

**An Efficient System of High Quality Education:
How and Why Illinois is Paving the Way for Early Childhood Education**

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PART I: INTRODUCTION

The answer appears simple. The research is clear. Yet most states fail to adequately fund or provide for their early childhood education programs in the United States. While there are many reasons a state legislature may choose to allocate resources in a way that limits or inadequately supports the creation and development of early childhood education programs, there is no reason early childhood education should not be one of the state legislature's top priorities.

Despite most state courts' reluctance¹ to order or implement any early childhood education programs, many state legislatures have at least recognized the need for early childhood education programs. Thankfully, even before and despite the recent state court's ruling in *Rogy's New Generation, Inc. v Dep't of Revenue*,² the Illinois legislature and political pundits saw the need for early childhood education funding in Illinois and recognized the long term benefits of implementing and funding such programs. For over twenty years, Illinois has created and funded early childhood education programs, many of which have proven successful or have at least demonstrated high potential, but budget cuts threaten the quality and duration of these

¹ See e.g., *Comm. for Educ. Rights v. Edgar*, 672 N.E. 2d 1178 (1996) (finding the plaintiffs claim that the state's insufficient level of preschool funding violated the constitution was a matter for the legislature, not the courts); *Hoke Cnty Bd. of Educ. v. State*, 599 S.E.2d 365 (2004) (finding that although the state's failure to provide assistance to at-risk children was unconstitutional, the remedy is a matter for the legislature, not the courts).

² See 742 N.E.2d 443 (2000) (holding that licensed day care centers for prekindergarten children claiming tax-exempt status were not "organized and operated exclusively for educational purposes" because there is "no governmental obligation to educate [children under the age of five].").

programs.³ With a successful model, Illinois must strive to put early education funding at the top of its priorities.

This article will first discuss the legal landscape regarding early childhood education and how state courts view education funding. Part III will then analyze the benefits of early childhood education by looking at several program studies. Next, this article will discuss state and federal education funding obstacles to achieve high quality early childhood education in Part IV. Lastly, in Part V, this article will examine what Illinois is doing in regards to early childhood education and why the Illinois programs should remain in place, continue to be funded, and provide an example for other state programs.

PART II: LAW AND EDUCATION IN ILLINOIS

According to the Illinois State Constitution,

“A fundamental goal of the People of the State is the educational development of all persons to the limits of their capacities. The State shall provide for an efficient system of high quality public educational institutions and services. Education in public schools through the secondary level shall be free. There may be such other free education as the General Assembly provides by law. The State has the primary responsibility for financing the system of public education.”⁴

However, the Illinois courts have been reluctant to find a real constitutional right to education, let alone early childhood education. In *Community for Educational Rights v. Edgar*,⁵ the Illinois Supreme Court refused to establish a judicial standard for determining “high quality” education,

³ See *infra* Part V and accompanying text (discussing the Illinois early education programs and while although they are successful, are at risk for losing funding and thus losing participants and quality).

⁴ Il. Const. art. 10, §1.

⁵ *Edgar*, 672 N.E. 2d 1178.

and instead left the question to be decided by public policy.⁶ In *Edgar*, there was a claim that the state's level of preschool funding was insufficient and thus violated the state constitution.⁷

Through *Edgar*, the court made clear education funding was not a question for the courts, but rather one for the legislature.

More recently and directly related to early childhood education, the Illinois Appellate Court held that day care centers claiming tax-exempt status for pre-kindergarten students were not "organized and operated exclusively for educational purposes."⁸ In *Rogy's New Generation, Inc. v. Dep't of Revenue*, the appellate court held that there is "no governmental obligation to educate [children under the age of five]."⁹

Despite these setbacks by the courts, the Illinois legislature saw the need to fund and provide early childhood education programs within the state. Exponential amounts of research have been done demonstrating the benefits of early childhood education. Not only are the benefits substantial for the children involved in the programs, but research also demonstrates there are substantial benefits to the community, both socially and economically.¹⁰

⁶ *Edgar*, 672 N.E. 2d at 1196–97.

