

Greg Abbott’s Educating Texans Plan: *Pre-K — Third Grade*

List of Recommendations

Elevate and Advance Effective Programs Targeted at Grades PK-3

Literacy and Numeracy Professional Development

Recommendation: To improve teacher skills and student learning in critical early years, establish a pilot program to create Reading Excellence Teams which will be made available on an optional basis to schools with low third grade reading scores.

Recommendation: Create Literacy Achievement Academies with a curriculum focused on reading, writing, and incorporating technology, designed to improve the professional development of teachers in the critical area of literacy.

Recommendation: Create Math Achievement Academies modeled on the Texas Reading Initiative’s Reading Academies that will train K-3 teachers in numeracy instruction and technology.

Effective Pre-K Programs

Recommendation: Provide funding to districts that opt to implement a gold standard, high quality, accountable prekindergarten program with the goal of demonstrating long-term prekindergarten success.

Recommendation: Require prekindergarten providers that receive state funding to set benchmarks and evaluate improvement, and to report this data to TEA.

Recommendation: Develop research-based professional development for prekindergarten teachers that incorporate the Texas Prekindergarten Guidelines and standards to promote classroom best practices.

Recommendation: Given the established deficiencies in the Head Start program, develop a strategic plan to encourage parents of eligible four-year-old children to enroll their children in state-based prekindergarten programs, rather than Head Start.

Background of Recommendations

Early Elementary Education

A child's early learning years lay the foundation for all that is to come. Prekindergarten (pre-k) and elementary grades K-3 play a critical role in a child's educational development; this is the period during which gaps that develop prior to a child starting kindergarten are either solidified or eliminated.¹ Education policy and practices must strengthen the emphasis placed on this pivotal stage of a child's development in a way that recognizes needs in order to optimize academic learning.

Family background has the most decisive effect on student achievement, contributing to a large performance gap between children from economically disadvantaged families and those from middle-class homes.² Pre-k programs that target at-risk children have increasingly been looked to as a means of closing this gap. While there is some evidence to suggest that high quality pre-k increases a child's chances of succeeding, the general understanding concerning what constitutes "high quality" is far from universal. Studies argue that children who attend high quality programs are less likely to be held back or require special education and are more likely to graduate.³ Many of the studies promoting the long-term benefits of pre-k are either outdated or suffer from low internal or external validity. Others focus on small programs, which are difficult, if not impossible, to scale to a large population of children. Here in Texas, the quality of state-funded pre-k programs is largely unknown, as information regarding pre-k is seldom collected. If Texas is serious about implementing high quality pre-k, there is a need for greater transparency of pre-k programs. This will increase districts' ability to share information and facilitate the diffusion of classroom best practices. Transparency will also enable policymakers to assess the return on taxpayers' investment in state-funded pre-k by providing the necessary information to hold school districts and private providers accountable for the quality of their pre-k programs. This type of transparency and accountability is sorely lacking under the current model.

Rather than thinking of pre-k and elementary education as discrete elements of the educational continuum, pre-k through third grade must be considered as an integrated and comprehensive educational program. At a policy level, this means that, until improvements are made in grades K-3, any returns on the state's investment in prekindergarten will fail to realize its potential impact. Accordingly, the state must also invest in professional development for teachers in grades K-3 in order to ensure that children are building strong foundational skills in literacy and mathematics.

¹ <http://www.dpi.state.nc.us/docs/earlylearning/k3-assessment.pdf>

² Murray, Charles. *Read Education*. New York: Crown Forum, 2008.

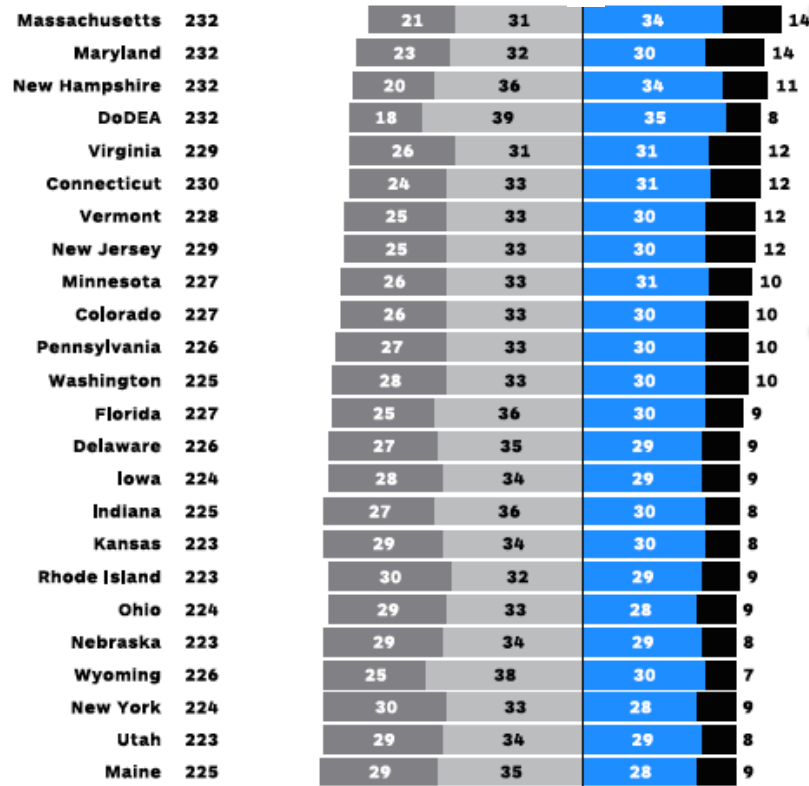
³ http://www.pewtrusts.org/news_room_detail.aspx?id=19434

By the year 2025, Texas should see the number of students scoring Satisfactory or better on statewide third grade assessments double over current levels. At the same time, the state's fourth grade NAEP reading and math scores should continue to improve until Texas ranks among the top ten states nationally. To accomplish these goals, Texas must commit to a plan for improving student achievement starting in the 2016-2017 school year. After five years, when the plan's initial year's kindergarteners reach the fourth grade, the state will be able to evaluate the results from statewide third grade assessments and fourth grade NAEP reading and math scores and compare them with current scores. This will enable policymakers and education practitioners to reevaluate the plan and make improvements as necessary to ensure Texas remains on track to meeting its goals.

4th Grade NAEP Reading Performance by State

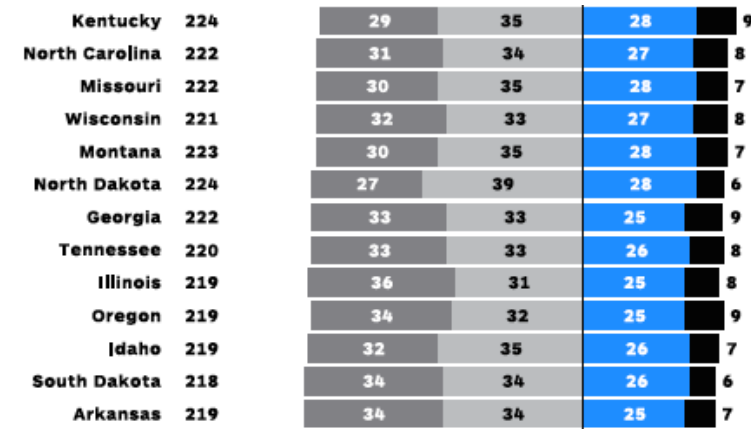
State/jurisdiction	Average score	Below Basic	Basic	Proficient	Advanced
Nation (public)	221	33	33	26	8

Percentage at or above Proficient is higher than nation (public)

