by the Office of Early Learning, New York State Education Department.

The Governor has included \$15 million for pre-K expansion in the 2018-19 Executive Budget, an investment so small that it does not begin to address either the need or the demand for pre-K. The Governor’s summary suggests this investment would add pre-K services for 3,000 more children. That **would still leave 78,000 4-year-olds without access to full-day pre-K, most of them outside New York City.** The continued use of competitive grants, rather than distributing aid by allocation, like other education aid, also slows the implementation. The use of competitive grants pits districts against each other, and creates a slow process for awarding pre-K funding, in some cases, leading to mid-year implementation and leaving children without pre-K services at the start of the school year. That was the case with the seats supported by last year’s \$5 million investment, which were not expected to be in place before January, four months after the start of the school year.

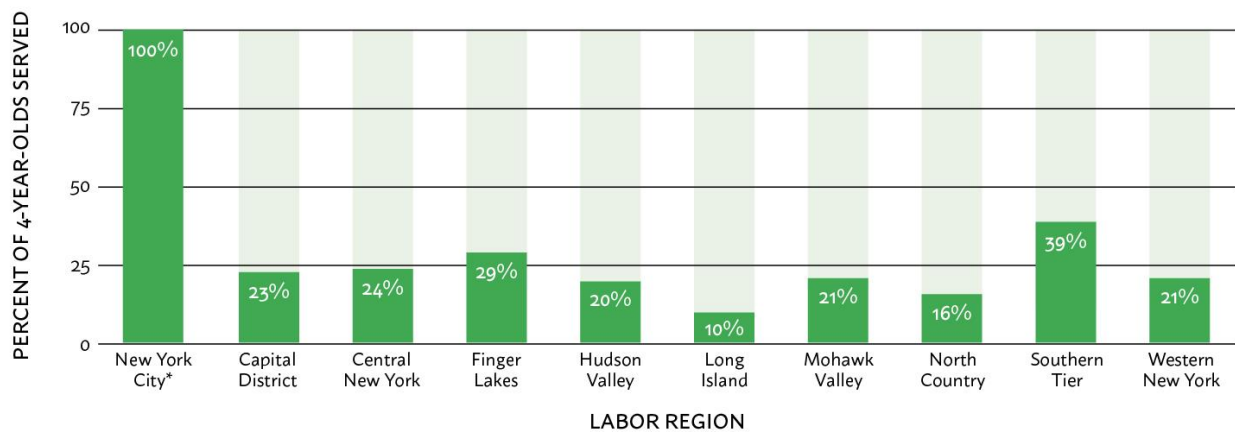
Expanding Access to Full-Day Pre-K: Striking Inequity Persists Between New York City and Rest of State

Indeed, the strategy for pre-K investment since 2014 has only increased the inequity between New York City—which now has 70,000 four-year-olds enrolled in full-day pre-K—and the rest of the state. Today, only New York City has Pre-K for All, even as districts around the state are ready to add full-day pre-K for 4-year-olds and demand from parents is rising. In many districts, seats are offered by lottery, leaving many families out. Many others are still excluded from even applying for pre-K funding.

The inequity persists even though many districts came forward with a plan to offer new full-day pre-K seats for four-year-olds. The reason: The disparities are especially stark, when considered region by region around New York State:

163 YEARS TO FULL-DAY PRE-K FOR EVERY 4-YEAR-OLD?

Current Access to Full-Day Pre-K by Community



Rising Poverty, Rising Diversity Adds to Urgent Unmet Need – and Imperative to Invest in Pre-K Outside of New York City

Changing demographics across the state, especially rising poverty and growing numbers of immigrant families with children who are dual language learners (DLL’s) make the case for increased investment an imperative, if state leaders are serious about putting New York’s rising generations on a path to success In school and life.

New York State now ranks third in the nation in welcoming immigrants, 43% of children birth to eight now DLL’s, that is, living in a home where they are exposed to a language other than English. Governor Cuomo and other state leaders have celebrated the state’s new diversity, creating a state office for New Americans in 2013, and proclaiming New York a “state of immigrants” in 2017.

