

# Overview of Major Oklahoma Laws Relating to Children 0-5

Prepared for: Oklahoma Partnership for School Readiness

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# Overview of Major Oklahoma Laws Relating to Children 0 – 5

## Introduction

The Oklahoma Partnership for School Readiness (OPSR) is using a federal Preschool Development Grant (PDG), branded as OKFutures, to assess needs for health and education services for Oklahoma children from birth to age 5, develop a strategic plan to meet those needs, and develop requirements for an early childhood integrated data system (ECIDS).

As part of OKFutures, OPSR has commissioned Oklahoma Policy Institute (OK Policy) to assess major federal and state legislation that shapes and impacts services for young children. An understanding of the policy environment, recent changes in that environment, and possible favorable policy changes will assist OPSR in implementation of OKFutures.

This report contains three parts. The first part is a general overview of the state and federal policy environment as it stands today. The second part is a summary of major legislative changes over the last decade that have affected young children and programs supporting them. The third part recommends policy changes that could support OPSR's work and the implementation of OK Futures.

## Part I: The Policy Environment

### How Laws and Legislation Affects Programs and Young Children

State and federal governments create programs by enacting statutes that define the program, establish how it will be carried out, determine who is eligible to participate and under what terms, and assign a public entity to carry out the program. At the state level, the program remains authorized indefinitely, though later statutes often change the terms under which the program operates. The federal government authorizes programs in a number of different ways. Some, mainly those that provide benefits to citizens as entitlements (for example, Social Security and Medicare) are permanently authorized, while others are authorized for fixed periods, often five years.

Programs have no impact if they are not funded. In Oklahoma, though steps have been taken to mitigate the impact of economic fluctuations, the underlying economy and the state's revenue base are the major determinant of annual appropriations and thus program funding. Many of the programs affecting young children, such as pre-kindergarten, Medicaid (SoonerCare), child care subsidy, and home visiting programs, are subject to appropriations, either to match federal funding or to provide state-supported services.

In Oklahoma, local governments including cities, counties, and school districts, are required to adopt budgets that fund all programs from all sources of revenue, whether federal, state, or local.

Funding for programs that serve young children and their families thus depends on several processes, all of which respond to different economic and political pressures. Generally, this report does not cover funding in detail, as OK Policy has prepared a companion report that analyzes overall spending by source, category and program. The overall spending patterns identified in that report reflect the pressures and preferences of all levels of government as well as private contributors.

## Overview of State Statutes Affecting Young Children

Major statutes that provide and define programs for young children are described below.

### General

O.S. 10 § 640.1 creates the [Oklahoma Partnership for School Readiness](#), requiring the Board to serve as the state's Early Childhood Advisory Council, fulfill the responsibilities described in the Head Start Act of 2007, and outlining [responsibilities](#) [O.S. 10 § 640.2] of the Board.

OPSR has played a significant role in Oklahoma's efforts to expand and better coordinate services for families of young children. Since its creation, OPSR has:

- led efforts to create a robust and unified early childhood integrated data system by convening affected agencies, leveraging national expertise, and securing funding to help plan and design the system;
- funded local efforts to provide direct services to families with young children, engage parents in improving early childhood education options, and collecting data on community needs and resources;
- funded path-breaking research that defined the need and current resources for low-income families with children in all Oklahoma counties;
- produced annual reports informing the governor and other state leaders of progress and recommended goals for early childhood education;
- produced annual reports on operations and outcomes of home visiting programs; and
- informed legislative efforts to establish goals for and to better coordinate programs for young children and to engage families and providers in setting directions for programs.

### Education

[O.S. 70 § 10-105.4](#) requires an early childhood pilot program to serve at-risk children.

Statute provides that legislative intent is to provide [a free public kindergarten](#) [O.S. 70 § 18-108] for every five-year-old child in this state, with the requirement that each district offers full day kindergarten (allowing for intra-district transfers to satisfy the requirement so not every school has to offer it).

[O.S. 70 § 11-103.7](#) allows districts to offer to four-year-olds the opportunity to participate in an early childhood education program.

The [Oklahoma Early Intervention Act](#) (SoonerStart) [O.S. 70 § 13-122] intends to fulfill the requirements of IDEA Part C by providing early intervention services to infants and toddlers with disabilities and their families.

[O.S. 10 § 151 is](#) for the education of children in orphanages and charitable institutions.

Oklahoma SDE has an [Early Childhood and Family Education division](#) that "provides information and resources to support children and families birth to age 8." This division has a [birth through age 3 page](#) that links to early learning guides for [ages 0-2](#) and [ages 3-5](#), as well as linking to the [Head Start Early Learning Framework](#). The state's early learning guidelines were developed collaboratively between the state departments of Education and Human Services and the state's Head Start Collaboration office. This allowed for consistency across the domain and strengthened the continuum from birth through five.

Other resources on the agency's website include [The Early Childhood Learning Environment](#), [Oklahoma's Preschool Profile](#), as well as resources ranging from [parental involvement to ensure school readiness](#) to information about [child care services](#). In addition, the [Oklahoma EDGE](#) plan – the state's ESSA Consolidated State Plan – includes as its first strategy under Pillar 1, Achieve academic success, a focus on early childhood education. Pillar 3, create engaged communities, also includes an early childhood focus, with the goal of aligning “early childhood education and learning foundations to ensure at least 75% of students are ‘ready to read’ upon kindergarten entry.” The plan also mentions Oklahoma Academic Standards being vertically aligned beginning in Pre-K, establishing a foundation for more comprehensive standards.

## Health

Oklahoma statute requires [University Hospitals Authority](#) [O.S. 63 § 1-280.3] to establish a program modeled after Early Foundations, to provide early intensive behavioral intervention for children with autism.

[O.S. 10 § 404](#) provides requirements for child care facilities.

[O.S. 10 § 601.1](#) creates the Oklahoma Commission on Children and Youth (OCCY) and [O.S. 10 § 601.3](#) provides powers and duties. OCCY fulfills many important coordinating and monitoring roles in the state's universe of services for young children. The agency is tasked with creating a statewide plan for services to children and youth and with creating and supporting districts that coordinate local services. It also has responsibilities to monitor and improve services for children of incarcerated parents and with creating professional development opportunities that improve the delivery of services across the state. Finally, OCCY is responsible for supporting the Interagency Coordinating Council for Early Childhood Intervention, which advises and assists in implementation of the Individuals with Disabilities Education Act (IDEA) Part C early intervention program described below. The Commission itself includes the chief executives of the major state education and health and human services agencies, as well as a broad range of providers and advocates appointed by state elected officials.

