

***The 2009 SECA State  
Legislative Sessions: What  
Happened?***

Southern Early Childhood Association



**SECA Policy Brief**

**July 2009**

## Background

Although some SECA states have biennial legislative sessions, **2009 was a year marked by a legislative session in each SECA state.** The session schedules varied by state and some states have just concluded their regular legislative sessions. Other states concluded their regular sessions, only to convene special sessions to deal with specific issues, particularly budgets.

In spite of a crumbling economy and severe budget constraints in some states, most SECA states managed to maintain the status quo in terms of children's programs, and some states enacted new or expanded initiatives. The following summary includes initiatives that were enacted into law and are now official acts of that state. There were some common themes that emerged as the summary was compiled.

- States focused on **maintaining funding** to current programs and education, in spite of the budget crisis. For some states, just maintaining basic services and education was a major victory.
- The **identification and treatment of autism** gained attention in several states.
- The **prevention of bullying and harassment** were issues that surfaced in education legislation.
- **Early intervention** for infants and toddlers was promoted.
- Comprehensive, **statewide educational data systems** were created in several states.
- **Restructuring** of state government agencies and entities was proposed. Several states created **study committees** to focus on children and family issues.
- Requirements for **written emergency plans** in child care and education surfaced. This was probably in response to the numerous natural disasters that have affected the Southern region in the last year.
- **College scholarships, teacher contracts and merit pay** were also on the agenda.
- Two states joined the **interstate compact** that is designed to assure the smooth transition of military children into educational institutions of different states.
- **Child Support Enforcement and parental/grandparent rights** was the subject of legislation in several states.

This summary is by no means an exhaustive list of legislative actions in each SECA state. We attempted to highlight legislation that we think will be of interest to our SECA members. **If you're interested in more detailed information about a legislative action in a particular state, see Appendix A that lists state specific contacts.** In light of the economic conditions that SECA states are facing, a significant amount of positive legislative action occurred in 2009.

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## Education

State	Legislative Action
<b>Alabama</b> <a href="http://www.alavoices.org">www.alavoices.org</a>	
	Required local boards of education to adopt school safety plans (Act 564)
	Increased the mandatory school attendance age from 16 to 17
	Required public school policies to aid in the prevention of harassment among students
	The HIPPPY (Home Instruction Program for Preschool Youngsters) program and the Alabama Reading Initiative were protected in the enacted budget (FY 2010 Budget)
	The Retirement Systems of Alabama was authorized to assess and make recommendations on the state's distressed prepaid affordable college tuition (PACT) program.
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	\$15.6 million was appropriated for early childhood special education programs (FY 2010 Budget)
	Expanded the definition of eligibility for kindergarten enrollment to include children who participated in pre-kindergarten the prior year (Act 29)
	Increased per-pupil funding for the public schools in 2010 and 2011 (Act 1474)
	The Arkansas Lottery Commission was established to create a statewide lottery that will fund college scholarships. (Act 606)
<b>Kentucky</b> <a href="http://governor.ky.gov">http://governor.ky.gov</a>	
	With a critical budget deficit, the Governor and Legislature maintained funding for the basic education formula (FY 2010 Budget)
<b>Louisiana</b> <a href="http://www.legis.state.la.us">www.legis.state.la.us</a>	
	Created a comprehensive system of articulation and transfer of credit between and among public secondary and postsecondary educational institutions (Act 356)
<b>Oklahoma</b> <a href="http://www.okhouse.gov">www.okhouse.gov</a>	
	The Educational Accountability Reform Act, created a Data Coordinating Council, the Quality Assessment Task Force and the Educational Quality and Accountability Board. (SB 222)
	The School Protection Act, provided school employees with the authority to undertake reasonable actions to maintain order, discipline and an appropriate educational environment. (HB 1598)