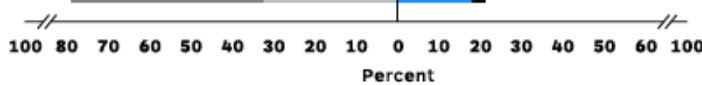
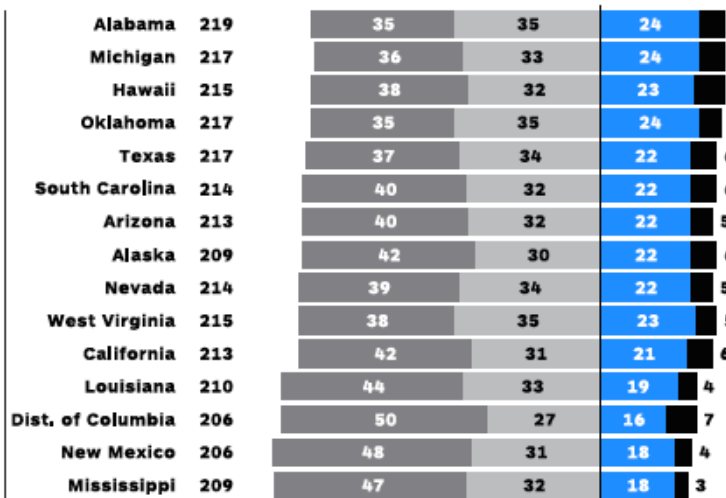


Texas must be in the top 10

Percentage at or above Proficient is not significantly different from nation (public)

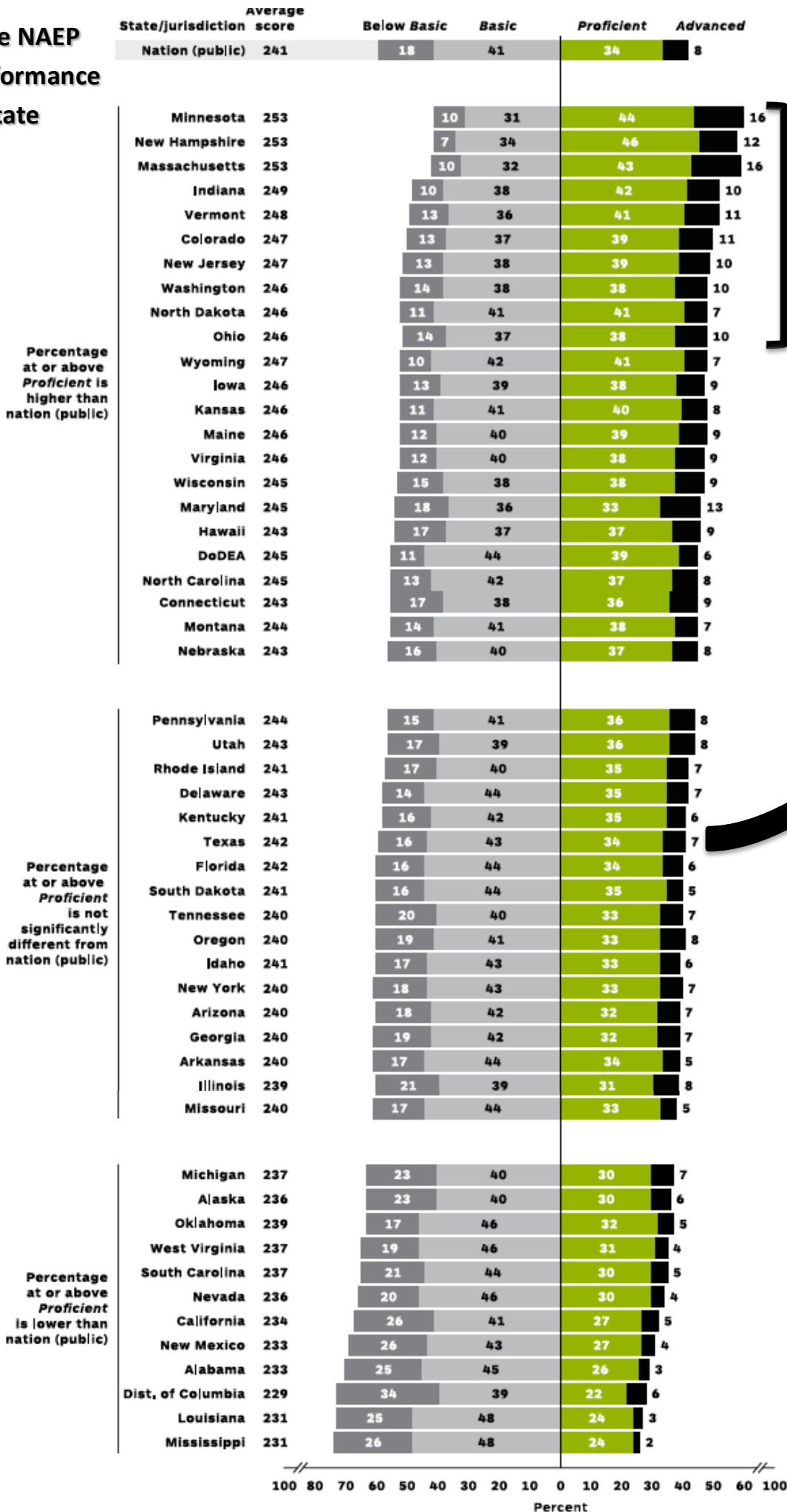


Percentage at or above Proficient is lower than nation (public)



Source: NAEP
http://nationsreportcard.gov/reading_math_2013/#/state-performance

4th Grade NAEP Math Performance by State



Texas must be in the top 10

Percentage at or above Proficient is higher than nation (public)

Percentage at or above Proficient is not significantly different from nation (public)

Percentage at or above Proficient is lower than nation (public)

Source: NAEP
http://nationsreportcard.gov/reading_math_2013/#/state-performance

Literacy and Numeracy Professional Development

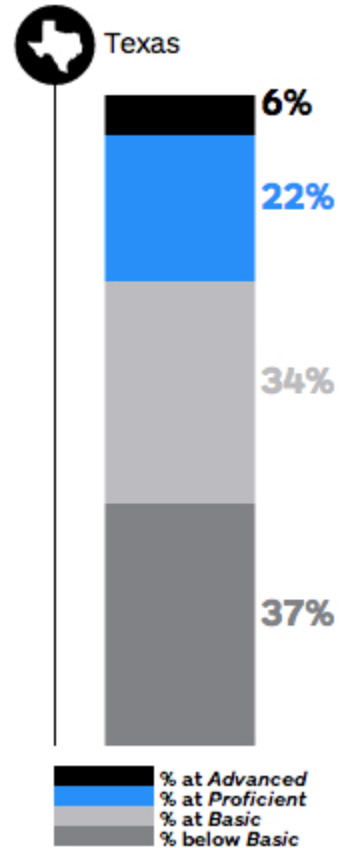
Recommendation: To improve teacher skills and student learning in critical early years, establish a pilot program to create Reading Excellence Teams which will be made available on an optional basis to schools with low third grade reading scores.

Reading is the most fundamental and important academic skill children can learn in their earliest, formative years in school. It serves as the foundation on which all other learning is built. Without proficient reading and comprehension skills, every other school subject is nearly incomprehensible. Problematically, many students are not reading at a satisfactory level. This is becoming a national crisis: according to the most recent National Assessment of Educational Progress, only 35 percent of fourth graders were at or above proficiency in reading.⁴ In Texas, only 28 percent of students score above proficiency, while 71 percent score 'Basic' or below (see graphic).⁵

NAEP Achievement Level Definitions

Advanced	This level signifies superior performance.
Proficient	This level represents solid academic performance for each grade assessed. Students reaching this level have demonstrated competency over challenging subject matter, including subject-matter knowledge, application of such knowledge to real world situations, and analytical skills appropriate to the subject matter.
Basic	This level denotes partial mastery of prerequisite knowledge and skills that are fundamental for proficient work at each grade.

Source: NAEP⁶



Because reading is such a critical skill, all students, including those in low performing schools, should be taught by well-trained, specialist literacy teachers, who have access to a wide range of educational support and training.

