



# State Boards and the Governance of Early Childhood Education

*As states seek to bring coherence to the disparate systems that have a hand in early education and care, state boards have key roles to play.*

As the definition of education has expanded to include the years before kindergarten, so too has the role of state boards of education. Boards now play an expanded and essential role in supporting the early childhood system. That role can vary substantially across states and evolve within states, making it important for board members to stay informed about developments in the early childhood system. And state board members should be ready for their role to shift dramatically if their state decides to change how it governs early childhood.

The early years matter a great deal to the overall education system. If a cohort of children is more than a year behind at the end of second grade, only 15 percent of school districts in the country can get that cohort caught up by the end of high school.<sup>1</sup> Partly for this reason, states have increasingly emphasized the value of publicly funded early education and care.

Early education and care comes in many forms, and in most states different government agencies oversee key pieces of it. There are good reasons the system was built that way—and there are good reasons states are remaking it. In the years ahead, state boards' role will continue to evolve, and state boards can take important steps to make that evolution a success.

## The Federal Impact on State Systems

Before diving deeply into how state early childhood systems function now, it is worth looking at how the federal government has influenced those systems' development.<sup>2</sup> In 1965, the creation of the Head Start program opened a new era of federal investment in early childhood. Head Start has evolved substantially over the years but for

most of its history has been a preschool program for three- and four-year-olds. Early Head Start, created in 1994, serves younger children. Standards-based education is a part of Head Start, but the program has always had a broader focus and commitment to developmental services. Federal funding for the program goes directly to service providers, with no state oversight role. (The program does fund collaboration coordinators housed within state government.)

The federal government created the Child Care and Development Block Grant in 1990, building on previous efforts. It offers subsidies for families who obtain child care on the open market, and states have meaningful flexibility in setting eligibility criteria and reimbursement rates. In most states, a human services agency oversees this funding.

When Head Start funding stagnated in the early 2000s, states stepped up support for state-funded pre-K. Pre-K programs vary quite a bit across states, both in size and quality. The most recent yearbook from the National Institute for Early Education Research found that 29 percent of four-year-olds and 5 percent of three-year-olds are enrolled in state-funded pre-K.<sup>3</sup> Largely created to provide standards-based education, state-funded pre-K programs are overseen primarily by state boards and state education agencies (SEAs).

Another important element of state early education and care systems are services for children identified as having disabilities under the Individuals with Disabilities Education Act. This law requires SEAs to be responsible for special education services of children ages 3 to 21, which includes preschool. Younger children receive services under Part C of the IDEA, and states can designate a lead

---

**Elliot Regenstein**

agency for Part C services. While some states designate the SEA, in most states a health or human services agency administers Part C.

## The State Trend toward Unification

While state administrators may be keenly aware of the differences among funding streams, most families are not. Some providers leverage multiple funding streams (sometimes referred to as “blending and braiding”) and may intentionally obscure which funding streams they are using for particular services. The experience of the early childhood system at the user level can look very different from the experience at the administrative level.

Providers of early education and care services are a diverse group, but schools are a critical part of the system. In many communities, schools deliver state pre-K, Head Start, or both, and they also sometimes offer child care. But there is also a diverse network of private providers who offer publicly funded services in a variety of settings. Collectively, this universe of service providers is referred to as the “mixed-delivery system.”<sup>4</sup>

Over time, states came to realize that the mixed-delivery system was not just a collection of different provider types; it was about their unique alchemy in combination. Pre-K and child care relate to each other in complex ways, and housing them in different agencies can create friction at the margins. Both are particularly important to low-income families, and policy incoherence can make it harder for those families to access services.

For that reason, states have increasingly sought to house pre-K and child care in the same agency—often including the Head Start collaboration office and other early childhood services. How that shift has played out varies from state to state, but there are three major approaches:

■ **Creating a new agency focused on early childhood.** This approach puts multiple programs under one roof and also elevates a cabinet-level leader focused on early childhood. For state boards, it may mean giving up oversight of state pre-K. While their agencies differ depending on state context, states that have created a new agency include Alabama, Colorado, Connecticut, Georgia,

Massachusetts, New Mexico, Oregon, and Washington.<sup>5</sup>

■ **Consolidating functions in a human services agency.** In some states, multiple early childhood programs are consolidated in a human services agency. This generally means moving pre-K into the agency already responsible for child care, which again can reduce state board responsibility. States taking this approach include Indiana, North Carolina, and Vermont.