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	Required all higher education institutions offering programs in elementary, early childhood or special education programs to ensure their prospective teachers are qualified to teach the five elements of reading—phoneme understanding, phonics, fluency, comprehension and vocabulary. The bill also requires teacher candidates to pass a comprehensive assessment to measure their teaching skills in the area of reading instruction. (HB 1581)
<b>South Carolina</b> <a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>	
	Extended the teacher contract deadline from April 15 <sup>th</sup> to May 15 <sup>th</sup> . (S*0588)
	Enacted funding flexibility provisions for school districts to assist with the current budget crisis. (H*3352)
<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Revised the continuation requirements for the HOPE Scholarship (Public Chapter 0243)
	Sunsets the Council for Education of Students with Disabilities (Public Chapter 0015) and the Advisory Council on Teacher Education (Public Chapter 0016) on June 30, 2015.
	Requires the State Board of Education to review LEA policies on school employees recommending psychotropic drugs such as Ritalin to treat elementary and secondary students for behavioral concerns. (Public Chapter 0309)
	Encourages LEAs to develop Education Pays pilot programs for at-risk students to encourage student academic achievement through monetary or other rewards. (Public Chapter 0326)
	Requires school districts to have policies prohibiting bullying (Public Chapter 0153)
	Requires the Department of Education to develop standards for parental involvement in public schools. (Public Chapter 0154)
<b>Texas</b> <a href="http://www.governor.state.tx.us">www.governor.state.tx.us</a>	
	Increased financial aid for the TEXAS Grant program and the Texas Educational Opportunity Grants for community college students. (FY 2010 Budget)
	Increased funding for the nation's largest teacher merit pay program. (FY 2010 Budget)
	Passed legislation that strengthened accountability by applying college-ready standards to the state's K-12 curriculum. (HB 3)
	Joined the Interstate Compact on Educational Opportunity for Military Children (SB 90)
<b>Virginia</b> <a href="http://www.leg1.state.va.us">www.leg1.state.va.us</a>	
	The Virginia Board of Education must include standards on



	bullying, harassment and intimidation in its guidelines and model policies for codes of student conduct (CHAP0431)
	Joined the Interstate Compact on Educational Opportunity for Military Children (CHAP0187)
	Clarified the rights of parents to review materials approved for family life education classes (CHAP0451)
	Re-established the Board of Visitors for the Virginia School for the Deaf and the Blind (CHAP0210)
<b>West Virginia</b> <a href="http://www.legis.state.wv.us">www.legis.state.wv.us</a>	
	Created a longitudinal student data system for the purpose of collecting and sharing educational data (HB 3340)
	Capped the PROMISE Scholarship award with provisions for modifications by the PROMISE Scholarship Board (SB 373)

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State	Legislative Action
<b>Alabama</b> Source: <a href="http://www.alavoices.org">www.alavoices.org</a>	
	Funding was increased for <i>Alabama First Class</i> , the state's voluntary pre-K program (FY 2010 Budget)
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	\$113.7 million was allocated for the Arkansas Better Chance Program (Act 1421)
	The Division of Child Care and Early Childhood Education received the authority to issue a birth-through pre-K teaching credential, good for a period of 5 years (Act 127)
<b>Florida</b> <a href="http://www.flsenate.gov/publications">www.flsenate.gov/publications</a>	
	Clarified several provisions related to the Voluntary Pre-K Program (VPK) including withdrawal and re-enrollment from the program, attendance reporting on a pro-rata basis as a fraction of a full-time equivalent student, the number of allowable absences in the VPK programs and provider payments (SB 1676)
<b>Georgia</b> <a href="http://www.georgiavoices.org">www.georgiavoices.org</a>	
	3000 additional slots for Georgia Pre-K were funded (FY 2010 Budget)
<b>Mississippi</b> <a href="http://billstatus.ls.state.ms.us">http://billstatus.ls.state.ms.us</a>	