⁴ "What level of knowledge and skills have the nation's students achieved?" NAEP.

http://nationsreportcard.gov/reading_math_2013/#/what-knowledge

⁵ "Focus on individual state results," NAEP. http://nationsreportcard.gov/reading_math_2013/#/comparison-graphs?st0=TX

⁶ <http://nces.ed.gov/nationsreportcard/about/nathowreport.asp>

While teachers often learn a great deal during off-campus professional development exercises, they can have a difficult time replicating those lessons and may revert to established routines once they have returned to their own classrooms. An initiative is needed which would give schools with unsatisfactory scores on early reading assessments the option of inviting highly trained reading instruction specialists into K-3 classrooms to teach alongside existing staff. This model of professional development provides teachers with training they can immediately apply in their own classes.⁷ Under existing law, chronically low performing schools are required to take actions to improve academic outcomes, or else risk closure or reconstitution.⁸ Reading improvement teams would give these campuses an additional tool to avoid such consequences.

Each school district is required to administer a reading instrument at the kindergarten, first, and second grade levels.⁹ The instruments that districts administer must be selected from a list prepared by the commissioner of education or by a district level committee.¹⁰ Reading instruments must be based on scientific research of reading skills development and reading comprehension.¹¹ Under this proposal, once a particular school has requested a reading improvement team on the basis of low third grade reading scores, the team will work with the campus and review the results of the reading diagnostics administered in kindergarten through second grade to determine the grades and classrooms to which the teams will be assigned based on need.

The Texas Center for Reading and Language Arts in the College of Education at The University of Texas at Austin had a successful history of providing reading instruction to teachers across the State of Texas as part of Governor George W. Bush's Reading Initiative. With a \$2 million appropriation, teams of expert teacher mentors could be deployed to poor performing schools to coach educators by teaching alongside them in the classroom. This program could be evaluated after the initial year of operation, and considered for potential expansion.

⁷ "Why Professional Development Matters," Hayes Mizell, *Learning Forward*, 2010.
http://learningforward.org/docs/pdf/why_pd_matters_web.pdf?sfvrsn=0

⁸ Tex. Ed. Code §30.107

⁹ Tex. Ed. Code §28.006(c)

¹⁰ Tex. Ed. Code §28.006(c)

¹¹ Tex. Ed. Code §28.006(c)

Recommendation: Create Literacy Achievement Academies with a curriculum focused on reading, writing, and incorporating technology, designed to improve the professional development of teachers in the critical area of literacy.

Educators and administrators should endeavor to continuously review and improve their skills and expertise. Every teacher should commit to continuing professional development. Professional development is one of the few strategies schools have to strengthen teachers' performance levels.¹² Districts should evaluate available professional development offerings—from courses for novice teachers designed to accelerate their growth and development, to advanced training for the most accomplished teachers—and assist staff in choosing and completing the programs that are best suited for them.¹³ In turn, educators have a responsibility to apply the lessons learned in professional development exercises to increase student achievement.

In 1996, Governor Bush announced the Texas Reading Initiative, which led to the launch of Texas Reading Academies in 1999. The Initiative provided support for teacher training and the implementation of scientific, research-based programs to support students in their reading development in the primary grades.

To implement the Literacy Achievement Academies, the Texas Education Agency (TEA) coordinated with the Texas Center for Reading and Language Arts and Education Service Center Region XIII in developing four-day reading academies for first grade teachers. Although the academies were voluntary, they proved to be very popular among kindergarten and first grade teachers; during the four years the Academies were in operation, more than 30,000 teachers completed the training. Teachers who chose to participate in the four-day academy received a stipend of \$600 for attending. The Education Service Center (ESC) paid this stipend directly to each teacher, and participants were required to attend all four days. Teachers gained valuable knowledge on how best to assist children in their classroom to gain strong reading foundations for the future.¹⁴

The Legislature appropriated \$7 million to the Governor's Texas Reading Initiative in 1998 and \$25 million in 1999. Funding at this level continued through the next biennium; however, appropriations to support the reading academies under the Governor's Reading Initiative fell off starting in the 77th Legislative Session, before the impact of the reading academies' training could be seen. By the time students of teachers who had completed the training reached the fourth grade, Texas saw a spike in fourth grade NAEP reading scores: the average score rose four points, from 215 in 2003 to 219 in 2005 and increased by another point, to 220, in 2007.¹⁵

¹² "Why Professional Development Matters," Learning Forward, 2010.

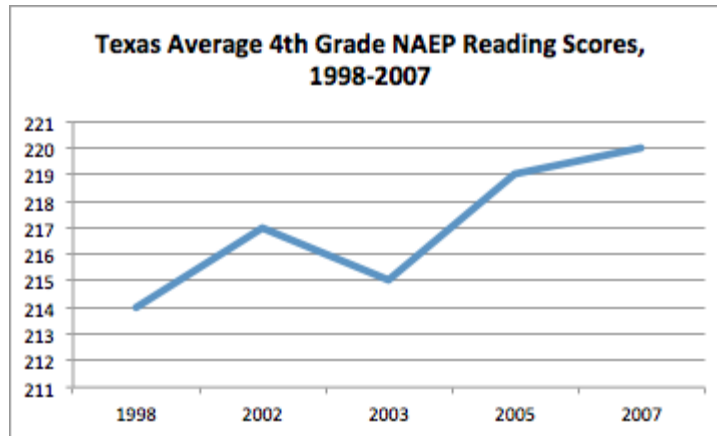
http://learningforward.org/docs/pdf/why_pd_matters_web.pdf?sfvrsn=0

¹³ <http://www.ed.gov/teaching>

¹⁴ First Grade Teacher Reading Academies, Jim Nelson, Dec. 28, 1999 (TEA Correspondence)

<http://ritter.tea.state.tx.us/taa/com991228.html>

¹⁵ <http://nces.ed.gov/nationsreportcard/states/>



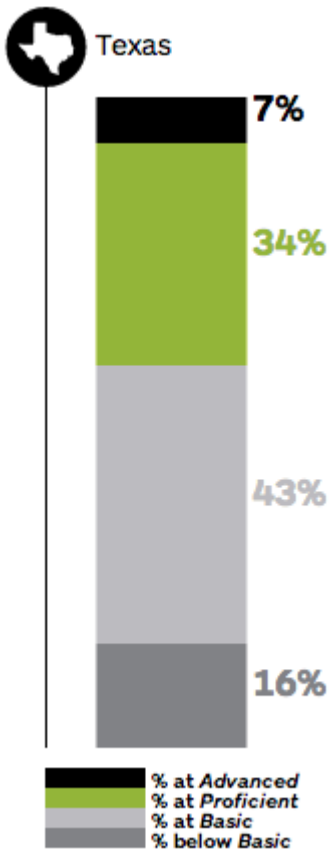
Source: NAEP¹⁶

The state should provide funding for this important model of professional development. To implement this renewed initiative, TEA partner with the Texas Center for Reading and Language Arts in the College of Education at UT Austin and the state’s 20 ESCs to train teachers in grades K-3 through reading and writing academies modeled after those implemented under Governor George Bush’s Reading Initiative. A technology element would also be included to train educators in best practices for teaching technological literacy. Teachers who participate in the Reading Academies and complete the training would receive a \$1,000 stipend to cover travel expenses. An initial appropriation of \$15 million per year for the academies would be funded from General Revenue.

In addition to the training participants receive during the four-day program, the entire academy program, including lesson plans and training modules, would be available through online portals. Web portals have been shown to effectively supplement the face-to-face training teachers complete in the Academy setting.

¹⁶ <http://nces.ed.gov/nationsreportcard/states/>

Recommendation: Create Math Achievement Academies modeled on the Texas Reading Initiative’s Reading Academies that will train K-3 teachers in numeracy instruction and technology.



