

Judge strikes down enrollment cap on early education program

By

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RALEIGH -- A Superior Court judge has struck down a provision in the state budget that sought to limit the number of at-risk children in the early childhood education program formerly known as More at Four.

Judge Howard Manning [issued an order](#) that the 20 percent cap on at-risk four-year-olds would contribute to “prospective enrollees’ subsequent failure to avail themselves of the opportunity to obtain a sound basic education.”

Traditionally, More at Four has only served at-risk children. But Manning concluded that the cap would result in only 6,400 of the 35,000 prekindergarten slots going to at-risk children. “This result is unacceptable and may not occur as the at-risk 4 year olds are to be provided a high quality prekindergarten experience in order that they may be able to enter the public schools with sufficient skills and development to be able to have the equal opportunity to obtain a sound basic education as is there right under the North Carolina Constitution.”

“I’m delighted to see that acknowledgement of the hard work that the Smart Start system has put in place to make it possible to get kids ready,” said Stephanie Fanjul, president of the North Carolina Partnership for Children.

However, the ruling drew criticism from Republican lawmakers. Rep. Justin Burr, a House budget writer, said Manning was “sticking his somewhere where it doesn’t belong.”

“I think he got it wrong,” Burr said. “I think this is another example of a judge trying to legislate from the bench.”

It’s unclear whether Manning order will throw the state budget out of balance. The program would have charged many parents a co-pay in order for their child to enroll. However, Burr, R-Stanly, said he’s doubtful that budget is unbalanced. He also defended the co-pay, which he said has been in place for several years.

Listen to Rep. Justin Burr react to Judge Manning’s ruling:

{audio}files/preroll.mp3;files/News_Audio/2011/071811_MAF_Burr.mp3{/audio}

Listen Stephanie Fanjul react to Judge Manning’s ruling:

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