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	Local school districts were authorized to operate and expend funds from any available sources for voluntary early childhood education programs (Chapter 317)
<b>Oklahoma</b> <a href="http://www.okhouse.gov">www.okhouse.gov</a>	
	Reauthorized the Partnership for School Readiness Board with a new sunset date of July 1, 2013 (HB 1012)
<b>South Carolina</b> <a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>	
	Funded the Four-Year-Old Pre-Kindergarten Child Development Education Program at \$17,300,000. Pilot program available in certain districts only. (FY 2010 Budget)
<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Allows LEAs to contract and enter into collaborative agreements for operation of Pre-K programs with non-school system entities, including non-profit and for-profit child care providers and Head Start. (Public Chapter 0226)
<b>Texas</b> <a href="http://www.governor.state.tx.us">www.governor.state.tx.us</a>	
	Appropriated an additional \$25 million for the Texas Pre-K Program (FY 2010 Budget)
<b>West Virginia</b> <a href="http://www.legis.state.wv.us">www.legis.state.wv.us</a>	
	Created a Quality Rating and Improvement System (QRIS) (SB 498)

## *Child Care & After-School Programs*

<b>State</b>	<b>Legislative Action</b>
<b>Alabama</b> <a href="http://www.alavoices.org">www.alavoices.org</a>	
	Cuts to the subsidy program were avoided with the receipt of federal stimulus money/ more restrictive eligibility requirements enacted in 2008 will likely remain in effect
	Child care programs were mandated to have written emergency plans.
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	The Division of Child Care & Early Childhood Education received an appropriation of \$202,000 for after-school programs in low-income rural school districts (Acts 985 & 1439)

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	The Department of Rural Services received \$10,000 for grants to after-school programs (Act 1052)
	\$62.7 million was appropriated for the child care food program and child care subsidy program (Act 133)
	Child care programs are required to file written emergency plans (Act 801)
	The Transitional Employment Assistance Program (TEA) is required to pay the child care expenses of eligible TEA recipients who are enrolled in a two-year college. (Act 1485)
	The Division of Child Care & Early Childhood Education is required to develop rules requiring sufficient general liability insurance coverage for licensed child care and rules for licensing of drivers of vehicles transporting children. (Act 776)
<b>Georgia</b> <a href="http://www.georgiavoices.org">www.georgiavoices.org</a>	
	Child care subsidy funds will be utilized first to eliminate the current waiting list before establishing a new proposed time-limited child care subsidy program . (FY 2010 budget)
<b>Louisiana</b> <a href="http://www.legis.state.la.us">www.legis.state.la.us</a>	
	Abolished the Louisiana Advisory Committee on Licensing of Child Care Facilities and Child Placing Agencies and the Louisiana Committee on Private Child Care. Created the Louisiana Advisory Council on Child Care and Early Childhood Education (Act 194)
	Removed specific staff-child ratios from statute and adopted the standards for fire and safety promulgated by the office of the state fire marshal .(Act 194)
	Modified the amount of time to appeal the decision to revoke a license from 30 days to 15 days after receipt of the notification (Act 194)
<b>Mississippi</b> <a href="http://billstatus.ls.state.ms.us">http://billstatus.ls.state.ms.us</a>	
	Created the Mississippi After-School Initiative Task Force to develop a plan to ensure quality after-school programs. (Chapter 489)
<b>South Carolina</b> Source: <a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>	
	Directed the Department of Social Services to keep in effect certain childcare center staff-child ratios. (H*3914)
<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Terminated the Child Care Facilities Corporation. Duties will be assumed by the Department of Children's Services. (Public Chapter 0080)
	Sunsets the Child Care Advisory Council on June 30, 2014. (Public Chapter 0292)

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<b>Virginia</b> <a href="http://www.leg1.state.va.us">www.leg1.state.va.us</a>	
	Eliminated the requirements for standards of the State Board of Social Services regarding contractors that certify family day care homes (CHAP0029)
	Reduced the number of staff per child required during rest periods in unlicensed child day centers (CHAP0258)