⁷ *Edgar*, 672 N.E. 2d at 1182.

⁸ *Rogy's New Generation, Inc. v. Dep't of Revenue*, 742 N.E.2d 443, 450 (2000).

⁹ *Id.* at 449.

¹⁰ See generally, Leslie J. Calman, Senior Vice President of Legal Momentum and Dir., Family Initiative & Linda Tarr-Whelan, Managing Partner, Tarr-Whelan and Associates, Recommendations Arising from "The Economic Impacts of Child Care and Early Education: Financing Solutions for the Future," (April 2005), available at <http://web.mit.edu/workplacecenter/docs/Full%20Report.pdf> (showing how early childhood education benefits children and taxpayers and enhances economic vitality); W. Steven Barnett, *Benefits and Costs of Quality Early Childhood Education*, 27 Child. Leg. R.J. 7 (Spring 2007) (finding that "high quality preschool education can produce substantial gains in language, cognitive, social, and emotional development."); William T. Dickens & Charles Baschnagel, *The Fiscal Effects of Investing in High-Quality Preschool Programs*, BROOKINGS (April 2009) (finding that two model preschool programs will provide increased returns for government budgets);

PART III: THE IMPORTANCE OF EARLY CHILDHOOD EDUCATION PROGRAMS

One of the most important aspects of investing in early childhood education is the benefit to the child, especially those children in economically disadvantaged families. There is no doubt that high quality early childhood education can “dramatically improve the learning and development of children” which in turn leads to success in school and work, improved health and fertility, and decreased instances of crime and delinquency.¹¹ These findings have largely been based on three early education programs across the United States:¹² The Perry Preschool program,¹³ the Abecedarian program,¹⁴ and the Chicago Child-Parent Centers.¹⁵

Studies on these three landmark programs found that each program produced long-term academic achievement and educational attainment gains.¹⁶ Moreover, most, if not all, of the programs were found to have decreased special education and grade repetition.¹⁷ More specifically, studies measuring cognitive abilities prior to age five with the Perry and

¹¹ W. Steve Barnett, *Why Governments Should Invest in Early Education*, 2008 CESIFO DICE REPORT 9.

¹² *Id.*

¹³ *See generally id.* at 10 (“The High/Scope Perry Preschool was a two-and-a-half hours per day education program offered to small numbers of children in the public schools during the school year.”).

¹⁴ *See generally Abecedarian Program Overview*, AMERICAN YOUTH POLICY FORUM 47, available at <http://www.aypf.org/publications/nomoreisle/PDF/47-50.pdf> (“Begun in 1972, the Abecedarian program was an experimental pre-school program serving the children of low-income, African American families in Chapel Hill, North Carolina. The full-day, year-round program served children from their infancy until the age of five.”).

¹⁵ *Child Parent Center Overview*, CPS.EDU, <http://cps.edu/Schools/Preschools/Pages/Childparentcenter.aspx> (last visited May 7, 2012), (“CPC programs enroll the majority of their children at age three and provide two continuous years prior to kindergarten.”).

¹⁶ Barnett, *supra* note 11, at 10.

¹⁷ *Id.*

Abecedarian programs found that the program participants produced large cognitive gains.¹⁸

And in addition to cognitive gains, the studies also found that the programs decreased instances of crime and smoking in program participants.¹⁹

Not only are there clear benefits to program participants, but studies have also found that these early education programs also benefit the community and its taxpayers.²⁰ If high standard early childhood education is available to all students, especially those who are most disadvantaged, the economic impact on the community is quite beneficial.²¹ First of all, in the short term, early childhood education programs create jobs and increase commerce, while over the long term these programs create an “employable, educated workforce.”²² Specifically in Illinois, the early childhood education “industry” employs 56,000 people and produces \$2.12 billion in gross receipts.²³ Economists have claimed that “the return on investment to the public of early childhood development programs ‘far exceeds the return on most projects that are

¹⁸ *Id. But see id.* at 10–11 (discussing how their cognitive outcomes differed between the Perry and Abecedarian studies, where the Abecedarian program produced a permanent increase in IQ and achievement while the Perry program produced a permanent increase only in achievement).