■ **Consolidating functions into an education agency.** In this scenario, child care and other services are moved into the education agency, which can lead to a substantial expansion of the state board’s authority.<sup>6</sup> States that have taken this approach include the District of Columbia, Florida, Louisiana, Maryland, Michigan, and North Dakota.

Decisions about where to house responsibility for early childhood often involve significant discussion about leadership roles and stakeholder relationships. Early childhood advocates typically want to see greater state government focus on the prekindergarten years. In many states’ education and human services agencies, the most senior early childhood leader is a division manager who is several rows below the agency head on the organization chart. Those division managers may feel constrained in their ability to act or to collaborate with each other. If the state does lack a senior leader with authority over multiple early childhood programs, advocates will likely press to create that kind of leadership.<sup>7</sup>

If a state seeks unified leadership, it has to then create an organizational home for that leadership. State education agencies are a logical choice because of the important connection of early childhood to K-12. But private providers are often concerned that SEAs do not know how to work with them and set policies more favorable to public schools than to private providers. Some SEAs do a very good job of engaging private providers, but in states where that has not been the history, consolidation into the education agency may be unpopular in certain sectors.

---

States have increasingly sought to house pre-K and child care in the same agency.

There is no single best answer for states that want to broaden and simplify families' access to quality early childhood education. Every governance structure represents a trade-off, and the benefits and challenges are contextual. While some experts believe that unified state governance has significantly improved the quality of state oversight, the evidence base is limited.<sup>8</sup> There is no research that firmly connects any specific governance model with any specific impact on child outcomes; indeed, many researchers do not expect that there ever will be.

## What Can State Boards Do?

Regardless of a state's governance structure for early education and care—and whether or not it is considering a change—state board members can play an important role in the system's success. There are multiple actions state board members can take to elevate early childhood and strengthen policy continuity from birth through high school.

### **Make early childhood a key agenda item.**

Regardless of the SEA's role in the system, boards can elevate the issue by having public conversations with agency leadership and showing a visible interest in improving access to quality services. Ellen Cogen Lipton, a member of the Michigan State Board of Education, said her board regularly receives updates on early childhood from a senior agency leader whose role focuses on early childhood. "Having a designated person creates a level of seriousness within the department," she adds, noting also that the agency's strategic plan includes a significant focus on school readiness and early literacy.

Former Illinois State Board of Education member and current Illinois State Senator Cristina Pacione-Zayas works at the Erikson Institute, a graduate school focused on early childhood education. She said that when she was on the state board she always urged the board and staff to make sure they were precise in their language. When board materials made reference to K-12 education in a policy area that also affected birth to five-year-olds, she asked for updated language. Such materials included mission statements and other statements of purpose that reflected the agency's entire scope of work.

In that spirit, state boards can play an important role in ensuring that early childhood is considered when setting policy for the entire system. State policies on accountability, teacher licensure, special education, discipline, English learners, data systems, school choice, and others all have potentially significant impacts on early education and care, but states do not always consider those impacts in setting policy. Boards can do a lot to make sure that senior staff and other stakeholders are paying attention. For example, Washington State Board of Education Executive Director Randy Spaulding said that when his board discusses accountability, "if we are talking about gaps children are experiencing in schools, we want to be cognizant of where children are starting."

**Focus on kindergarten transition.** The vast majority of children in publicly funded early education and care will enroll in public schools. State boards can help to ensure that schools are ready to help those children be successful. A growing number of states have developed playbooks or guidebooks to support those transitions. In states without a playbook, state boards can instigate their creation, and they can also play an important role in shaping their content. Boards can also make sure that agency staff are continuing to focus on the issue.

Another important transition is the transition into Part B special education. If the state board is not responsible for Part C Early Intervention services, it will need to maintain a relationship with the agency that is. In many states, this junction point has proved to be difficult, and state board members should work with staff to ensure that transitions are managed as effectively as possible.

**Partner with other agencies.** Particularly where governance is fragmented, it will be important for agencies to work well together. Board members can play a key role in making that happen. Cogen Lipton said that having board members in Michigan who are committed to interagency partnerships has led the entire board to think differently about who to bring to the table and has meant that the board's thinking is often informed by leaders from other agencies. Spaulding said that board members in

---

**State boards can play an important role in ensuring that early childhood is considered when setting policy for the entire system.**

**For example, board members can take field trips to visit high-quality early childhood programs and schools.**

Washington “get tapped to be involved in a lot of different work groups.”

States are required by federal law to have a state advisory council that brings together leaders from multiple agencies, along with outside stakeholders. Having a state board representative on that advisory group can help tighten the connection between the board’s work and the early childhood community.