## *Child Welfare*

<b>State</b>	<b>Legislative Action</b>
<b>Alabama</b> <a href="http://www.alavoices.org">www.alavoices.org</a>	
	The Children's First Trust Fund and Children's Advocacy Centers were protected in the budget.
	The Department of Child Abuse Prevention experienced a decrease in their operating budget.
	The Department of Human Services was authorized to take administrative action in child support enforcement cases.
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	The Division of Children and Family Services (DCFS) received a \$4.3 million increase in its operational budget to support additional staff positions, create two model child welfare system sites, increase foster care payments and adoption subsidies. (Act 1496)
	Requires the Division of Children and Family Services (DCFS) to give notice to a child's adult grandparents and adult relatives when he/she enters foster care (Act 1311)
	The Child Maltreatment Act was modified to enhance reporting and due process. (Act 749)
<b>Florida</b> <a href="http://www.flsenate.gov/publications">www.flsenate.gov/publications</a>	
	Ensured that relatives who so request will be provided notice of all proceedings and hearings regarding a child involved in a child protective investigation or in dependency court proceedings. (HB 381)
<b>Georgia</b> <a href="http://www.georgiavoices.org">www.georgiavoices.org</a>	
	Passed a new statute that deals with the removal of a child from a home and the termination of parental rights. (HB 254)
	Expanded the definition of sexual exploitation of a child. (SB 69)
	Expanded the use of Crime Victim's Emergency Fund to provide

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	assistance and counseling to child victims. (SB 172)
	Opened abuse and neglect court hearings to the public. (SB 207)
<b>Louisiana</b> <a href="http://www.legis.state.la.us">www.legis.state.la.us</a>	
	Requires the Department of Social Services to search the central registry of justified abuse and neglect to assess potential employees of the department who would be working with children. (Act 47)
<b>Mississippi</b> <a href="http://billstatus.ls.state.ms.us">http://billstatus.ls.state.ms.us</a>	
	Created the Uniform Child Abduction Prevention Act (Chapter 450)
<b>Oklahoma</b> <a href="http://www.okhouse.gov">www.okhouse.gov</a>	
	Enacted 18 of the 25 recommendations that were contained in an audit of the Department of Human Services. These recommendations dealt primarily with foster care and out of home placement. (HB 1734)
<b>South Carolina</b> <a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>	
	Created a Responsible Father Registry within the Department of Social Services to address the issue of parental rights of biological fathers. (S*284)
<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Allows a videotaped statement of a child under 13 as evidence in a sexual or physical abuse proceeding (SB0312)
	Requires all private and church-related schools to give any team investigating child abuse access to records in their custody. (Public Chapter 0336)
	Expands the list of facilities where infants can be voluntarily delivered to include law enforcement, fire and emergency medical facilities. (Public Chapter 0257)
	Requires the Department of Children's Services to uniformly and consistently apply policies, rules and regulations across the state. (Public Chapter 0087)
<b>Virginia</b> <a href="http://www.leg1.state.va.us">www.leg1.state.va.us</a>	
	Established the Virginia Child Protection Accountability System (CHAP0445)
<b>West Virginia</b> <a href="http://www.legis.state.wv.us">www.legis.state.wv.us</a>	
	Requires petitions for grandparent visitation to be heard in family court, except in abuse or neglect proceedings. (SB 405)
	Persons who willfully fail to pay child support can now be charged with a crime. (SB 612)

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## *Programs That Impact Families & Communities*