Over the next ten years, employers in the STEM fields will require one million more graduates with backgrounds in science, technology, engineering, and mathematics than US colleges and universities are on track to produce.¹⁷ Mathematics is the foundational skill for nearly all STEM pathways, and students’ future understanding of mathematics depends on an early foundation that is based on a high quality, challenging, and accessible mathematics education. Young learners in every setting should experience mathematics through effective, research-based curricula and teaching practices, which in turn requires that teachers have the support of policies, organizational structures, and resources that enable them to succeed in this challenging and important work.¹⁸

In 2013, only seven percent of Texas fourth graders achieved an ‘Advanced’ score on the NAEP mathematics assessment, and 34 percent scored at ‘Proficient’. The remaining 59 percent scored at ‘Basic’ or below (see graphic).¹⁹

A number of years ago, TEA collaborated with professors at SMU to develop a new math curriculum to help kindergartners in Dallas master the numeracy skills they need before starting first grade.²⁰ The Research in Mathematics Education (RME) research unit at SMU’s Simmons School of Education and Human Resources has studied the results of the curriculum and seen dramatic improvement in students, particularly those who do not have significant exposure to math or numbers at home and are at-risk of falling behind.²¹ RME has also collaborated with TEA on professional development.²² RME studied a project that provided resources to educators to support learning achievement in mathematics for students who were struggling in grades 5-8.²³

¹⁷ “Report to the President: Engage to Excel,” President’s Council of Advisors on Science and Technology, Feb. 2012.

http://www.whitehouse.gov/sites/default/files/microsites/ostp/pcast-engage-to-excel-final_2-25-12.pdf

¹⁸ “What Is Important in Early Childhood Mathematics?” *NCTM*, Oct. 2013. <http://www.nctm.org/earlychildhoodmath/>

¹⁹ http://nationsreportcard.gov/reading_math_2013/#/comparison-graphs?st0=TX

²⁰ “Dallas Kindergartners Mastering Math Skills,” *CBSDFW.com*, May 2, 2013. <http://dfw.cbslocal.com/2012/05/02/dallas-kindergartners-mastering-math-skills/>

²¹ <http://dfw.cbslocal.com/2012/05/02/dallas-kindergartners-mastering-math-skills/>

²² 2012 Research in Mathematics Conference, SMU, Feb. 24, 2012.

http://www.smu.edu/~media/Site/Simmons/Research/RME/docs/RME_ConferenceReport_2012.ashx

²³ Research in Mathematics Education: MSTAR. <http://www.smu.edu/Simmons/Research/RME/Explore/MSTAR>

The University of Texas at Austin College of Natural Science's UTeach Program was founded in 1997 as a way to prepare secondary teachers in STEM fields and is a collaboration between the Colleges of Natural Sciences and Education.²⁴ UTeach has proven so effective, that it is now being replicated at universities across the country.²⁵

Leveraging existing and proven research and resources, the state should develop Math and Technology Academies for teachers in grades K-3 that mirror the Reading Academies first implemented under Governor Bush's Texas Reading Initiative. The academies would consist of four to five days of collaborative, researched-based professional development training for math teachers across the state. As was the case with the Texas Reading Academies, teachers who participate would be eligible for a subsidy following their completion of the training. The academies would be supported with General Revenue, amounting to \$15 million per year.

²⁴ <https://uteach.utexas.edu/About>

²⁵ <http://www.uteach-institute.org/replicating-uteach>

Effective Pre-K Programs

Support for universal prekindergarten has been growing in certain political spheres over the last year and a number of proposals and initiatives have garnered attention from the media. While fostering early childhood development is an important educational goal, studies show that existing prekindergarten programs fail to produce lasting benefits.²⁶ Expanding the population of students served by existing state-funded programs without addressing the quality of existing prekindergarten instruction or how it is being delivered would be an act of negligence and waste.

		Approximate Pre-K Costs, Current and Estimated			
		Limited Eligibility		Universal	
Half-Day		Current Pre-K Costs Half-Day, Limited Eligibility		Estimated Pre-K Costs Half-Day, Universal	
	Current FSP Eligible	217,565	Total number of eligible 3 & 4 YOs	777,163	
	Spending per pupil	\$3,650	Spending per pupil	\$3,650	
	2012-2013 FSP Funding	\$749 million	Estimated cost	\$2.8 billion	
Full-Day		Estimated Pre-K Costs Full-Day, Limited Eligibility		Estimated Pre-K Costs Full-Day, Universal	
	Total number of eligible 3 & 4 YOs	252,853	Total number of eligible 3 & 4 YOs	777,163	
	Spending per pupil (approx.)	\$6,000	Spending per pupil (approx.)	\$6,000	
	Estimated cost	\$1.5 billion	Estimated cost	\$4.6 billion	

Source: Texas Education Agency²⁷

Since the late 1960s, prekindergarten education (pre-k) has been hailed as a means of leveling the playing field for low-income children between the ages of three and four years old. The existing federal preschool program, Head Start, was created in 1965 as part of President Johnson’s War on Poverty. The program promotes school readiness in children up to age five from low-income homes by enhancing their cognitive, social and emotional development.²⁸ In addition to Head Start, state-funded and private preschools provide additional options to parents of young children.

²⁶ <http://www.nationalaffairs.com/publications/detail/the-dubious-promise-of-universal-preschool>

²⁷ http://www.tea.state.tx.us/index2.aspx?id=2147487020&menu_id=2147483718

²⁸ Office of Head Start. <http://www.acf.hhs.gov/programs/ohs>

Studies of district level pre-k programs in Tulsa, New Jersey, and Boston have garnered attention among supporters of pre-k expansion. However, these studies did not measure the impact of pre-k after the initial year, and additional design problems negatively affected their internal and external validity.²⁹³⁰ The effects of universal pre-k programs in Georgia and Oklahoma were studied by comparing NAEP score gains. While these studies rated high on external validity, their internal validity suffers as a consequence of design. Nonetheless, the results showed only a very small difference between NAEP gains in Oklahoma and Georgia compared to other states without universal pre-k. Finally, the recent evaluation of the Tennessee Voluntary Pre-K Program was the only other study to earn an A on both internal and external validity, along with the Head Start Impact Study. The findings of the two evaluations are also similar: some favorable results that fail to last. In fact, in the Tennessee evaluation of results at the end of first grade, children who had not attended the program produced more favorable results than children who had.

Recent Programs

Program/Research	Reported Impact (after initial year)	Internal Validity	External Validity
Head Start	None	A	A
District Programs, e.g. Tulsa	Unknown (research design does not allow follow-up after pre-k)	B	B
Georgia & OK Universal	+ (very small at best)	B	A
Tennessee Voluntary Pre- K	—	A	A

Source: EducationNext³¹

²⁹ <http://educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/>

³⁰ When evaluating the result of any study, one should always consider the external and internal validity. Internal validity deals with how well the study was designed to evaluate causal relationships and correct for unrelated factors. Results with very high internal validity are able to demonstrate beyond reasonable doubt that the program in question had a causal impact on the outcomes it was intended to influence. External validity, or generalizability, gauges the extent to which the results of a study may be applied beyond the sample. For more information, see “Does Pre-K Work? It Depends How Picky You Are,” Grover J. Whitehurst, *EducationNext*, Feb. 27, 2014. Available online at: <http://educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/> Also see: “External Validity,” <http://www.gifted.uconn.edu/siegle/research/Samples/externalvalidity.html>

³¹ <http://educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/>

Still, other research shows that high quality prekindergarten programs have very real benefits over a lifetime, including an increase in lifetime wages and reductions in crime and use of public assistance programs.³² This evidence suggests that any initiative to expand or reform government funded prekindergarten must be underpinned by rigorous analysis of the programs which purportedly produce long-lasting results and a solid understanding of the programs' major components. However, nearly all of the studies that have reported lasting positive impacts from pre-k after the initial year are decades old and score poorly in terms of validity. Two such preschool programs, the HighScope Perry Preschool program and the Chicago Child-Parent Center (CPC) program included parent education and support. These programs were also much more expensive on a per child basis. Proponents' claims that the higher program costs pay for themselves in the form of higher career income and lower rates of criminal behavior are debatable in light of concerns regarding the reliability of the evaluations.³³

Programs from the 1960s and 1970s

Program/Research	Reported Impact (after initial year)	Internal Validity	External Validity
Perry Preschool	+	A-	C
Abecedarian	+	B+	C
Chicago Child Parent	+	C	B
Head Start in the 1960s	+ (for mortality)	B	C

Source: EducationNext³⁴

The state began requiring districts to offer prekindergarten classes in 1984, following the passage of House Bill 72 during the second called session of the 63rd Legislature. As filed, only four-year-olds that were identified as having a language or learning disability were eligible for the program; however, an early committee substitute expanded eligibility to include children from poverty level families who were educationally disadvantaged, as defined by eligibility for the free and reduced-price school-lunch program. The committee substitute also made offering prekindergarten classes a local option; however that provision was later removed. Supporters of requiring districts to offer preschool argued that strong early childhood education was too critical to leave to the vagaries of local school-board politics.