[O.S. 10 § 601.81](#) provides certain requirements for Home-Visiting Services. That statute also requires the Early Childhood Advisory Council (OPSR) to submit an annual report. This report summarizes activities and services of all home visiting programs, including their impacts on a common set of outcome metrics. The annual report includes recommendations for developing a system that improves program coordination and quality and provides families with opportunities to continue home visiting services for longer periods.<sup>1</sup>

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<sup>1</sup> Oklahoma Partnership for School Readiness, “Oklahoma Home Visiting: Annual Outcomes Report State Fiscal Year 2018,” (Oklahoma City, 2018), accessed at <https://www.okschoolreadiness.org/uploads/documents/HV%20Report%20FINAL.pdf>, Oct. 8, 2019.

## Overview of Major Federal Statutes Affecting Young Children

### General

In 2014, the federal government [reauthorized](#) the [Child Care and Development Block Grant](#) (CCDBG), the program through which the federal child care subsidy program is administered. States, territories and tribes use CCDBG funds to support access to child care for low-income families. Following the reauthorization of CCDBG, the Department of Health and Human Services released new regulations to support states in implementing the new law and provide guidelines to ensure children receive safe and high-quality early learning experiences. Provisions include a requirement that 3 percent of grant funds be set aside to “improve the supply and quality of providers serving the youngest children.”

The law was designed to both improve the quality of child care (e.g., through increased professional development for the workforce) and increase access (e.g., by extending eligibility to parents looking for work). State lawmakers around the country have enacted legislation to bring states into compliance with the updated federal law. In 2018, Congress increased the CCDBG by \$2.3 billion to fully implement the requirements of the reauthorization.

The Oklahoma Department of Human Services has taken advantage of additional CCDBG funding and new programmatic direction to make these changes to child care subsidy programs by:

- extending the period between recertification of eligibility from 6 to 12 months,
- keeping co-payments the same regardless of income changes during the eligibility period,
- increasing the maximum income level for eligibility to 85 percent of the state median income, the maximum allowed by federal law,
- increasing rates to all providers by the largest percentage in state history,
- blending child care subsidy with Early Head Start funding to support 653 children in new collaborations, and
- extending the collaboration model to blend subsidy funds with the state-funded Early Childhood Development program.

The Department is planning to add a supplemental rate for child care outside traditional hours.

### Education

The [Every Student Succeeds Act](#) (ESSA) was signed by President Obama on December 10, 2015, reauthorizing the 50-year-old Elementary and Secondary Education Act (ESEA), the nation’s national education law and longstanding commitment to equal opportunity for all students. This law sustains and expands investments in increasing access to high-quality [preschool](#). Noteworthy initiatives include the [Early Childhood Technical Assistance Center](#)’s partnership with the [National Center for Pyramid Model Innovations](#) developed the online [Statewide Implementation Guide](#), which supports state-level decision makers in implementing evidence-based practices and achieving positive outcomes for infants, toddlers, and preschool children with disabilities and their families.

Oklahoma’s [ESSA plan](#) was approved by the U.S. Department of Education (USDE) in July 2018. This plan, also known as “Oklahoma EDGE,” seeks to close the opportunity and achievement gap for all students by focusing on early childhood education, implementing high academic standards, providing equitable

pathways to career and postsecondary opportunities, enabling educators to meaningfully use data, and reducing barriers to equity. The plan also commits the state to recruit and retain highly effective teachers, improve family and community engagement, and building state capacity to serve educators, schools, children, and families. Elements of EDGE that support OPSR's strategic goals include:

- expanding participation in school meals,
- increasing efforts to enroll homeless children in pre-kindergarten,
- vertically aligning learning standards beginning in pre-kindergarten,
- encouraging expanding school-wide programs in Title I schools to improve funding flexibility and coordination and provide Title I programs and services to all children in eligible schools, and
- excluding pre-kindergarten students from out-of-school suspensions and expulsions,
- providing school readiness guidance for parents,
- developing a measure for kindergarten readiness, and
- encouraging school districts to facilitate transitions into kindergarten.

The USDE established the Office of Early Learning, which is the principal office charged with supporting the Department's [Early Learning Initiative](#) with the goal of improving the health, social-emotional, and cognitive outcomes for children from birth through third grade, so that all children, particularly those with high needs, are on track for graduating from high school college- and career-ready. The Office also launched a [Birth to 5: Watch Me Thrive!](#) initiative, which encourages healthy child development, universal developmental and behavioral screening for young children, and support for the families and providers who care for them.

The [Individuals with Disabilities Education Act](#) (IDEA) makes available a free appropriate public education to eligible children with disabilities throughout the nation and ensures special education and related services to those children. The IDEA governs how states and public agencies provide early intervention, education, and related services to more than 6.5 million eligible infants, toddlers, children and youth with disabilities. Infants and toddlers, birth through age 2, with disabilities and their families receive early intervention services under [IDEA Part C](#). Children and youth with disabilities ages 3 through 21 receive education and related services under [IDEA Part B](#).

The Oklahoma Department of Education is the lead state agency for SoonerStart, Oklahoma's early intervention program under IDEA Part C. The Department is advised by the Interagency Coordinating Council for Early Intervention, which includes representatives of state health, mental health, education, human services, and insurance agencies as well as parents of children with developmental delays and public and private providers of early intervention services. The State Department of Health provides or arranges services for qualifying children under contract with the Department of Education. Services may be provided by the Department of Health, other state agencies, or private providers, as determined by the Individualized Family Service Plan for each child.<sup>2</sup>

Part B is administered at the school level, with oversight by the State Department of Education. Sooner Start personnel engage families of participating children in [transition planning](#) for Part B services beginning at 27 months of age so that an Individualized Education Plan (IEP) for Part B is in effect by the

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<sup>2</sup> Oklahoma State Department of Education, "SoonerStart Policies and Procedures," (Oklahoma City, OK, 2019), accessed at <https://sde.ok.gov/sde/sites/ok.gov.sde/files/2012%20SS%20POLICIES%203-11-13%20Final.pdf> Oct. 8, 2019.

child's third birthday. Children transitioning from Part C keep the same identification number when entering school and receiving Part B services.