<b>State</b>	<b>Legislative Action</b>
<b>Alabama</b> <a href="http://www.alavoices.org">www.alavoices.org</a>	
	\$6 million was appropriated to stimulate home sales (FY 2010 Budget)
	The Alabama Interagency Autism Coordinating Council was created.
	The Alabama Commission to Reduce Poverty was created.
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	Created a Legislative Task Force on Reducing Poverty and Promoting Economic Opportunity. (Act 722)
	Created the Refund Anticipation Loan Act to require full disclosure of the fees and conditions of these loans (Act 1402)
	Created the Arkansas Housing Trust Fund to assist in creating affordable housing in the state. (Act 661)
	Created a legislative task force to improve autism treatment (Act 1272)
	Reduced by an additional penny the sales tax on food...3% to 2% (Act 436)
<b>Georgia</b> <a href="http://www.georgiavoices.org">www.georgiavoices.org</a>	
	The Department of Human Services was restructured and some services were moved to a new Department of Behavioral Health. Public Health was merged with the Department of Community Health.
	Some funding was restored for the Governor's Council on Developmental Disabilities and the Family Connection Partnership (FY 2010 budget)
<b>Mississippi</b> <a href="http://billstatus.ls.state.ms.us">http://billstatus.ls.state.ms.us</a>	
	Created a Joint Legislative Study Committee to address children and family issues, particularly youth development, small group homes and community-based programs. (Chapter 555)
<b>Oklahoma</b> <a href="http://www.okhouse.gov">www.okhouse.gov</a>	
	Reauthorized the Domestic Violence and Sexual Assault Advisory Council with a new sunset date of July 1, 2013. (HB 1022)
	Enhanced the pool of providers that treat children with autism by establishing a state license for Board Certified Behavior Analysts. (SB 135)

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<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Terminated the Families First Advisory Council (Public Chapter 0103) and provided a sunset date of June 30, 2016 for the Family Support Council (Public Chapter 0044)
<b>Virginia</b> <a href="http://www.leg1.state.va.us">www.leg1.state.va.us</a>	
	Modified the earnings requirement for unemployment benefits and extended those benefits (CHAP0789)

## *Health*

State	Legislative Action
<b>Alabama</b> <a href="http://www.alvoices.org">www.alvoices.org</a>	
	<b>All Kids</b> , Alabama's CHIP program, received nearly \$4 million in additional funding
<b>Arkansas</b> <a href="http://www.aradvocates.org">www.aradvocates.org</a>	
	Eligibility for <b>AR Kids First</b> , Arkansas's CHIP program, expanded eligibility to children in families up to 250% of the federal poverty level. (Act 435)
	A tax increase of 56 cents was placed on cigarettes and other taxes on additional tobacco products. This funding is dedicated to supporting a statewide health care initiative, including a statewide trauma system. (Act 180)
	Each school campus is now required to have an AED (automated external defibrillator) and trained personnel to utilize the AED. (Act 496)
<b>Florida</b> <a href="http://www.flsenate.gov/publications">www.flsenate.gov/publications</a>	
	The <b>Florida KidCare Program</b> , Florida's CHIP Program, was modified to require electronic verification of family income and allow reactivation of pending applications. The Act also decreased from 60-30 days the period that a child is disenrolled from the program for nonpayment of premiums and reduced the waiting period from 6 months to 60 days for eligibility for families who voluntarily cancelled their employer sponsored or private health insurance. (SB 918)
<b>Georgia</b> <a href="http://www.georgiavoices.org">www.georgiavoices.org</a>	
	The Health and Physical Education Bill requires local school systems to conduct annual physical assessments of all children in