³² "Overlooked Benefits of Prekindergarten," Karen Schulman, *NIEER*, March 2005.

<http://nieer.org/resources/policyreports/report6.pdf>

³³ "The Dubious Promise of Universal Preschool," David J. Armor and Sonia Sousa, *National Affairs*, Winter 2014.

<http://www.nationalaffairs.com/publications/detail/the-dubious-promise-of-universal-preschool>

³⁴ "Does Pre-K Work? It Depends How Picky You Are," Grover J. Whitehurst, *EducationNext*, Feb. 27, 2014.

<http://educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/>

Current law (Texas Education Code Sec. 29.153), requires a district to offer prekindergarten classes if the district identifies 15 or more eligible children who are at least four years-old.³⁵ A district may offer classes if it identifies at least 15 eligible children who are at least three years of age.³⁶ A child is eligible for enrollment if the child is at least three years-old and:

1. Is unable to speak and comprehend the English language;
2. Is educationally disadvantaged (eligible to participate in the national free or reduced-price lunch program);
3. Is homeless;
4. Is the child of an active duty member of the U.S. armed forces who is ordered to active duty;
5. Is the child of a member of the U.S. armed forces who was killed or injured while serving on active duty; or
6. Is or ever has been in the conservatorship of the Department of Family and Protective Services following an adversary hearing held as provided by Family Code Sec. 262.201.³⁷

Currently, 1,040 school districts offer a state-supported prekindergarten program.³⁸ A prekindergarten class offered under Sec. 29.153 is to be operated on a half-day basis, and a district may not charge tuition from parents of children who qualify.³⁹ Districts may supplement state funding to expand prekindergarten to full-day and may charge tuition to parents whose children do not meet the statutory eligibility requirements. Although the Education Code requires that a school district’s prekindergarten program be designed to develop skills necessary for success in the regular public school curriculum, funding for prekindergarten programs is not tied to outcomes and there is no required curriculum.⁴⁰ Indeed, the “program requirements” stipulated in Sec. 29.1532, Education Code, are scant and do not articulate clearly desired objectives.

Texas Public Prekindergarten Enrollment (2012 - 2013 School Year)

Four-year-olds enrolled	205,056	FSP Eligible Four-year-olds	196,296
Three-year-olds enrolled	22,120	FSP Eligible Three-year-olds	21,130
Total Enrollment	227,568	Total FSP Eligible	217,565

While the model for prekindergarten programs outlined in the Education Code is capable of achieving some benefits, structurally the program suffers in that it does not set and measure clear objectives, nor does it contain a mechanism for controlling cost growth. By amending Texas’ prekindergarten approach to focus on outcomes, promote competition, and minimize regulatory obstacles that stifle local innovation, the state stands to gain improved educational outcomes, which are critical to future academic success.

³⁵ Tex. Ed. Code §29.153(a)

³⁶ *Id.*

³⁷ Tex. Ed. Code §29.153(b)

³⁸ http://www.tea.state.tx.us/index2.aspx?id=2147487020&menu_id=2147483718

³⁹ Tex. Ed. Code §29.153(a)

⁴⁰ Tex. Ed. Code §29.1532(a)

Recommendation: Provide funding to districts that opt to implement a gold standard, high quality, accountable prekindergarten program with the goal of demonstrating long-term prekindergarten success.

The Texas Education Code specifies that districts receive payment for a half-day of prekindergarten for eligible (low-income) three and four year olds. This equates to roughly \$3,650 per student per year; however, the Education Code does not tie that funding to outcomes in any way. Any increased investment in state-funded pre-k must tie outcomes to funding, and must provide incentives for private providers to offer high quality prekindergarten programs that meet the educational goals established by the state.

To be eligible to receive state funds under this proposed increased investment in pre-k, a district or district-affiliated prekindergarten provider would have to meet specified requirements in terms of curriculum, teacher quality, academic performance, and parental involvement. This proposal would leave the existing pre-k rules untouched, but would create an additional option for program providers meeting the following criteria:

1. All pre-k programs must implement the most rigorous, high quality curriculum.
2. All teachers for the enhanced, high quality pre-k program must hold a Child Development Associate (CDA) credential or equivalent, in addition to holding a bachelor's degree or above.
3. Teachers and staff must be required to develop a culture of inclusion by engaging with families, assess families' attitudes toward prekindergarten, and adapt their curriculum and teaching methods to the families served in a way that achieves the goals of more-rigorous guidelines.
4. The programs must use strategies to communicate with families, including family conferences, new family orientations, and individual conversations, with the goal of achieving parental involvement and participation.⁴¹
5. The programs must establish methods to determine the effectiveness of the gold standard pre-k programs, as measured by student progress. Results of the progress measures should be made available to parents, teachers, school districts, and the state.

The academic success of the gold standard programs will be reviewed after five years. After five years, when the plan's initial year's kindergarteners reach the fourth grade, the state will be able to evaluate the results from third grade assessments and fourth grade NAEP reading scores and compare them with current scores. This will enable policymakers and education practitioners to update the plan to facilitate even greater academic gains during the second half of the plan.

⁴¹<http://families.naeyc.org/accredited-article/10-naeyc-program-standards#2>

10-Year Evaluation Schedule for a Program Enacted in 2016

Year	Grade	Test
2016	Kindergarten	
2017	1st grade	
2018	2nd grade	
2019	3rd grade	STAAR EOC
2020	4th grade	NAEP
2021	Kindergarten	
2022	1st grade	
2023	2nd grade	
2024	3rd grade	STAAR EOC
2025	4th grade	NAEP

Under this new option, the participating district would receive an enhanced funding allocation equal to the current half-day ADA formula funding plus an additional \$1,500 allotment per eligible four-year-old per year, if the program in which they are enrolled meets the standards required by the state.

After five years, the state would look at average student gains at each site. Providers that fail to show consistent improvement in student gains on the kindergarten readiness assessment—or, in the case of already high-performing programs, cease to demonstrate strong performance—would be subject to TEA review and may be required to make changes to their programs in order to remain eligible for enhanced funding. Additionally, schools and providers would be required to make progress implementing their parental involvement plans.

Parental involvement is crucial to a child’s success in pre-k, as parents are truly the most influential teacher in a child’s life. Participating in this program would require schools to develop a written parental involvement plan, and then assess parental attitudes toward education and assess the level of parental involvement. Teachers and schools should maintain a dialogue with parents to determine the parents’ views on child rearing and updates on their child’s progress. There are many strategies that can be used to commence and reinforce this communication, and those decisions should be made at the local level. Schools with low parental involvement may need to develop strategies to raise awareness of parental responsibilities. Schools with high parental involvement may simply need to outline expectations for parents. The programs could use a variety of strategies to communicate with families, such as new family orientations, classroom observations, and individual parent-teacher conferences.

Providing state funding for an across-the-board expansion of prekindergarten without first addressing quality would be a disservice to Texas students and would further have an inequitable impact on those districts that have taken the initiative to implement full-day prekindergarten using local funds. Many districts have already decided for themselves that full-day prekindergarten is a worthwhile investment and secured funding for expansion; in many instances voters in the district affirmatively opted into a full-day program by voting to approve bond packages or to increase the sales tax rate. Until information on the quality of prekindergarten programs statewide is available and the benefits are readily discernible, decisions to fund expansion to full-day programs should be reserved to the option of the local school district. Nonetheless, districts with existing full-day programs stand to benefit from the enhanced prekindergarten option, as improvements to the half-day program create externalities that enhance the full-day program as well. Similarly, any three-year-olds enrolled a gold standard pre-k class will benefit from quality enhancements implemented by a prekindergarten provider participating in the program.