¹⁹ *Id.* at 11 (noting the CPC program study did not ask participants about smoking but the Perry and Abecedarian program studies did, and that the Abecedarian program study did not find a decrease in arrests, but that the community already had a very low crime rate and thus it is likely difficult to decrease crime rates when the crime rate is already quite low).

²⁰ *See* Calman & Tarr-Whelan, *supra* note 10, at 1 (noting that the studies are based on “[e]conomic research—by Nobel Prize-winners and Federal Reserve economists, in economic studies in dozens of states and counties, and in longitudinal studies spanning 40 years—demonstrat[ing] that the return on public investment in high quality childhood education is substantial” and that “some 80 scholars, experts and activists from around the country [who] examine[d] the economics of early childhood education and [] determine[d] how to effectively present this new investment understanding to policymakers and voters.”).

²¹ *Id.* at 2.

²² *Id.* at 4.

²³ *Id.* at 10.

currently funded as economic development,' such as building sports stadiums or relocating businesses.”²⁴

PART IV: OBSTACLES IN ACHIEVING HIGH QUALITY EARLY CHILDHOOD EDUCATION EVERYWHERE

With the magnitude of research finding that early childhood education programs greatly benefit program participants and the community, why are federal and state governments inadequately funding these programs, if at all? As previously mentioned, the courts, specifically in Illinois, have been reluctant to implement policy or give clear orders to state legislature on how to fund or organize early childhood education programs.²⁵ Thus, it has been up to the state legislature and state board of education to determine a pathway to increase early childhood education in Illinois.

That is not to say that the federal government has not tried to assist in early childhood education, however. While the federally funded Head Start²⁶ program is available in every state, including Illinois, the program does have its setbacks. The program began with a holistic education approach, including nutrition, wellness, parent education, and social services, but has since shifted, as a result of mandates from the federal Department of Health and Human Services, to a more academic and performance-based structure.²⁷ Recently, the Head Start

²⁴ *Id.* at 14–15 (quoting Rob Grunewald and Art Rolnick, both from the Federal Reserve Bank of Minneapolis, and Nobel Prize winner and University of Chicago Professor James Heckman).

²⁵ *See supra* notes 4–7 and accompanying text (discussing how Illinois courts have been reluctant to answer questions regarding rights to early childhood education and have left the question to the legislature and public policy).

²⁶ *See* MICHAEL J. KAUFMAN & SHERELYN R. KAUFMAN, *EDUCATION LAW, POLICY AND PRACTICE*, 167 (2d ed. 2009) (“In 1965, Congress Created Head Start, a federally funded preschool program for low-income families.”).

²⁷ *Id.* at 168.

programs in many states have been under harsh scrutiny, being labeled “deficient” and at risk of losing their federal funding.²⁸

Getting adequate funding is difficult when courts remain reluctant to find a constitutional right to early childhood education. Moreover, especially in the current economic drought, funding cuts throughout the nation at every level have severely impacted the growth of the programs that are already in place. While Head Start programs can be beneficial, they are proving to be inefficient at providing all children the early childhood education they need. Although the research is clear, more has to be done to move early childhood education to the top of both the federal and state legislature priority list.