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	grades 1-12 and to report aggregate results to the State Board of Education. (HB 229)
	\$7.5 million was cut from family planning services. (FY 2010 Budget)
<b>Kentucky</b> <a href="http://governor.ky.gov">http://governor.ky.gov</a>	
	The state maintained funding for major health and mental health services, primarily through the use of stimulus funding. (FY 2010 Budget)
<b>Louisiana</b> <a href="http://www.legis.state.la.us">www.legis.state.la.us</a>	
	Provided for the continuation and statewide expansion of a program that conducts physical fitness assessments in schools. (Act 256)
	Established permanent early intervention programs in the parishes of Iberia, St. Mary and St. Martin. These were previously authorized as pilot programs. (Act 132)
<b>Mississippi</b> <a href="http://billstatus.ls.state.ms.us">http://billstatus.ls.state.ms.us</a>	
	Attempted to foster better outcomes for premature infants with requirements for Medicaid and the CHIP program to initiate better management of premature infant care. (Chapter 553)
	Prohibited the use of tanning devices at tanning facilities by children under age 14 unless the child's parent or legal guardian provided written consent. (Chapter 446)
<b>Oklahoma</b> <a href="http://www.okhouse.gov">www.okhouse.gov</a>	
	Enacted a list of medical professionals who are provided immunity under the Volunteer Professional Services Act. (HB 1678)
	Established the Health Care for the Uninsured Board within the State Department of Health. The Board is to establish a system of counseling to educate and assist consumers in selecting an insurance policy or program. (HB 2026)
<b>South Carolina</b> <a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>	
	Continued the infant mortality reduction program with an appropriation of \$1 million and allocated \$1.6 million for Babynet, South Carolina's Early Intervention Program. (FY 2010 Budget)
<b>Tennessee</b> <a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>	
	Directs the Department of Health to enhance their current child & youth immunization activities. (SJR 0085)
	Provides that all schools, instead of just high schools, are eligible for grants for diabetes prevention and health improvement programs. (HB2270)

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	Sunsets the Department of Health (Public Chapter 0043) and the TN Council for the Deaf and Hard of Hearing (Public Chapter 0009) on June 30, 2015.
<b>Virginia</b> <a href="http://www.leg1.state.va.us">www.leg1.state.va.us</a>	
	Repealed the Virginia Indigent Health Care Trust Fund (CHAP0578)
<b>West Virginia</b> <a href="http://www.legis.state.wv.us">www.legis.state.wv.us</a>	
	Required the Bureau for Public Health to create a council to develop a uniform risk screening tool for women with potential high-risk pregnancies (SB 307)
	Authorized the Bureau for Public Health to continue to offer early intervention services to families with developmentally delayed infants and toddlers but removed the requirement that services be free. The bill allows fees to be charged on a sliding scale. (HB 3336)



## Appendix A

### State Contacts for Legislative Information

*All information utilized to prepare this summary was gathered from either a state legislative website or state advocacy group website.*

Alabama	<a href="http://www.alavoices.org">www.alavoices.org</a>
Arkansas	<a href="http://www.ardvocates.org">www.ardvocates.org</a>
Florida	<a href="http://www.flsenate.gov/publications">www.flsenate.gov/publications</a> <a href="http://www.iamforkids.org">www.iamforkids.org</a>
Georgia	<a href="http://www.georgiavoices.org">www.georgiavoices.org</a>
Kentucky	<a href="http://governor.ky.gov">http://governor.ky.gov</a> <a href="http://www.kyyouth.org">www.kyyouth.org</a>
Louisiana	<a href="http://www.legis.state.la.us">www.legis.state.la.us</a>
Mississippi	<a href="http://www.billstatus.ls.state.ms.us">www.billstatus.ls.state.ms.us</a>
Oklahoma	<a href="http://www.okhouse.gov">www.okhouse.gov</a>
South Carolina	<a href="http://www.scstatehouse.gov">www.scstatehouse.gov</a>
Tennessee	<a href="http://www.tennessee.gov/tccy">www.tennessee.gov/tccy</a>
Texas	<a href="http://www.governor.state.tx.us">www.governor.state.tx.us</a> <a href="http://www.capitol.state.tx.us/Bill_Lookup">www.capitol.state.tx.us/Bill Lookup</a>
Virginia	<a href="http://leg1.state.va.us">http://leg1.state.va.us</a>
West Virginia	<a href="http://www.legis.state.wv.us/Bill_Status">www.legis.state.wv.us/Bill Status</a>

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