**Build partnerships and knowledge.** An important part of policy development is building relationships with new partners. When the state board is developing K-12 policies, it will expect to hear from teachers, principals, and administrators from within the K-12 system. But it might not expect to hear from early childhood advocates. Board members can engage with those advocates and build relationships, which can help increase the board’s understanding of how K-12 policy affects early education and care. As Cogen Lipton said, “It’s really important to know your players.”

Pacione-Zayas said that board members should also take every opportunity to learn more—and help other partners learn more at the same time. For example, board members can take field trips to visit high-quality early childhood programs and schools that are working effectively in the early childhood community. They can also bring along other advocates and partners on those visits. Boards can also bring in experts to help them get smarter on topics of particular interest.

**If the state is considering a governance change, get involved.** If the state is having a public discussion of potential changes in early childhood governance, state board members can and should be involved. These conversations can be a valuable way to learn about the early childhood system—and to shape it.

## Conclusion

In recent decades, states have increasingly focused on early childhood education—and expansion of early childhood services. With that growth has come growing pains, and states are now considering the best ways to manage their disparate systems. State board members can add important perspective to that work and can also

help to ensure that the state education agency is sensitive to broader dynamics.

Experts in child development have emphasized that children’s experiences in the first five years have a major impact on their long-term outcomes.<sup>9</sup> Whatever role the state board plays in managing those first five years, it has an essential role in supporting those long-term outcomes. State board members are well advised to learn more about their state’s early childhood system and ensure that the board itself is actively participating in conversations about how that system works—and how it connects to the K-12 system board members know so well. ■

<sup>1</sup>Elliot Regenstein, “Building a Coherent P-12 Education System in California” (Washington, DC: Foresight Law + Policy, February 2021), note 15, [https://cdefoundation.org/staging/wp-content/uploads/2021/02/D\\_FLP\\_BuildingCoherent\\_TP-12\\_EdSysteminCA\\_0207921.pdf](https://cdefoundation.org/staging/wp-content/uploads/2021/02/D_FLP_BuildingCoherent_TP-12_EdSysteminCA_0207921.pdf).

<sup>2</sup>For a brief history of federal early childhood funding, see Bipartisan Policy Center, “History of Federal Funding for Child Care and Early Learning” (October 2019), [https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/10/WEB\\_BPC\\_ECH-History-Brief\\_R01.pdf](https://bipartisanpolicy.org/download/?file=/wp-content/uploads/2019/10/WEB_BPC_ECH-History-Brief_R01.pdf).

<sup>3</sup>Allison H. Friedman-Krauss et al., *The State of Preschool 2021* (The National Institute for Early Education Research and Rutgers Graduate School of Education, 2022).

<sup>4</sup>The term mixed-delivery system is defined in the Every Student Succeeds Act, 42 U.S.C. 9831(b)(5).

<sup>5</sup>The Education Commission of the States has mapped which states use each governance structure. See “Early Care and Education Governance,” web page (Denver, CO: Education Commission of the States, July 30, 2021), <https://www.ecs.org/early-care-and-education-governance/>.

<sup>6</sup>Elliot Regenstein and Katherine Lipper, “A Framework for Choosing a State-Level Early Childhood Governance System” (BUILD Initiative, 2013), <https://buildinitiative.org/resource-library/a-framework-for-choosing-a-state-level-early-childhood-governance-system/>.

<sup>7</sup>“The Future of American Early Childhood: A Framework for Building High-Performing, Coherent Systems,” 6-7, (Baton Rouge: Watershed Advisors, 2022), [https://watershed-advisors.com/wp-content/uploads/2022/08/Watershed-Advisors-ECE-Framework\\_August-2022.pdf](https://watershed-advisors.com/wp-content/uploads/2022/08/Watershed-Advisors-ECE-Framework_August-2022.pdf).

<sup>8</sup>Elliot Regenstein, “Early Childhood Governance: Getting There from Here,” report (Washington, DC: Foresight Law + Policy, June 2020), [https://www.flpadvisors.com/uploads/4/2/4/2/42429949/flp\\_gettingtherefromhere\\_061120.pdf](https://www.flpadvisors.com/uploads/4/2/4/2/42429949/flp_gettingtherefromhere_061120.pdf).

<sup>9</sup>Center on the Developing Child, “From Best Practices to Breakthrough Impacts: A Science-Based Approach to Building a More Promising Future for Young Children and Families” (Boston: Harvard University, 2016), <https://developingchild.harvard.edu/resources/from-best-practices-to-breakthrough-impacts/>.

Elliot Regenstein is a partner at Foresight Law + Policy, where he focuses on state policy, including early childhood governance and data systems.