## Health

Authorized by [Title XIX of the Social Security Act](#), [Medicaid](#) was signed into law in 1965 alongside Medicare. All states, the District of Columbia, and the U.S. territories have Medicaid programs designed to provide health coverage for low-income people. Although the Federal government establishes certain parameters for all states to follow, each state administers their Medicaid program differently, resulting in variations in Medicaid coverage across the country. In 2013, the Affordable Care Act provided enhanced federal funding for states to expand adult Medicaid coverage. Oklahoma has not expanded as of 2019.

The [Children's Health Insurance Program](#) was signed into law in 1997 and provides federal matching funds to states to provide health coverage to children in families with incomes too high to qualify for Medicaid, but who can't afford private coverage. All states have expanded children's coverage significantly through their CHIP programs, with nearly every state providing coverage for children up to at least 200 percent of the Federal Poverty Level.

The Special Supplemental Nutrition Program for Women, Infants, and Children - better known as the [WIC Program](#) - serves to safeguard the health of low-income pregnant, postpartum, and breastfeeding women, infants, and children up to age 5 who are at nutritional risk by providing nutritious foods to supplement diets, information on healthy eating including breastfeeding promotion and support, and referrals to health care. WIC legislative requirements are contained in [Section 17 of the Child Nutrition Act of 1966](#) and in the [Healthy, Hunger-Free Kids Act of 2010](#).

## Income Supports

On December 20, 2018, the Supplemental Nutrition Assistance Program (SNAP) was reauthorized as part of the [Agriculture Improvement Act of 2018](#). SNAP provides nutrition benefits to supplement the food budget of needy families so they can purchase healthy food and move towards self-sufficiency.

The [Temporary Assistance for Needy Families](#) (TANF) program is designed to help needy families achieve self-sufficiency. States receive block grants to design and operate programs that accomplish one of the purposes of the TANF program, one of which is to provide assistance to needy families so that children can be cared for in their own homes. TANF statute is found in [Title IV, Part A of the Social Security Act](#).

## Part II: Significant Statutory Actions from 2010 to 2019

OPSR requested that OK Policy compile and analyze statutory changes affecting young children and programs that serve them. To do so, OK Policy reviewed all laws affecting children, health, education, and income support programs from the 2010 through 2019 legislative sessions. This review identified 367 laws, summarized in Appendix A, Table A3. These laws were evaluated by three sets of criteria:

1. Did the law affect programs that serve children from birth to age 5 or their families? Rather than a simple yes-no determination, we created a separate category for school-related laws

that affected children in pre-kindergarten as part of the larger public school environment. In a state without universal public pre-kindergarten, such laws might not be considered significant for young children. In Oklahoma, they are significant because of the importance of pre-kindergarten in the universe of programs serving young children.

2. Is the law significant? OK Policy categorized a law as significant if it:
  - affected child safety, with particular emphasis on the child welfare and public school environments,
  - changed eligibility for any program serving families with young children (including early childhood education, home visiting, programs for children with special needs, child welfare, income support programs, and medical assistance programs),
  - changed funding or distribution of funding to any such program,
  - increased or reduced administrative requirements for program managers or participants,
  - changed requirements, recruitment, training, compensation, or working conditions of teachers and other early childhood professionals,
  - enhanced or impeded coordination among programs, or
  - increased or decreased transparency of and data-sharing by and between programs.
3. What topic is covered? Laws were classified into 29 different topical areas. Of the 29, 22 topics had at least one law with significant impact on young children, including those affecting only pre-kindergarten pupils. Please see appendix table A1 for a complete breakdown of all laws, significant and otherwise, and early childhood-specific and otherwise. The remainder of this report and the remaining appendix tables discuss only those laws that are significant and affect young children and pre-kindergarten pupils.

The remainder of this section summarizes significant statutes affecting young children and programs serving them. The purpose of this section is to discern broad topics and general directions of legislation over the last ten years, rather than an exhaustive list of statutes. This section includes two major subsections, one describing statutes affecting young children directly and a second describing statutes affecting only children in public pre-kindergarten. A companion document, “Legislation Affecting Young Children\_Detail” is an Excel workbook providing a description of all statutes in OK Policy’s data base and allowing the user to make customized summaries and reports.

### Legislation Affecting Young Children

OK Policy identified 63 laws passed from 2010 to 2019 that significantly affected young children, excluding those affecting pre-kindergarten only. Of the 63, 52 were in three topical areas: child welfare, child care licensing, and child support. These are summarized in turn below, followed by an overview of the remaining 11 laws. See Appendix A, Table A1 for a breakdown of these laws by topic and year adopted.

#### **Child Welfare**

Laws classified in the Child Welfare topic included those affecting child neglect and abuse, child welfare programs operated by the Department of Human Services (DHS) and laws designed to protect children in general. OK Policy identified 36 such laws. Half were adopted in the 2014-2016 period, in which the state had several high-profile cases of child deaths in state custody; a significant increase in foster care

populations, often attributed to parental drug use; and during which DHS was implementing the Pinnacle Plan, a legal settlement designed to improve services to children in foster care. Generally, child welfare statutes from 2010 to 2019 affected these major topics:

- Protecting children: Laws were passed that put children into the custody of the state automatically when a parent is convicted for acts harming a child (HB 2667, 2014); authorizing police and court officers to take immediate custody of a child when human trafficking is suspected (SB 1005, 2018); increasing reporting, investigating and service planning for drug-endangered children (HB 3104, 2018); and require a special protocol for investigating cases of abuse or neglect where the child cannot communicate due to disability (HB 3469, 2014). Background checks were also expanded to identify persons who were in a home where child abuse or neglect was reported (HB 1236, 2011), and were expanded for DHS employees (SB 830, 2018) and Court-Appointed Special Advocate (CASA) applicants (SB 722, 2019). Guardianship was restricted to prevent a parent whose rights were previously terminated (HB 1036, 2019), and to sex offenders were prevented from being appointed as a permanent guardian of a child in state custody (HB 2341, 2016). Another law expanded the reasons a court may find that reasonable efforts to reunify the child and family are not required to include cases where a court found that a parent committed sexual abuse against the child or is required to register as a sex offender (HB 2300, 2012). Finally, efforts were made to increase reporting of neglect and abuse by expanding the categories of persons who may not interfere with or retaliate for reporting child abuse or neglect (HB 2965, 2016).
- Placing children: Some laws expanded placement and permanency options by allowing DHS to contract for operation of emergency children's shelters (SB 1449, 2014), allowing courts to grant custody of an abandoned child to a qualified relative (HB 2733, 2010), allowing siblings to be in different placements when one has been in a stable placement (HB 2621, 2016), allowing parental rights to be terminated based on the length of time a child is in foster care and the child's age (HB 2130, 2014), requiring more aggressive searches for placements under the Indian Child Welfare Act (HB 1074, 2019), and increasing the costs that can be paid in an adoption (HB 2963, 2016). The Oklahoma Commission on Children and Youth was authorized to investigate claims that DHS harassed foster parents for filing grievances (SB 1793, 2014). Child-placing agencies that DHS contracts with for foster home recruitment and retention were allowed to not participate in foster placements and adoptions that violated written religious or moral convictions or policies (SB 1140, 2018).
- Increasing criminal penalties for adults in child neglect and abuse cases: One law reduced from three to two the incidents of domestic violence that constitute a prior pattern of physical abuse, which is an element of felony domestic abuse (HB 1491, 2016). Another defined failure to protect for the purposes of being considered in terminating parental rights and clarifying that the law applies to a non-abusing parent or guardian (SB 292, 2015).
- Improving interagency collaboration: Several laws increased collaboration by:
  - directing OCCY to establish the Oklahoma Mentoring Children of Incarcerated Parents Program (HB 2300, 2012),
  - assigning the Office of Juvenile Affairs, rather than OCCY, to regulate youth shelters operated by the Department of Human Services (HB 2300, 2012),
  - authorizing the Office of Juvenile Affairs, when placing children in foster care, and state and local departments of health, when investigating infant deaths, to access adult

records at DHS for the purpose of checking for abuse or neglect in the adult's history (SB 1791, 2014), and

- requiring state agencies were required to share information with military authorities when a service member is being investigated for child abuse or neglect and to share a report of the investigation (HB 1370 and HB 2491, 2016).

## **Child Care**

Ten laws relating to licensed child care passed from 2010 to 2019 have significant impacts on young children:

- The most common laws targeted the safety of children in licensed child care facilities by restricting persons who can work in licensed child care facilities. Two laws in the 2017 session expanded the Restricted Child Care Registry (and renamed it the Restricted Registry) to require background checks of any person operating or employed by a child care provider, or any other facility licensed, operated, or contracted by DHS or OJA, expanded the registries that must be checked, and preventing persons with a substantiated case of neglect or abuse in any of these facilities from being employed or operating such a facility (SB 717 and SB 723, 2017). Complementary laws added family child care homes to the list of places a registered sex offender may not live near (HB 3330, 2018) and added classes of workers such as OJA employees (SB 1424, 2016) and persons with access to fingerprint information to those subject to background checks (SB 917, 2013). SB 1424 also allowed child care providers to collaborate more effectively to protect children by allowing child care providers to share employee information from background checks with other providers upon request.
- Other laws increased flexibility for licensed child care providers by expanding credentials that could qualify to operate a child care facility (SB 1554, 2016 and HB 2692, 2018).
- Other significant laws required DHS to create a grievance process for alleged retaliation by DHS employees against a child care provider (HB 2524, 2018) and requiring safety improvements for rooms in which infants sleep (SB 1273, 2016).

## **Child Support**

The six significant changes in child support laws that could affect young children included:

- establishing an interest requirement on past-due support (SB 1199, 2012), subsequent reduction in the interest rate (HB 2757, 2016), and reduction of the time that back support may be claimed (HB 1003, 2014);
- allowing DHS to charge a reasonable fee for services for child support orders where Temporary Assistance to Needy Families is not received (HB 2866, 2018);
- making revocation of a state license of a person delinquent on child support at the judge's option rather than mandatory (HB 1784, 2014); and
- clarifying that either parent may seek and either parent may be required to pay child support and changing definitions of what constitutes medical support for a child (SB 1993, 2014).

## **Other Significant Laws**

This section summarizes additional significant laws that affected young children and their families and the programs serving them.

Several laws addressed the governance structure of services for young children. A 2010 law designated OPSR as the state’s Early Childhood Advisory Council to receive funding and perform duties under modifications to the federal Head Start Act (HB 3126, 2010). In 2011, a P-20 Council Task Force was created to determine the value of a P-20 Council that would seamlessly blend services from early childhood through career readiness (SB 206, 2011). In 2017, the P-20 Data Coordinating Council, which was originally created in 2009 to assess the current status of state student data systems and advise state leadership and agencies on creating a longitudinal system for educational and career data, was repealed (HB 1219, 2017). This repeal ended an opportunity for education agencies to progress toward a unified data system from early education through the education system to the workforce. A 2018 law created but did not fund a Children’s Endowment Fund to give grants for innovative programs to address adverse childhood experiences (ACES) (SB 1081, 2018), thus creating but not enabling greater collaboration in improving services for trauma-affected children.

Two laws affected children with disabilities. HB 2971 (2016) created the Child Welfare Review Committee for the Death and Near Death of Children with Disabilities. This committee, comprised of leading elected officials, state agency leaders, and experts was charged with reporting its findings in 2018.<sup>3</sup> Another law requires a study of the feasibility of covering autism-related services in Medicaid (HB 2962, 2016).

Two laws affected home visiting programs. One requires agencies offering such programs to collaborate to develop a continuum of care for all state-supported programs, address at least two common goals, and collaborate with community partners to develop needed structures and outcome measures (HB 2157, 2015). The most tangible product of this law to date has been annual outcomes reports published by OPSR.<sup>4</sup> The other home visiting law changed administration and reducing evaluation requirements for the Parents as Teachers program offered by the Department of Education (SB 285, 2015). Subsequent to passage of this law, OSDE discontinued its participation in Parents as Teachers. However, the model is used in the Oklahoma State Department of Health StartRight program and in home visiting programs funded by the federal Maternal Infant and Early Childhood Home Visiting (MIECHV) Program.