PART V: THE ILLINOIS EXAMPLE

Illinois, like some other states, saw beyond the limited resources of Head Start and decided to supplement its early childhood education programs within the state. In 1985, the Illinois legislature, through the Illinois Department of Education, created the Pre-kindergarten Program for At-Risk Children.²⁹ The program was created as part of the state’s efforts at statewide education reform.³⁰ Illinois’ Early Childhood Block grants were used to fund the program, and the grant “coordinates services for at-risk infants and toddlers, providers parenting training, and supports preschool education programs.”³¹ Approximately twenty years later, in 2006, Illinois replaced the Pre-kindergarten Program for At-risk Children with the Preschool for

²⁸ Claudio Sanchez, *Under Scrutiny: Some Head Start Programs in Limbo*, NPR.ORG (Apr. 3 2012), <http://www.npr.org/2012/04/03/149687163/under-scrutiny-some-head-start-programs-in-limbo>. *See also id.* (“[T]he \$8 billions program is currently riddled with problems, including financial fraud, shoddy record-keeping and doctored documents that have allowed ineligible families to enroll.”).

²⁹ *The State of Preschool 2011*, 2011 NATIONAL INSTITUTE FOR EARLY EDUCATION RESEARCH 54, available at <http://nieer.org/yearbook>.

³⁰ *Id.*

³¹ *Id.*

All initiative.³² Preschool for All's goal is to offer access to preschool education for every child aged three to four.³³ Through Preschool for All, the Illinois State Board of Education is "actively committed to develop, deliver, and support early childhood programs, practices, and services that will enable all children to be successful students and responsible citizens."³⁴ The initiative provides grants to public and private schools, Head Start, and childcare programs, and priority is given to those serving at-risk children.³⁵ As of 2011, 87,580 students were enrolled in the program.³⁶

Although relatively new, Preschool for All has proven to be successful. The National Institute for Early Education Research ("NIEER") scored the program nine out of ten because of its success at meeting its "Quality Standards Checklist."³⁷ The program serves 29 percent of four-year-olds and 20 percent of the state's three-year-olds.³⁸ And although Illinois has not yet reached its unlimited access goal,³⁹ it has been careful not to expand too quickly, which often

³² *Id.*

³³ *Id.*

³⁴ *Preschool for All*, IMPLEMENTATION MANUAL (Illinois State Bd. of Ed.), September 2011, at 6, available at http://www.isbe.net/earlychi/pdf/ec_implementation.pdf. For more information regarding Preschool for All and the program's requirements, rules, and goals, see generally *id.*

³⁵ *Id.*

³⁶ *Id.*

³⁷ *Id.*

³⁸ Press Release, National Institute for Early Education Research, Illinois Pre-K Regains Some Lost Ground (Apr. 10, 2012), available at <http://www.nieer.org/publications/yearbooks/illinois-press-release-2011>.

³⁹ See *The State of Preschool*, *supra* note 29 ("The state hopes to fully fund Preschool for All by the year 2012, which will allow programs to use state dollars to serve children who do not meet at-risk criteria.").

results in decreased quality.⁴⁰ So long as Illinois is able to maintain adequate funding, it should be able to continue paving the way as a national model for early childhood education.⁴¹

However, in order to maintain funding and escape from budget cuts, communities in all states must speak to their local politicians and other policy makers to reinforce the importance of having early childhood education programs within the state. And once again Illinois is a shining example. With a potential model program and an understanding of the benefits of having early education in the state, many in the community are fighting to stop these budget cuts from undermining the goals of Preschool for All.⁴² Recently, hundreds of police chiefs, sheriffs, and state's attorneys collaborated during a conference to show how cuts to preschool funding increase crime.⁴³ The group is asking state legislatures to look at the research on the benefits of early childhood education and the positive effects the programs have on violence and crime in the community.⁴⁴ Cook County Sheriff Tom Dart went on to say that, "the vast majority of

⁴⁰ See *Some Lost Ground*, *supra* note 38 ("Some states have opted to expand enrollment rather than maintain quality, resulting in greater access but lower standards.") (quoting Steven Barnett).

⁴¹ See *id.* (discussing how the Illinois State Governor's proposal for more funding is "a step in the right direction for a program that was on track to become a national model.").