Most schools that offer full-day pre-k do so through federal Title I, II, and III funding. This is the approach Houston ISD has adopted to expand its prekindergarten program to full-day. Houston ISD and Dallas ISD also charge non-eligible students tuition to attend the district's full-day prekindergarten program.⁴²⁴³ The City of San Antonio and Fort Worth ISD have also expanded their prekindergarten offerings. Residents of San Antonio voted to increase the city's sales tax by $\frac{1}{8}$ of a cent to fund high quality, full-day pre-k for eligible four-year-olds.⁴⁴ Last fall, Fort Worth residents approved a \$390 million bond package that includes funding to expand the district's full-day prekindergarten program to an additional 3,000 children.⁴⁵

⁴² <http://www.houstonisd.org/Page/72961>

⁴³ TEA has ruled that districts are not permitted to enroll non-eligible students into pre-kindergarten programs until all eligible three-year-olds and four-year-olds have been enrolled.

⁴⁴ <http://www.mysanantonio.com/elections/article/Voters-approve-Castro-s-Pre-K-plan-4014635.php>

⁴⁵ <http://keranews.org/post/fort-worth-voters-approve-bonds-new-schools-expanded-pre-k>

Availability of Full-Day Prekindergarten in Texas' 10 Largest School Districts

Rank	District	2011-2012 District Enrollment ⁴⁶	Full-day?
1.	Houston ISD	203,066	Yes ⁴⁷
2.	Dallas ISD	157,575	Yes ⁴⁸
3.	Cypress-Fairbanks ISD	107,960	No ⁴⁹
4.	Austin ISD	86,528	Yes ⁵⁰
5.	Ft. Worth ISD	83,109	Yes ⁵¹
6.	Northside ISD	98,110	No ⁵²
7.	Fort Bend ISD	69,449	No ⁵³
8.	North East ISD	67,439	No ⁵⁴
9.	Arlington ISD	64,703	No ⁵⁵
10.	Aldine ISD	64,300	Yes ⁵⁶

Until a very high quality, statewide half-day prekindergarten is achieved, the Legislature should not mandate full-day, but rather lawmakers should allow schools to make that decision based on the needs of their community while still rewarding schools who manage a quality program. Multiple outlets exist to fund such a program, and many school districts take advantage of those methods. Providers will be afforded flexibility with regard to curriculum development; however, curriculum objectives should track the Texas Prekindergarten Guidelines and incorporate research-based strategies and classroom best practices.

⁴⁶ http://www.tea.state.tx.us/index2.aspx?id=2147505144&menu_id=692&menu_id2=796&cid=2147483661

⁴⁷ <http://www.houstonisd.org/Page/72601>

⁴⁸ <http://www.dallasisd.org/cms/lib/TX01001475/Centricity/Domain/98/Evaluation/10-11/FinalRpts/EA11-171-2-Prekindergarten-FINAL.pdf>

⁴⁹ <http://www.cfid.net/dept2/student-services/registration/regist-prek.htm>

⁵⁰ http://www.austinisd.org/sites/default/files/dre-reports/rb/12.53_RB_a_Prekindergarten_Program_Student_Academic_Performance_2012-2013_0.pdf

⁵¹ <http://www.politifact.com/texas/statements/2011/aug/05/progress-texas/liberal-group-says-rick-perry-ended-pre-k-100000-c/>

⁵² <http://www.nisd.net/schools/kinder/pre-k>

⁵³ <http://www.fortbendisd.com/departments/academics/special-programs/prekindergarten>

⁵⁴ <http://www.neisd.net/curriculum/CurComp/ece/documents/PKReg2013-14flyer-3.pdf>

⁵⁵ <http://www.aisd.net/AISD/Default.aspx?alias=www.aisd.net/aisd/pk>

⁵⁶ http://www.aldine.k12.tx.us/universal_includes/news/specific_articles.cfm?articleID=6039

Returning to the principle question of quality, the Texas Prekindergarten Guidelines offer detailed descriptions of expected behaviors across multiple skill domains that should be observed in four- to five-year-old children by the end of their prekindergarten experience. The guidelines are developed to be useful to a broad audience including school districts, Head Start programs, child care, and most importantly by children's families. In 1999, the Commissioner of Education convened a working group of educators and community members to draft guidelines for a prekindergarten curriculum. In 2007, the Commissioner directed the State Center for Early Childhood Development to facilitate the revision of the Texas Prekindergarten Guidelines and convened a similar work group to collaborate with national researchers and state and expert local stakeholders. Over 100 experts met to discuss recent research and form writing teams. In May 2008, the Commissioner approved the new guidelines and presented the guidelines to SBOE for inclusion in instruction.

The guidelines provide a means to align prekindergarten programs with the Texas Essential Knowledge and Skills (TEKS). Because there is no state-required prekindergarten curriculum, use of these guidelines is voluntary. Texas Education Code §29.153 contains some statutory requirements concerning prekindergarten, but the proposed partnership model would provide more incentives to improve quality.

Prekindergarten providers who receive state funding will be expected to employ capable staff. The qualifications to teach early childhood are different from those required to teach first grade, or even kindergarten. Research shows that teacher education has a very low correlation with cognitive and social-emotional outcomes in preschool programs.⁵⁷ Teaching basic numeracy and vocabulary to four year-olds does not require years of formal study; instead, learning in early childhood is more experiential and nurturing, and individuals with an associates degree are no less capable of providing quality care and instruction as their peers in more formal K-12 settings.

Because districts-affiliated pre-kindergarten providers who participate in the gold standard program would be required to improve overall quality, taxpayers would benefit due to the fact that the state would only be paying for certain four year-olds, yet educational outcomes should improve for all children enrolled in an affiliated provider's program. Furthermore, district-affiliated operators could offer care to eligible children for the entire year, boosting productivity of working parents who would otherwise have to reduce hours in the summer in order to care for children.

The cost of this program will be wholly dependent on the number of districts that participate as well as the number of children who are enrolled; however, the estimated cost in the 2016-2017 biennium is, at most, \$118 million. The estimate assumes an initial enrollment of 40 percent of the existing prekindergarten population, with a ten percent increase in each subsequent year.⁵⁸

⁵⁷ <http://www.nationalaffairs.com/publications/detail/the-dubious-promise-of-universal-preschool>

⁵⁸ Note: This 40%/10% assumption is based on LBB analysis of HB 130 (81R) by Patrick. That bill is similar to what we are proposing (optional "enhanced" quality pre-k for the currently-eligible population). The fiscal note "*assumes that 40 percent of students currently served in tuition-free prekindergarten programs would be served in the Enhanced Quality Full Day program in FY2010 and that participation increases by 10 percent per year for the next three years.*"

Assuming complete buy-in and using 2012-2013 enrollment numbers, allocating enhanced funding for all eligible four-year-olds will cost an additional \$294,444,000 annually.

Recommendation: Require prekindergarten providers that receive state funding to set benchmarks and evaluate improvement, and to report this data to TEA.

State funding for prekindergarten should be contingent on the results pre-k programs produce, although currently pre-k assessments are not required under law. For districts that do not opt-in to the gold standard program, benchmarks will be necessary to evaluate improvement. Until information is readily available to show how the state's prekindergarten programs are performing, Texas cannot hope to improve its approach to prekindergarten instruction.

The Texas Education Code, Sec. 29.154, requires the Commissioner of Education, in consultation with the Commissioner of Human Services, to monitor and evaluate prekindergarten programs as to their developmental appropriateness. Under Sec. 28.006, Reading Diagnosis, each school district must administer a reading instrument in kindergarten, first and second grades, and the superintendent must report the results to the TEA Commissioner.⁵⁹ Additionally, the code requires the State Center for Early Childhood Development to develop and adopt a school readiness certification system for certifying the effectiveness of prekindergarten programs; however, the system is available to program providers on a voluntary basis.⁶⁰

In order to equip the Commissioner of Education with the data necessary to properly evaluate prekindergarten programs, lawmakers should amend the Education Code to require school districts with prekindergarten programs to administer assessments at the beginning and end of the school year.