Suburbs adjacent to New York City – especially the Hudson Valley and Long Island – now rival the City in their diversity; with 43% of four-year-olds in the Hudson Valley are now DLL’s, and 38% of those on Long Island.

STATES GROWING DIVERSITY OUTSIDE NEW YORK CITY

Labor Region	Percentage of 4-year-olds of DLLs* in each region
Capital District	13%
Central New York	15%
Finger Lakes	18%
Hudson Valley	38%
Long Island	43%
Mohawk Valley	13%
North Country	10%
Southern Tier	7%
Western New York	15%

Data on Dual Language Learners by age and economic region provided by Migration Policy Institute analysis of U.S. Census pooled 2011-2015 American Community Service Data.

*Dual Language Learners (DLLs) are young children, birth to school-age, who live in a home where they are exposed to a language other than English.

Without an investment in quality, full-day pre-K, inequity rises, and grows for children right through high school.

“Reducing disparate outcomes for our children is a heavy lift without equitable access to high-quality pre-kindergarten experiences for all students,” Constance D. Evelyn, Superintendent Valley Stream 13.

With quality pre-K, which includes appropriate supports for DLL’s, and respect for their home language, this gap can be reduced or even erased. In fact, the latest research shows that DLL’s bring special strengths to learning, and are even more creative problem-solvers, when they are supported and welcomed into high-quality early education.

New York’s bedrock vision for pre-K explicitly recognizes early childhood education as foundational to success in today’s global economy. Languages are most easily acquired in the early years, and research shows that waiting until kindergarten or later can be counterproductive, even harmful, to children’s success, undermining their confidence and language skills later on.

Meager Investment in Pre-K Expansion = Harsh Consequences for Children with Special Needs

Expanding pre-K also meets the urgent need to expand opportunity for children with disabilities, whose options are rapidly shrinking. From its inception, top policymakers have seen UPK as a critical pathway to better serve the 10 to 15% of children with disabilities. Research shows that diagnosing and offering appropriate support to children with special needs in the early years can improve their educational success—and reduce the need for more expensive remedial education later on. Research also shows, and state and federal laws require children with disabilities have access to early education, and be served in the “least restrictive environment,” one which allows them to learn with other children of all abilities. Without universal prekindergarten classes, such opportunities simply don’t exist for most children. Special education funding is declining, limiting any option for the support that could put them on a path to success.

The consequences are visible across the state, with preschools closing their integrated classes at an alarming rate and the opportunity for preschool students with disabilities to be educated with their typically-developing peers diminishing by the day, according to Chris Treiber, from the InterAgency Council for Developmental Disabilities. “Keeping the promise to make pre-K truly universal with a full-day service for all preschoolers is essential, if New York State is to ensure that preschool students with disabilities have opportunity to attend high-quality inclusive early childhood programs.”

The Board of Regents recognizes this urgent need, as well, and is calling for funding to support new models for integrated classes in as full-day pre-K expands. The Governor has also recognized the need for more opportunities for children with disabilities to attend pre-K with their more typically-developing peers, in the explicit language of his proposal for a continued expansion of pre-K in the 2018-19 in the Executive Budget. But **without more robust investment in 2018, such opportunities for preschool children with disabilities will be foreclosed.**

The Governor’s proposal to add just \$15 million for pre-K expansion is simply not enough. A much more robust investment is necessary to correct the existing inequities, meet the needs of New York’s youngest learners and put them on a path to success in school and life.

Bottom-Line: Include At Least \$150 Million in the Enacted Budget to expand access to high-quality pre-K outside New York City.