⁴² See Becky Vevea, *Researches find Illinois Preschools Underfunded*, WBEZ91.5, Apr. 3, 2012, available at <http://www.wbez.org/news/researchers-find-illinois-preschools-underfunded-98078> (quoting Steven Barnett, director of the National Institute for Early Education Research at Rutgers, "Illinois was a leader 10 years ago, in preschool, and that status is now in jeopardy, ... it's a leader in rhetoric but the state has really failed to put the resources behind it.").

⁴³ Jen Sabella, *Illinois Preschool Funding Cuts: Sheriffs, Police Chiefs Saw Early Education Prevents Crime*, HUFFINGTONPOST.COM (Apr. 30, 2012), http://www.huffingtonpost.com/2012/04/30/early-childhood-education_n_1464153.html.

⁴⁴ *Id.* See also Jennifer Bowen, *Cuts in Preschool Funding May Cost State More in the Long Run, Study Says*, BND.COM (Apr. 26, 2012), <http://www.bnd.com/2012/04/26/2155598/cuts-in-preschool-funding-may.html> ("You can't make cuts that are truly foolish and to cut into preschool is truly foolish and reckless. When you make cuts in these areas you can be assured certain results will occur: More criminal activity, more violence, more people incarcerated and it's a vicious cycle that occurs over and over again.") (quoting Cook County Sheriff Tom Dart).

inmates did not have access to programs, including preschools that serve at-risk youths.”⁴⁵

Thankfully, however, Illinois Governor Pat Quinn and state education officials are advocating for a \$20 million increase in preschool spending, and the state is eligible to receive up to \$35 million from the U.S. Department of Education.⁴⁶

This advocacy was not coming from parents of preschoolers. Nor was it coming from pre-school teachers or child psychologists or early childhood education experts. This advocacy was coming from those who, as ordinary citizens, recognize the need for early childhood education because they understand how early education will affect them and their communities. Moreover, these recommendations were coming from state employees whose own offices and agencies are at risk for budget cuts as well.⁴⁷ When leaders in the community step forward and say that although state budget cuts need to be made, but should not be made in preschool funding, then early childhood education programs are truly on the path to success in Illinois.

VI. CONCLUSION

Major studies on early childhood education have all shown that having high-quality, early childhood education programs greatly benefit the children and community, both socially and economically.⁴⁸ Although courts, especially in Illinois, have been reluctant to find a constitutional right to early childhood education, Illinois, through its legislature and state board of education, has been a pioneer in fighting to keep early childhood education programs alive and productive within the state. Illinois has developed a high-quality early childhood education program with the development of Preschool for All, and experts say the program has the

⁴⁵ Don Babwin, *Fund Preschool Now to Avoid Crime Later: Officials*, THE CHICAGO SUN TIMES, Apr. 29, 2012, available at <http://www.suntimes.com/news/education/12171465-418/fund-preschool-now-to-avoid-crime-later-officials.html>.

⁴⁶ Vevea, *supra* note 42.

⁴⁷ Babwin, *supra* note 45.

⁴⁸ See *supra* Part III and accompanying text.

potential to be a model for all other states.⁴⁹ While the future of the program appears at risk because of threats of budget cuts, the community must continue to fight for early childhood education. Members of the community, including police officers and state's attorneys,⁵⁰ have already begun advocating for increased funding to early childhood education programs within the state. By looking at the vast amounts of research proving the benefits to the children and the community of early childhood education programs, these community leaders have started to sway the legislature to avoid budget cuts and increase funding to early childhood education programs. However, more people within the community must follow the example of these advocates. In addition, communities in other states must also take an active role in demonstrating the need for adequate funding in order to ensure high-quality early childhood education within each state. The research is clear, but must be presented to policy makers by those whom the programs affect the most—ordinary state citizens who will undoubtedly reap the benefits of a better-educated society.

⁴⁹ *See supra* note 41 and accompanying text.

⁵⁰ *See supra* note 46 and accompanying text.