Several laws affected health and income supports for low-income families. HB 2388 (2012) restricted access to TANF by requiring adult drug screening and denying benefits to adults with positive results. The requirement does not apply to minor parents or to child-only cases. HB 2932 (2018) directed the Oklahoma Health Care Authority to submit a waiver to federal authorities to apply work requirements to non-elderly adults receiving SoonerCare. Both of these laws could harm families with young children by discouraging families needing assistance from applying and by delaying, denying, or discontinuing benefits to some families who do apply and receive benefits. To the extent that enrollment falls as a result of this law, fewer families will benefit from the state’s collaborative efforts to connect families receiving income and medical assistance with other programs that provide food, child care, and training opportunities.

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<sup>3</sup> Recommendations are found in “Child Welfare Review Committee for the Death and Near Death of Children with Disabilities,” (Oklahoma City, OK: 2019) accessed at <https://ouhsc.edu/Portals/1154/EasyDNNnews/Uploads/12001/Death%20Near%20Death%20Final%20Report%202019.pdf>, October 8, 2019.

<sup>4</sup> Oklahoma Partnership for School Readiness, “Oklahoma Home Visiting...”

In 2016, SB 341 ended refundability of the state Earned Income Tax Credit. As a result, over 200,000 households, nearly all with children, experienced an increase in their total state tax liability.

### Laws Affecting Children in Pre-kindergarten

Since education is the state's largest function by spending, it is not surprising that many laws affecting public education are passed each legislative session. Oklahoma's public-school-based universal pre-kindergarten means many of these laws affect pre-kindergarten children and their environments. OK Policy identified 64 significant laws passed from 2010 through 2019, shown by category in Appendix A, Table A2. It is important to note that this section only addresses laws affecting the universal pre-kindergarten program. Laws affecting all early education programs or affecting specific programs other than pre-kindergarten were described in the previous section.

Given OPSR's mission, the four laws affecting kindergarten were all considered significant. Legislators revised the Reading Sufficiency Act, which targets proficient reading at the third-grade level, to allow schools to spend state money allocated for the Act in kindergarten classes and to require that students be assessed for reading at the beginning, middle, and end of the kindergarten year. Another law allowed the State Department of Education to make grants for non-profit organizations to conduct reading instruction before or after school or on Saturday. Finally, a 2019 law created penalties under certain circumstances for school districts that exceed maximum class sizes in kindergarten.

More laws affected teaching and other school staff (20, including laws affecting professional development) than any other subject:

- Laws expanded teacher recruitment efforts by requiring the Department of Education and Regents for Higher Education to develop recruiting materials (SB 15, 2017), by reducing entry test requirements for students graduating with early childhood or elementary education degrees (SB 194, 2019), by expanding means to achieving alternate teacher certification (HB 3025, 2016), by easing the path to certification for special education teachers (HB 1206, 2017), and by creating a pilot program to explore alternative pathways to teacher certification (SB 217, 2019). Taken together, these changes could facilitate unified teacher recruitment for all early education programs and facilitate the path for teachers in other early education programs to teach in pre-kindergarten and other early grades. However, differences in the focus of teacher preparation programs, which are more instruction-focused for pre-kindergarten and more child-focused for other programs, remain.
- One new law created a career path with requirements to advance and pay incentives based on additional school days for planning and preparation (HB 3114, 2016).
- Teachers' rights were changed in several respects, including the ability to share public information without recrimination (HB 1952, 2017), prohibits teachers and others from interfering with a school transition from a traditional school to a new classification of Empowered School (SB 2330, 2010), a prohibition on deducting dues for a professional organization that collectively bargains (HB 1749, 2105), and excluding the teacher incentive pay from the definition of total compensation; with this change, incentive pay can be ended without violating the legislative requirement that teacher compensation cannot be reduced from one year to the next (HB 2157, 2017). Disclosure of teacher evaluations and related documents was expanded for hearings relating to personnel actions (SB 1828, 2014). Teachers may also be

affected by new requirements that district attorneys notify school districts when an employee is charged with or convicted of a felony, violent misdemeanor, or sex-related crime (SB 283, 2013).

- Legislators addressed teacher professional development by allowing school districts to give incentive pay for reaching certain effectiveness levels under the Oklahoma Teacher and Leader Effectiveness Evaluation System (SB 2033, 2010), allowing more time for principal evaluations of probationary teachers and changing evaluation frequency for highly rated teachers from annual to biennial (SB 207, 2013), and ending sanctions for school districts without a professional development program (HB 3029, 2010).
- Teacher pay was increased by an average of \$6,000 in 2018 (HB 1023) and an average of \$1,200 in 2019 (SB 1048).

Pre-kindergarten and kindergarten classrooms are affected by a 2014 law that replaced the PASS academic standards with new state-developed standards for curriculum and assessment and a 2012 law that removed the limit on the number and type of reading screenings that may be administered (HB 3399, 2014).

Legislators restricted corporal punishment for students with the most severe cognitive disabilities (HB 1623, 2016), and passed legislation making school property tobacco-free at all times (HB 1685, 2015), requiring school staff to report discovery of a firearm on school property (SB 259, 2013), and expanding requirements for school policies against bullying (HB 1661, 2013).

Some legislation improved collaboration between schools and the child welfare system. The State Department of Education was required to provide student records to DHS through the Passport system (SB 1331, 2014). Schools were directed to create better transitions when children in state custody move between schools (SB 632, 2017). Additional resources and training were required to help school staff identify child abuse and neglect and reporting requirements were expanded (HB 1684, 2015).

Laws changed charter schools by allowing any school district to sponsor a charter school (SB 782, 2015) and by changing state regulation and funding of virtual charter schools (SB 1816, 2012 and SB 2016, 2013).

Two laws expanded the medications that could be administered in schools (SB 48 and SB 381, 2019).

