

**TESTIMONY PROVIDED TO:** House Education Committee  
**FROM:** Dr. Amy Fowler, Deputy Agency of Education  
**TOPIC:** PreK Proposed Changes  
**DATE:** April 17, 2018

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### **Overview**

After hearing additional testimony, the committee has amended the bill to:

1. Return the registration of students, processing of all contracts and reimbursements to the public schools of residence,
2. Change the weighting of the FTE for prekindergarten
3. Change the effective date, and
4. Establish a legislative council for oversight

### **AOE Position and Concerns**

The AOE remains steadfast that the original language submitted and passed by the Senate after debate is preferable to the language currently under consideration. Having said this, as language is debated, we bring forward several concerns with the new approach.

**New Approach:** *Return the registration of students, processing of all contracts and reimbursements to the public schools of residence*

1. **AOE Staffing-** Two positions were requested through the budgeting process to meet the contracting and monitoring duties in the proposed bill. AOE/AHS intended to use the billing process as part of its monitoring work with private and public providers. AOE had planned to use a portion of their time for regulating public providers. Absent this resource, the AOE will no longer have the capacity to regulate public providers.

***Remedy:*** AOE requests that regulation of public providers be returned to CDD or that public providers be absolved of oversight altogether, as AOE will not have capacity to complete reviews.

2. **Provider Prequalification-** The bill as written is unclear as to who will determine if a provider is eligible to participate. Under current law, that process was prequalification determined by AOE and CDD. That process was removed when AOE would be entering into grants with providers.

***Remedy:*** If the legislature intends the AOE or AOE/CDD to review providers to determine if they are eligible to participate in publicly funded preK, language regarding prequalification needs to be reinserted throughout and specifically addressed in Rules.

3. **Ghost Language**- Throughout there is language attributing specific actions to the Secretary/AOE that better belong to the entities engaged in the contractual relationship.

**Remedy:** A thorough review of language should be done to ensure that the AOE is not tasked with carrying out work efforts that will be borne by the SU/SD.

**New Approach:** *Weighting of preK at three different weights depending on the length of day*

1. **Length of Day**- The length of the school day is described in §1071 and by State Board Rules. The language here creates parameters that do not align with existing language.

**Remedy:** Ensure that language regarding the length of day aligns across all relevant statute.

2. **Weighting**- The weight of 1.3 for preK programs that exceed 10 hours is out of proportion with the weights assigned to other grade level groupings. Additionally, when the school establishes the number of hours for its educational program, those hours apply to all children whether they need the extended care or not. Currently, schools can collect fees for optional aftercare services from parents or through CCFAP. Under this provision, that should not be allowed

**Remedy:** AOE recommends taking testimony from Brad James on the weighting and factors you should consider.

**New Approach:** *Change the effective date*

1. **Effective Upon Passage**- The revision goes into effect upon passage, which does not give sufficient time for Rule Making.

**Remedy:** Revise to go into effect on July 1, 2019 as originally proposed.

**New Approach:** *Establish a legislative council for oversight*

We suspect the committee will work in good faith and suggest methods for making the preK landscape more efficient or of higher quality. This work will be occurring during an election season where all members of the committee will be up for election in November. It may be possible to identify four members who have the time and wherewithal to participate during campaign season; it may be possible that all will be re-elected to finalize and submit the plan to the legislature in December.

Once their plan is unveiled in December, the public process of debating the provisions will begin anew. Even when different stakeholders agree on an identified problem, their agreement dissipates when a solution is identified.

**Remedy:** We have no remedy to offer to improve this provision. The legislature is well aware of the struggle of building consensus with issues as difficult as this.