There are at least three methods of assessing students at the prekindergarten level⁶¹:

- *Direct Assessments, norm referenced standardized tests:* A typical question on a direct assessment might ask the child to identify the letter B and provide three options. The child receives credit for correctly identifying the letter. Direct assessments are in some views deficient because they do not capture the full spectrum of the students skill set and cannot truly be used to determine quality of the program.
- *Observation Checklists and Scales:* Assessment under this method requires that teachers informally watch students within the daily routine and observe their mastery. This option does provide a more complete capture of the student's progress but is contingent on teachers being well-trained in the method. Such assessments are also labor intensive.
- *Child's Work (Portfolio):* Assessing children's work acts as a complement to a teachers observed progress. This method does not capture the entire picture of a student's progress and tends to be labor intensive for teachers.

Most states employ one or both of the first two assessments methods. Texas is one of only four states not to require any assessment.⁶²

⁵⁹ Tex. Ed. Code §28.006(c) and (d).

⁶⁰ Tex. Ed. Code §9.161(a)

⁶¹ <https://www.ets.org/Media/Research/pdf/PIC-PRE-K.pdf>

⁶² Download PDF at: <http://www.tea.state.tx.us/ece/faq/full.aspx>

With respect to which assessments to use, in order to preserve local control and provide schools with necessary operational flexibility, the state should avoid granting any one testing organization a monopoly over prekindergarten evaluations. Instead, TEA should publish a list of approved assessments that districts may use. Districts will report the results to the agency.

Recommendation: Develop research-based professional development for prekindergarten teachers that incorporate the Texas Prekindergarten Guidelines and standards to promote classroom best practices.

The Education Code provides that: “a school district’s prekindergarten program shall be designed to develop skills necessary for success in the regular public school curriculum, including language, mathematics, and social studies.”⁶³ Aside from this directive, there are no state level requirements for prekindergarten curriculum or instruction. In an effort to align prekindergarten programs with the Texas Essential Knowledge and Skills (TEKS), TEA has developed the Texas Prekindergarten Guidelines. The guidelines provide challenging yet achievable skills and concepts children in high quality prekindergarten should be able to master. Organized into ten skill domains, the guidelines support integration of curriculum and build connections between disciplines.⁶⁴

Because use of the guidelines is voluntary, the potential for wide variation among programs has long been an issue. If efforts to make Texas’ public education system number one in the nation are to be successful, additional efforts will be necessary at the prekindergarten level to ensure that all programs are striving to meet the state’s high standards. Research consistently shows that teacher quality is the most important school-related factor impacting student achievement.⁶⁵ If prekindergarten is closing the achievement gap between educationally disadvantaged children and their peers from more affluent backgrounds, prekindergarten teachers should be competent and comfortable in their knowledge of the guidelines, and highly trained in classroom strategies that incorporate the guidelines standards. Accordingly, the state, through its regional Education Service Centers, should invest \$2 million to develop and offer a two-to-three day long training seminar during the summer designed to help prekindergarten teachers most effectively utilize the Texas Prekindergarten Guidelines to design and implement a comprehensive curriculum.

⁶³ TEC §29.1532.

⁶⁴ <http://www.tea.state.tx.us/index2.aspx?id=2147497221>

⁶⁵ http://www.epi.org/publication/books_teacher_quality_execsum_intro/

Recommendation: Given the established deficiencies in the Head Start program, develop a strategic plan to encourage parents of eligible four-year-old children to enroll their children in state-based prekindergarten programs, rather than Head Start.

Head Start is distinct from public school prekindergarten. In 2012, there were 90,869 children enrolled in a Head Start program in Texas.⁶⁶ Head Start is funded through individual providers requesting funds from the US Department of Health and Human Services (bypassing the state). President Obama has proposed \$8.6 billion dollars for Head Start in his recently released budget.⁶⁷ The program serves approximately one million children in the 50 states, at an approximate cost of \$8,000 per child, more than twice the per pupil cost of state-funded prekindergarten.⁶⁸

Head Start originated as a pilot program and one component of President Johnson's War on Poverty. While the Office of Head Start describes the program as promoting "the school readiness of children ages birth to five from low-income families by enhancing their cognitive, social and emotional development,"⁶⁹ the program offers a number of additional benefits, including health, nutrition, and social services.⁷⁰ For this reason, the program is administered by the Department of Health and Human Services, rather than the U.S. Department of Education. Children from birth to age five who are from families with incomes below the poverty guidelines are eligible for Head Start services. Foster children and children from homeless families, and families receiving public assistance such as TANF or SSI are also eligible.⁷¹

Enrollment in the early 1970s stood at around 400,000 students. The program costs roughly \$2 billion per year, measured in 2011 dollars, equal to a per capita cost of between \$2,000 and \$3,000. Enrollment remained steady throughout the 1980s, as did funding; however, between 1990 and 2000, the program grew rapidly. Enrollment nearly doubled, and annual costs reached nearly \$7 billion. From 2000 to 2008, enrollment remained stable, but appropriations increased. The additional funding was used to update the curriculum and pay for teachers who were better-trained, in part in response to early evaluations which showed that Head Start produced only very modest gains, which tended not to last once a child entered elementary school.

⁶⁶<http://datacenter.kidscount.org/data/tables/5938-head-start-enrollment-by-age-group#detailed/2/45/false/868,867,133,38,35/1830,558,559,1831,122|/12570>

⁶⁷ <http://dailycaller.com/2014/01/14/spending-deal-revives-head-start-program/>

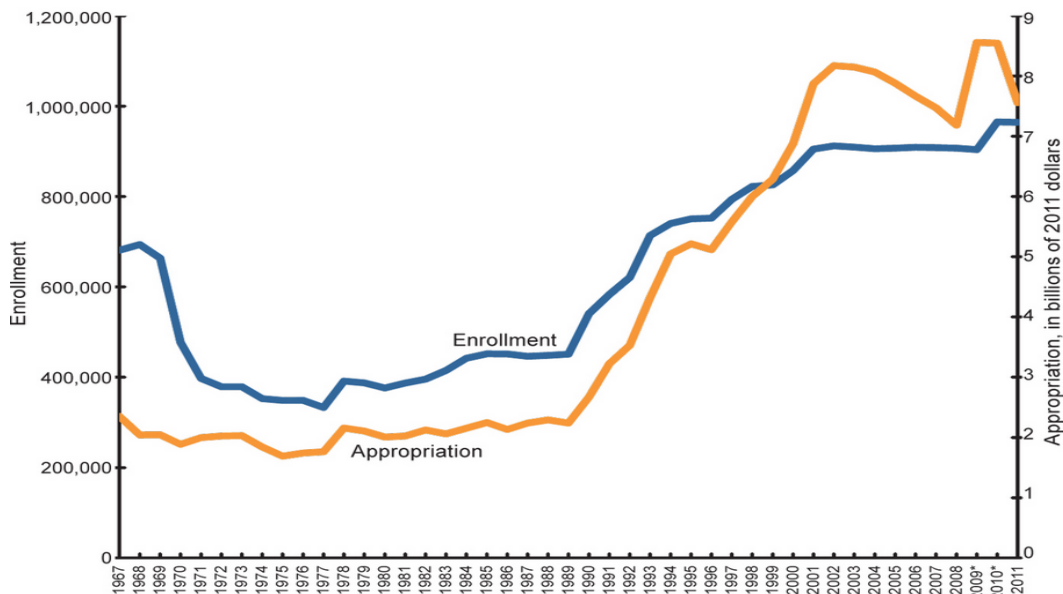
⁶⁸ <http://www.mystatesman.com/news/news/opinion/do-preschool-programs-ready-children-for-school-or/nfCKT/>

⁶⁹ <http://www.acf.hhs.gov/programs/ohs>

⁷⁰ http://budget.house.gov/uploadedfiles/war_on_poverty.pdf

⁷¹ <http://eclkc.ohs.acf.hhs.gov/hslc/tta-system/operations/mgmt-admin/eligibility-enroll/income/PovertyGuideline.htm>

Trends in Head Start Enrollment and Appropriations



Source: U.S. Department of Health and Human Services, Fiscal Year 2011 Fact Sheet.
 * Figures include \$2.1 billion appropriated by the American Recovery and Reinvestment Act enacted in February 2009 and available over a two-year period.