School accountability and administration were affected by legislation as well. A 2011 law (HB 1456) created a school accountability system requiring that schools and districts be evaluated on an A-F grading system. Later laws eliminated the school district grade (SB 1655, 2014), created grades for categories of performance, changed weights of various factors (HB 1658, 2013), and made the reports consistent with new federal laws (SB 1693, 2017). Legislation increased guideline on how school districts can meet the minimum days and hours of school per year (SB 441, 2019), granted large school districts the ability to contract with public or private entities for administrative services (HB 1691, 2015), and created a path to request relief from state requirements as an empowered school system (SB 2330, 2010). Legislation expanded the accrediting organizations that could be considered for evaluating public schools (SB 92, 2019) and authorized the State Department of Education to specify data elements that school districts are required to collect and report (SB 70, 2019).

Many laws affected school financing, including:

- reducing allowable school district administrative costs from six to five percent of total costs (SB 664, 2011),
- requiring the Department to create a searchable data base of detailed school district expenditures (SB 1633, 2010),
- allowing school district building funds to be used for school operations (SB 1398, 2018),
- modifying the state school aid formula for students attending online schools (SB 2109, 2010), and
- changing distribution of lottery funds for schools (HB 1837, 2018 and SB 1047, 2019).

In 2014, the Oklahoma Equal Opportunity Education Scholarship Act was expanded. This law creates up to \$3.5 million in tax credits for persons contributing to scholarships for students to attend private and, to a much lesser extent, public schools (HB 2643, 2014). Eligible students are of school age and cannot have income in excess of three times the income standard for reduced price school meals. Both public and private schools can benefit from donations, but most go to private schools.

### Laws Affecting Kindergarten

As OPSR's goals include making all children ready for kindergarten, any statutory change affecting kindergarten is considered significant. There have been five such changes since 2010.

Three new laws addressed reading. In 2012, HB 2516 revised the Reading Sufficiency Act (RSA), which requires students read at a basic level to be promoted from third grade and mandates reading remediation efforts beginning in kindergarten. HB 2516 required that children be assessed for reading readiness at the beginning of kindergarten. It changed allocation of state funding for the RSA to be based on each school district's share of students identified as needing reading remediation and included kindergarten students in the allocation for the first time. This law also expanded exemptions under which students could be promoted from the third grade. In 2019, SB 601 added requirements that kindergarten students be screened for reading skills at the middle and end of the school year, and that reading instruction be provided for those not meeting grade-level targets at mid-year. This law also removed language that kindergarten through third grade should focus on reading and mathematics in favor of new language mandating a well-rounded education. While not directly related to the RSA, legislators also established the Oklahoma Bridge to Literacy Program, which allows the OSDE to make grants to public and private entities to offer reading programs before and after school, on weekends, and during the summer (HB 2676, 2012).

The Legislature took action to reinstate long-suspended class size limits by restoring financial and accreditation penalties for exceeding the maximum class size for kindergarten beginning in the budget year starting July 1, 2021, contingent on continued growth in state funding for schools (SB 193, 2019).

## Part III: Policy Recommendations

OPSR requested that OK Policy recommend policy changes that will assist in meeting the goals to be determined by the strategic plan developed separately for the OKFutures project. To some extent, policy goals will depend on the direction of that program. However, review of the statutory framework as well as analysis by national organizations suggest some legislative and administrative policy changes that would be compatible with any strategic direction. Appendix B includes summaries of relevant analyses and recommendations by organizations other than OK Policy.

Policy recommendations are below, grouped by topic. Funding recommendations are contained in a companion report.

### Early Education Programs

1. Consider legislation to coordinate and unify early childhood education models. Oklahoma's system of early childhood education has grown through federal, state and local decisions to create and adopt models that differ in goals, environment, professional preparation and compensation, and funding. While each model has proven effective in meeting its own goals, there is no cohesive, statewide agreement on what early childhood education should accomplish, how to measure those accomplishments, and how programs can be held accountable for improving child outcomes.

Oklahoma's efforts to coordinate programs through voluntary means have met some success, including uniform early learning guidelines and dramatically improved funding coordination. Should additional uniformity be desired, legislation is necessary. The state can consider a centralized approach such as Louisiana's. Act 3, passed in 2012, combined preschool, Head Start, and child care into a statewide early childhood program. Communities created pilots and agreed on shared standards, enrollment and teacher expectations. They are coordinating efforts to serve more low-income children, share professional development models, and simplify family enrollment. State funding under Act 3 will support 1,800 new pre-K slots in six high-needs communities with functioning pilot models, at a funding level of \$5,185 per seat.<sup>5</sup>

2. Revise all statutes relating to early education to create a more collaborative, child-centered, and outcome-oriented system of early education. All programs should:
  - formally assign a liaison to a coordination committee that includes representatives of all early childhood education programs and all state agencies with oversight over such programs,
  - provide for maximum possible participation of all potential providers, including public, nonprofit, and for-profit organizations, who desire to participate and demonstrate the ability to meet program standards,

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<sup>5</sup>Louisiana Department of Education, "Expansion Grant Overview", (Baton Rouge, 2019), accessed at <https://www.louisianabelieves.com/docs/default-source/early-childhood/preschool-expansion-grant-overview.pdf?sfvrsn=2>, August 29, 2019.

- provide financial and organization support for state-, local-, and site-level collaboration among providers,
  - require providers to participate in the early childhood integrated data system to be developed as a result of the OK Futures grant, and
  - conduct program-level and community-level evaluations of program outcomes and effectiveness every three years.
3. By statute or regulation, Oklahoma should require that pre-kindergarten teachers hold a Child Development Associate (CDA) credential. This is the only one of ten benchmarks of program quality that Oklahoma’s program does not meet. According to the National Institute of Early Education Research (see Appendix B), 17 of 61 state-funded preschool programs meet this benchmark. Doing so would make Oklahoma’s program the third to meet all ten benchmarks.