Given the dramatic needs and changing demographics of the state’s youngest children, the funding should be available to any district ready with a plan to meet the needs of and prioritize at-risk children in their communities. That investment should include:

- ***\$125 million to expand access to pre-K full-day and part-day for both three- and four-year-olds.*** Funding levels should be sufficient to assure quality in all settings, appropriating at least \$10,000 for four-year-olds and \$12,000 for three-year-olds to support quality standards known to produce better educational outcomes for children.
- ***\$25 million in supplemental funding to enhance quality and eliminate barriers to expansion, as districts expand pre-K.*** The pre-K program has established high regulatory standards, but the State has not invested sufficiently in necessary infrastructure and quality strategies as pre-K expands. ***The Governor’s Statewide Universal Full-Day Pre-K program, up for renewal this year, established an important strategy to address this need, with the inclusion of supplemental funding for expansion.*** The 2018 investment should include funding to support regional technical assistance centers to support this expansion, modeled after those created to support the expansion of community schools and for special education, as well as the opportunity for districts to apply for supplemental funding for two critical purposes: (1) Evidence-based strategies to attract, retain and support qualified teachers in all settings, including improved compensation as well as professional development, coaching and mentoring; and (2) Funding for other essentials of implementation, including technical assistance and start-up funding to equip new classrooms and to cover transportation costs.

In addition, the enacted budget must protect and provide funding to continue existing pre-K services, both in New York City and in other districts dependent on state or federal competitive grants:

- Ensure the \$340 million grant, which supports New York City’s Pre-K for All program and programs in 52 districts outside New York City is secured.
- Keep the commitment to continue full-day pre-K services for 2500 4-year-olds in five districts, currently supported by a Federal Preschool Development Grant. State leaders committed to using state funds to support those services when the federal funding expires in the 2019-20 school year.

Reform Pre-K Financing To Sustain Quality Pre-K

Last year, state leaders took the critical first step to consolidate the state’s multiple pre-K funding streams, secure them and move toward a single state pre-K program in 2020. But the **state still**

lacks a financing strategy to sustain existing programs and establish appropriate funding levels for new seats added in the future.

Last year's agreement for consolidation does provide a promise to continue existing pre-K funding, and to move, one year at a time, toward a single pre-K program. However, that approach effectively abolished per-pupil rates, essentially freezing districts in place with disparate funding levels, for part-day and full-day services and offers only partial implementation of the promised full-day pre-K for all 4's. **Some are frozen at funding levels as low as \$2700 per child and have been shut out of the expansion of full-day pre-K,** even as parents and educators clamor for full-day pre-K.

The state should establish an aid formula for pre-K, distributed via annual allocation like other education funding, with funding levels based on the true cost of meeting quality standards, including support for qualified and appropriately-compensated teachers in all settings, those working in public schools and those in community-based early childhood programs. *To assure the aid formula is appropriate, the state should undertake a cost-study, as recommended by the Board of Regents' Blue Ribbon Committee on Early Learning to establish the actual costs of quality pre-K in New York.*

But children can't wait another year for the cost analysis to justify a new investment, with funding levels necessary for a quality program. They will be kindergartners.

State leaders must act In 2018 to assure a quality implementation as pre-K expands, and ensure the new seats outside New York City, are funded at \$10,000 per child or double the districts half-day Universal Prekindergarten allocation, whichever is greater, until an aid formula is established, based on the study of actual costs.

The precedent and promise for this funding strategy is already established through several expansions of pre-K, including the \$340 million grant in 2014 and the state's implementation of the federally-funded \$25 million Preschool Development grant that same year. The state's focus on high-need school districts also offered many participating districts at least 10,000 per child.

The results of such a strategy are also well established, with universal access now established in New York City and nearly universal enrollment in Rochester, where 97% of that city's 4-year-olds now in full-day seats.

Investment Should Also Ensure Quality Implementation for 3-Year-Olds

In 2018, the state should also set a separate rate for pre-K for three year-olds, of at least \$12,000 per child, to address the specific needs of 3-year-olds as set forth in the state's Early Learning Guidelines. That includes smaller class sizes as well as teacher preparation and additional social supports necessary for serving younger children. The state's current pre-K rates, based on the needs of 4-year-olds, simply don't recognize those costs.