While Head Start is the largest federally funded program for children under five, in recent years there has been a push among parents and policy makers toward state-funded pre-k programs. By 2008, more children ages three and four were enrolled in state-funded pre-k than were enrolled in Head Start.⁷² In 2011, 45 percent of Texas four-year-olds participated in state prekindergarten, compared to nine percent in Head Start.⁷³ Taking into account private preschool, roughly 85 percent of four-year-olds in Texas are enrolled in some form of center-based care.⁷⁴

Decreasing educational gaps between at-risk and middle-class children is critically important to Texans' future success. It is also the reason why Head Start targets low-income children and why state-funded prekindergarten programs in Texas serve certain classes of eligible students. Much is made of the idea of universal preschool. President Obama, New York City Mayor de Blasio and New York Governor Cuomo have all expressed support for the idea in the last year.⁷⁵ In fact, the best available evidence raises serious doubts that a large public investment in the expansion of pre-k for four year-olds will have the long-term effects claimed by supporters.⁷⁷ Lawmakers instead should improve Texas' current framework to better serve the existing eligible students.⁷⁸

⁷² "Head Start and State Pre-K: Competing, Collaborating and Evolving," Christina Satkowski, *New America Foundation*, Sept. 8, 2009. www.newamerica.net/blog/early-ed-watch/2009/head-start-and-state-pre-k-competing-collaborating-and-evolving-14411
⁷³ <http://www.texaspolicy.com/sites/default/files/documents/2011-EarlyChildhoodEducation-CEP.pdf>
⁷⁴ <http://www.texaspolicy.com/sites/default/files/documents/2011-EarlyChildhoodEducation-CEP.pdf>
⁷⁵ "Pre-K's promise vs. the actual evidence," David J. Armor, *NY Daily News*, Jan. 22, 2014. <http://www.nydailynews.com/opinion/pre-k-promise-actual-evidence-article-1.1587022>
⁷⁶ <http://www.nationalaffairs.com/publications/detail/the-dubious-promise-of-universal-preschool>
⁷⁷ educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/
⁷⁸ <http://www.nydailynews.com/opinion/pre-k-promise-actual-evidence-article-1.1587022#ixzz2uXvNH7ws>

Numerous studies have looked at the effects of Head Start on cognitive learning and social-emotional development. Among the strongest evaluations of the Head Start program in the last 50 years, both in terms of external and internal validity, is the National Head Start Impact Study. The study was a randomized trial that used a sample that is nationally representative of Head Start centers and included follow-up through the end of the third grade.⁷⁹ The study, which was conducted by the U.S. Department of Health and Human Services and published in December 2012, found a small number of favorable outcomes in program participants. However, in kindergarten through third grade, there were no appreciable differences between those children who had attended a Head Start program and those who had not.⁸⁰

After 49 years, the results of the Head Start program have been so disappointing that they inspired *Time Magazine* columnist Joe Klein to call for the program's abolishment, writing:

“In these straitened times, we need world-class education programs, from infancy on up. But we can no longer afford to be sloppy about dispensing cash—whether it's subsidies for oil companies or Head Start—to programs that do not produce a return.”⁸¹

According to a recent House Budget Committee report, HHS's own research demonstrates the Head Start program, as a whole, is failing to prepare children for school.⁸² A study commissioned by HHS and published in 2010 found that Head Start has little to no impact on children's cognitive and social-emotional skills, health status, or parenting.⁸³ The results of a 2012 follow-up study yielded even worse outcomes: by the time the three-year-old cohort reached the end of third grade, there was suggestive evidence of a negative outcome, with the parents of the children in the Head Start group reporting a significantly lower grade promotion rate than the parents of the non-Head Start group.⁸⁴

The primary goal of any prekindergarten program is to ensure that children, particularly those identified as “at-risk”, are “school-ready” by the time they enter kindergarten. Evaluations of Head Start's performance clearly show that the program is not adequately meeting this goal, despite spending more than \$8,000 per pupil. As Texas implements changes to improve public prekindergarten offerings across the state, a strategy should be put in place to encourage parents of children currently enrolled in Head Start to take advantage of the superior educational opportunities prekindergarten offers.

⁷⁹ <http://educationnext.org/does-pre-k-work-it-depends-how-picky-you-are/>

⁸⁰ *Id.*

⁸¹ <http://content.time.com/time/nation/article/0,8599,2081778,00.html>

⁸² http://budget.house.gov/uploadedfiles/war_on_poverty.pdf

⁸³ “Head Start Impact Study: Final Report,” Westat, Chesapeake Research Associates, Abt Associates, Ronna Cook Associates, The Urban Institute, American Institutes for Research, Decision Information Resources, Inc. for U.S. Department of Health and Human Services, Jan. 2010.

⁸⁴ Michael Puma, Stephen Bell, Ronna Cook, Camilla Heid, Pam Broene, Frank Jenkins, Andrew Mashburn and Jason Downer,

⁸⁴ “Third Grade Follow-Up to the Head Start Impact Study: Final Report,” U.S. Department of Health and Human Services,

⁸⁴ Administration for Children and Families, Office of Planning, Research, and Evaluation, Oct. 2012.

Most children currently eligible for Head Start are concurrently eligible for state-funded prekindergarten under the existing requirements. This means the state is already obligated to commit Foundation School Program (FSP) funding for these children should they enroll in state prekindergarten instead of Head Start. Generally, federal Head Start eligibility requirements⁸⁵ provide for the automatic eligibility of “children from low-income families,” defined as families below the poverty line or eligible for public assistance.⁸⁶ Additionally, homeless children are automatically eligible; as are up to 35 percent of participants with income below 130 percent of the federal poverty line under certain conditions⁸⁷, and up to ten percent of participants from the area served who would benefit from Head Start but are not otherwise eligible.⁸⁸⁸⁹

There is no excuse for allowing these children’s academic prospects to be squandered in a failing federal program that has been shown to have no significant positive effect on student learning, when there is a robust network of high quality prekindergarten providers available at the state level. The federal government has no rightful place in the provision of education at a local level. This should be a state and local responsibility.

All children who participate in Head Start are potential future Texas public school children. This means that ultimate responsibility for their academic success falls on the state, not the federal government. If the federal government fails, the state pays the price. Under the program envisioned here, children who attend state-funded, high quality prekindergarten will benefit from an environment and curriculum designed to prepare them for success in K-12. In order to ensure that all children at-risk for poor achievement receive quality prekindergarten instruction, the state, through TEA and HHSC, should make a concerted effort over the next five years to recruit eligible children into a prekindergarten program through targeted mail-outs and community outreach. Increasing the number of children served by state prekindergarten will increase the cost of the prekindergarten program. The average cost per pupil per year for half-day prekindergarten is \$3,650. Accordingly, recruiting the entire future Head Start population, which in 2012 consisted of 43,297 four-year-olds, could cost as much as \$158,034,050.

However, the state also probably stands to realize cost savings from getting more children out of Head Start and into state prekindergarten, as children who otherwise would have enrolled in Head Start might otherwise be better-prepared by the time they start kindergarten.

⁸⁵ 42 U.S. Code § 9840

⁸⁶ See: <http://www.law.cornell.edu/uscode/text/42/9840>

⁸⁷ 42 U.S. Code § 9840(a)(1)(A)(iii)(II)

⁸⁸ 42 U.S. Code § 9840(a)(1)(A)(iii)(I)

⁸⁹ <http://www.law.cornell.edu/uscode/text/42/9840>