The requirement must allow sufficient time, funding, and support to meet this requirement. Oklahoma lacks sufficient CDA-credentialed candidates to fill all pre-kindergarten assistant teaching positions. At the same time, many current teaching assistants who do not hold a CDA will desire to get one. Collaborative actions necessary to implement this recommendation will include:

- increasing the capacity of higher education institutions to produce CDA graduates,
  - increasing funding, flexible hours, and other supports in public schools so that all assistant teachers desiring a CDA can obtain one in a timely and affordable manner, and
  - expanding the Scholars program operated by the Department of Human Services to support more students needing assistance to complete their CDAs.
4. When considering school legislation, the Legislature should adopt special rules to consider how legislation would affect pre-kindergarten in its role in the larger early childhood education system. Given the state’s role as primary funder and thus primary regulator of public schools, legislators will inevitably continue to change regulations. However, unlike other grades, pre-kindergarten changes can have unintended consequences across the larger system of services for families with young children. The state has made great strides in collaboration through encouraging mixed delivery of pre-kindergarten and by adopting system-wide early learning standards. Areas where the Legislature should make decisions in consideration of the early childhood system are those that would affect these aspects of pre-kindergarten:
- teacher preparation, recruitment, professional development, and evaluation;
  - school days and hours, which affect the ability to provide full-day, full-year education for parents desiring this option and may conflict with Head Start and Department of Human Services requirements in pre-kindergarten collaborations,
  - learning environments, which are more structured in pre-kindergarten than in other settings, and
  - regulation of the environment, which is dramatically different in pre-kindergarten than in other settings, which are regulated by the Department of Human Services and in some cases by the federal Office of Head Start.

5. Capitalize on recent improvements in collaboration between schools and the child welfare program as described above by insuring they are applied across all early childhood education programs. OPSR can take the lead by convening representatives of DHS Child Welfare Services and leadership as well as representatives from child care providers, Head Start, and home visitors. Such an effort should inventory current practices, identify opportunities for improvement, and develop policies and practices to achieve improvement, by focusing on:
  - the extent to which early childhood programs share information on program participation and child progress with DHS so that child welfare workers and foster parents can monitor children’s progress;
  - whether the Education Compact for Students in State Care Act, (SB 632, 2017), which requires schools to coordinate transitions when a foster child is changing schools, is being applied in child care, Head Start, and home visiting settings;
  - whether efforts to increase teacher and school staff awareness of child abuse and neglect as well as reporting requirements are implemented to at least the same degree in all early childhood settings; and
  - whether the expanding emphasis on trauma and its impacts on children and adults is being shared equally across providers and parents in all early childhood education programs.

#### Parental and Family Support Programs

6. Update and expand the Quality Rating and Improvement System (QRIS). The Department of Human Services (DHS) was a pioneer in establishing a QRIS. Oklahoma is one of few states in which all licensed child care providers are rated in the QRIS and Oklahoma is one of the most successful states at tying child care subsidy payments to quality ratings so that low-income families have better access to the highest quality programs.

However, expectations for QRIS have changed since Oklahoma’s was created. A [Build Initiative](#) analysis of states participating in the federally-funded Early Learning Challenges found that these states are laying new groundwork by promoting school readiness, focusing on children with disabilities and English language learners, considering the cost to provide levels of quality when developing subsidy reimbursement rates, and engaging families. While none of these states has successfully moved toward a comprehensive measure of program quality across private providers and public pre-kindergarten, Head Start and other programs, all have begun discussions with that goal in mind.

DHS has been discussing a QRIS update for the past seven or eight years but has not made significant progress. OK Policy recommends that OPSR encourage DHS to begin the update upon completion of the OKFutures strategic plan and ensure that all early education programs agree on the definition and measure of quality. As the coordinating body for early education and the champion of sharing early childhood data, OPSR should take a more active role in partnering with DHS to advocate for progressive QRIS updates and make recommendations that result in impactful QRIS updates.

## Program Coordination and Governance

7. Improve processes of collaboration in governing programs. Oklahoma's system of supports for families with young children is delivered by several state agencies, dozens of non-profits, hundreds of private providers, and over 500 school districts. While all providers strive to maximize program effectiveness and resources by coordinating statewide services and encouraging local collaboration, the system remains fragmented and its complexity frustrates policy makers, providers, and families alike.

Programs can be effectively coordinated and collaborative even when delivered by multiple providers when there is agreement on common goals and when all program providers participate in open information sharing.

The Oklahoma Partnership for School Readiness should be tasked as the primary agency to create systems to facilitate development of statewide goals and to provide a setting for ongoing information sharing. OPSR is designated as the state's Early Childhood Advisory Council. Its governing board includes leaders of most state agencies that serve young children along with members representing non-state providers, families, and subject matter experts. OPSR's statutory duties should be expanded to:

- recommend desired outcomes and standards for all programs,
- lead implementation and assessment of outcomes and standards once adopted by the state,
- review and make recommendations on all proposed program changes,
- develop processes so that families are able to access services they need most without developing expertise on individual programs and their requirements,
- lead development and oversight of the Early Childhood Integrated Data System,
- monitor available funding and identify ways to use funds most effectively to promote positive outcomes for families with young children, particularly those who are least likely to thrive without effective public support, and
- extend existing reporting requirements to provide a well-supported "state of the state" analysis of services for young children that includes policy and financing recommendations for improving services and outcomes.

**Appendix A: Tables of State Laws Affecting Young Children**

Appendix Table A1											
Laws with Significant Impact on Young Children											
Topic	Legislative Session										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Grand Total
Child Care Licensing				1			4	2	3		10
Child Support			1		2		1		2		6
Child Welfare	1	1	3		8	3	9	2	5	4	36
Children with Disabilities							2				2
Family Support			1			2	1				4
Health care									1		1
OPSR	1										1
State Organization								1	1		2
Studies and Task Forces			1								1
<b>Grand Total</b>	<b>2</b>	<b>2</b>	<b>5</b>	<b>1</b>	<b>10</b>	<b>5</b>	<b>17</b>	<b>5</b>	<b>12</b>	<b>4</b>	<b>63</b>

Appendix Table A2											
Laws with Significant Impact on Pre-kindergarten											
Topic	Legislative Session										
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	Grand Total
Charter Schools			1	1		1					3
Child Welfare					1	1		1	3	1	7
Children with Disabilities					1						1
Curriculum					1						1
Health care										2	2
Kindergarten			2							2	4
Learning Environment				2		2		1		1	6
Professional Development	2			1							3
Pupil Assessment			1								1
School Accountability		1		1	1		1	1		1	6
School Administration				1		1				1	3
School Finances	1	1				1			2	1	6
School Vouchers					1						1
State Aid	1	1									2
State Organization		1									1
Teachers/school staff	1			1	1	1	2	4	3	4	17
<b>Grand Total</b>	<b>5</b>	<b>4</b>	<b>4</b>	<b>7</b>	<b>6</b>	<b>7</b>	<b>3</b>	<b>7</b>	<b>8</b>	<b>13</b>	<b>64</b>