Strong research documents the value of starting early with children especially those considered high-risk because of family circumstances. Offer two years of preschool can lead to larger gains for children i States can produce even better outcomes when the services stat early and are aligned from birth to school-age. The state’s current practice of using rates for 4-year-olds to support services for 3-year-olds doesn’t support the true cost of providing quality services for younger children.

Additional investment in 3-year-olds at appropriate rates also offers the opportunity for the state to enhance resources for the many community-based programs that partner in delivery of pre-K in New York, such as Head Start and child care programs that serve younger children as well. Pre-K funding can add new resources to add children and augment resources, especially for programs dependent on parent fees or shrinking public investments in child care.

STRENGTHEN PARTNERSHIPS AND SUPPORT FOR COMMUNITY PROGRAMS TO PROVIDE PRE-K SERVICES

The State has wisely chosen to deliver pre-K services through a mixed delivery system that includes child care and Head Start programs in the community. Today, more than half of all pre-K services are offered in early childhood programs outside the public schools. This is an essential strategy that leverages existing resources and better serves the State’s working families who often need extended hours and year-round care. Some of these programs offer the expertise and capacity to create integrated settings, so children with disabilities and typically developing children can learn together and from each other. Other community-based programs have experience and expertise supporting children and families whose primary language is a language other than English.

The State should offer more support to community partners with the capacity to offer integrated classrooms, support for multi-lingual learners, and developmentally-appropriate programs for three-year-olds. Many also serve infants and toddlers, creating capacity for stable, continuous care and learning experiences that experts say can most benefit young children, improve educational outcomes and support the State’s goal to create a continuum of early childhood education, birth to third grade.

However, the funding levels often do not reflect the value of these settings and the disparities in funding levels between schools and community-based programs destabilizes a critical part of the delivery system.

Our 2018 agenda for prekindergarten includes several key recommendations to address these disparities, including the establishment per-child rates for 3- and 4-year-old pre-K to support quality standards. Meeting this goal offers a strategy and pathway to enhance resources for many community partners and a starting point for equity across settings. The establishment of a regional technical assistance centers also offers a venue to

strengthen collaboration between public schools and their community partners, supporting joint learning and leadership in pre-K implementation.

Vision for the Future: Quality Pre-K for All

CCI has worked with the Campaign for Educational Equity to offer a roadmap to financing strategies and implementation to make high quality full day pre-K available to three and four year olds. We have also put forward an in-depth analysis of the research and legal arguments, as well as the national policy landscape, to support the establishment of pre-K for all 3- and 4-year-olds as part of the state’s definition of a sound, basic education, guaranteed by the state constitutions. We have developed a vision and next steps the state should take to establish a single, stable, transparent and appropriately funded pre-K system, developed in consultation with early childhood and public education experts across New York State. We have partnered with the Ready for Kindergarten Campaign and the Winning Beginning NY coalition in advocating for a quality, appropriated pre-K program, and developed an agenda to meet that goal in each of the last five years.

We offer testimony and our responses to the Executive budget, as well as recommendations for this year’s enacted budget in the context of this ongoing work and our continuing partnerships which seeks to support state efforts to fulfill the promise for making quality full-day pre-K available to New York’s children. That will require significant investment to increase access, a sustainable financing strategy and the infrastructure to support a quality program.

CCI also recognizes the need for appropriate investment in K-12 education aid, to ensure Pre-K is followed by a continuum of quality educational services that prepare children for college and careers, the K-12 public school system needs to have adequate and appropriate investment.

In addition, CCI supports the Governor’s proposal for investment in Community Schools, a strategy that enhances support for New York’s children and families, providing essential health, mental health, social services, family support and food programs to assure no child comes to school unable to focus on learning and their own development because these essential needs have not been met.

Taking these actions in the 2018-19 enacted budget will strengthen the state’s Prekindergarten program. CCI stands ready to serve as a resource in moving a longer-term agenda forward to create a sustainable approach to financing these critical services, and at rates that support a quality educational service.

For more information, visit www.ccipolicy.org or contact Betty Holcomb, CCI policy director at bholcomb@ccinyc.org.