Appendix Table A3											
All Laws Reviewed, Regardless of Significance and Impact on Young Children											
Topic	Legislative Session										Grand Total
	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	
Attendance							1				1
Charter Schools	4	3	1	1	1	2	1			1	14
Child Care Licensing	1		1	1		2	5	4	4	1	19
Child Support		1	1		3	2	2		2	1	12
Child Welfare	2	4	5		19	9	12	7	8	15	81
Children with Disabilities	1	1	1	2	3	1	3	3			15
Curriculum		1		1	3	2	1	1			9
Early Childhood Data						1					1
Family Support			1		1	2	1		1		6
Federal Issues	1	2									3
Health care				1	3	4	2	1	2	4	17
Incarcerated Parents			1								1
Kindergarten		2	2							2	6
Learning Environment				4	1	4	3	1		1	14
OPSR	1										1
Professional Development	2	2	1	3			1			1	10
Pupil Assessment	1	2	2	2	2	1	1	6	2	1	20
School Accountability		1	2	5	2		2	1		1	14
School Administration			1	4	3	1	3	4	3	2	21
School Consolidation		1									1
School Finances	1	3		2		2		3	3	2	16
School Penalties	2										2
School Vouchers					1						1
State Aid	1	1									2
State Organization		2	1	1		2	1	2	1	1	11
Studies and Task Forces		2		1	7	1	2	2			15
Teachers/school staff	4	2	1	4	2	7	8	10	8	5	51
Tribal Issues	1		1			1					3
<b>Grand Total</b>	<b>22</b>	<b>30</b>	<b>22</b>	<b>32</b>	<b>51</b>	<b>44</b>	<b>49</b>	<b>45</b>	<b>34</b>	<b>38</b>	<b>367</b>

Laws are described and identified by legislative session and bill number in a companion file, Legislation Affecting Young Children\_Detail.

## **Appendix B: Review of Analysis and Recommendations by Other Organizations**

Outside evaluations of Oklahoma services to young children are summarized below. Each is followed by commentary from OK Policy.

Bipartisan Policy Center ranked Oklahoma 19<sup>th</sup> for [creating a coordinated, integrated early care and education system](#). The strengths outlined in the ranking include IDEA Part C and Part B being administered within the same agency, and the state's Quality Rating and Improvement System (QRIS) is mandatory for providers receiving subsidies, ensuring quality of care for all children. The Center's recommendations for Oklahoma's Early Care and Education system are below:

- Increase efficiency and cost-effectiveness of monitoring and oversight by aligning the administration of the Child Care and Development Fund (CCDF) with state Pre-K and the Child and Adult Care Food Program.
- Improve program alignment and efficiency by co-locating CCDF with state Pre-K and the Head Start Collaboration Office.
- Ensure the State Advisory Council for Early Education and Care, mandated by the Improving Head Start for School Readiness Act of 2007, is fulfilling its required activities, including conducting a statewide needs assessment on the quality and availability of early care and learning programs.
- Include licensing as the entry level for state QRIS to ensure program quality.

OK Policy's recommendations above address the goals of the Bipartisan Policy Center's first three recommendations. The fourth recommendation has been state policy since the QRIS was created.

Community Action Project of Tulsa County CAP Tulsa, evaluated several Oklahoma income support and health programs between 2010 and 2013.

- Recommendations for Temporary Assistance to Needy Families (TANF) included increasing benefit payments, allowing TANF adults to earn more money without penalty, reducing sanctions, and increasing child benefit rates. As of 2019, the only changes in TANF are a modest increase in the per-child benefit rate, and cash incentives for meeting milestones in work programs, which the Department of Human Services (DHS) was able to do by administrative action.
- Recommendations for child care subsidy included continuing benefits for longer parental job searches, reducing requirements that created gaps in coverage, shifting benefits to parents using high-quality care, better blending funds with other assistance programs. As of 2019, DHS extended the job search period, improved the co-pay structure for the lowest-income families, extended eligibility for a full year, increased income eligibility to the maximum allowed by federal law, and began blending funds by adding subsidy eligibility to Child Care-Early Head Start collaborations and to the Early Childhood Development Program. These changes were accomplished through administrative action and new federal requirements from the 2014 reauthorization of the Child Care Community Development Block Grant.

Kaiser Family Foundation (KFF) has analyzed the impact of Medicaid expansion in Oklahoma and has compiled a [review of the effects](#) of expansion in participating states. KFF estimates that [196,000 Oklahoma](#) adults would be served by expansion, representing 43 percent of the state's uninsured adults. Of these, 23 percent are parents and 56 percent work full time. The expansion would have the greatest impact in rural eastern Oklahoma and in Cleveland County. KFF further reported that one study found that expansion increased insurance coverage for children who were already eligible for Medicaid, also with a larger impact on rural areas.

National Institute on Early Education Research (NIEER) evaluated Oklahoma's pre-kindergarten program in its annual [State of Preschool Yearbook](#). Oklahoma is one of only four states providing universal access to public preschool for four-year-olds.

Eighty-five percent of Oklahoma 4-year-olds are enrolled in preschool programs, ranking the state fourth in access. However, Oklahoma is one of 20 states without preschool for 3-year-olds. Just 16 percent of 3-year-olds are served by Head Start or special education. Oklahoma ranks 34<sup>th</sup> in state spending per pupil and 19<sup>th</sup> in total spending per pupil.

Significantly, Oklahoma's public pre-kindergarten meets 9 of 10 NIEER benchmarks for program quality. The only benchmark not met is requiring assistant teachers in pre-kindergarten to have a Child Development Associate (CDA) credential. The CDA requires competency not just in the learning environment, but in physical, intellectual, social, and emotional development of the child, building productive relationships with families, and creating programs that best serve children.