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To: House Human Services Committee
From: Nicole L. Mace, Executive Director
Re: Modifications to Act 166
Date: May 2, 2018

The VSBA, together with the VSA, VPA, and VCSEA were among the more outspoken supporters of legislation that became Act 166. Yet, from the early stages of implementation, we raised concerns about where we were headed.

Our concerns fall into two areas:

1. Concerns about special education and protecting the most vulnerable – the current model does not ensure resources are getting where they are needed most.
2. Concerns about affordability and efficiency

Concerns about special education and protecting the most vulnerable:

1. A 10 hour voucher does not provide access to kids who need it most. The most vulnerable families often need full day care and many of these families cannot pay over the 10 free hours. We have not seen statewide data that indicate that the voucher coupled with CCFAP funds is increasing access. This puts into question the effectiveness of Act 166 in serving the neediest children.
2. Students with disabilities do not have equal access to services. This results in children not receiving necessary early intervention or in families with children with disabilities being unable to exercise their right to Pre-K choice. Supporting supervisory union/district boards in efforts to establish Pre-K regions would help address this issue.
3. Implementation has been regionally uneven. Analysis of where high quality programs are located within the state will be an important step in assessing quality & equity.

Concerns about affordability and efficiency:

1. The K-12 system is being asked to achieve scale reflecting declines in enrollment and efficiency in better delivery of education services. We do not have evidence that private providers are being asked to do the

same, let alone achieving it. In an environment of scarce public resources, the state should require cohesive governance and delivery systems that deliver high quality, affordable prekindergarten education, just as we seek to attain them in K-12 education.

2. Neither public nor private programs can make best utilization of dollars if they do not know from year to year how many children they will serve. This problem would be addressed if school districts could work with private providers in well-defined regions.
 - a. The process of establishing a Pre--K service region is too cumbersome to navigate and discourages those efforts. For instance, the cost associated with LEA's providing special education services in multiple locations outside of the supervisory union/district boundary is prohibitive. Regions would address this.
3. The joint agency administration of this law has not worked well to date. We see too much complexity and insufficient justification for that complexity. Administrative challenges arise from imposing the child care licensing rules onto the public school system that has its own thorough licensing and certification processes.

Testimony offered by some advocates this session has suggested that public schools are not safe spaces for 3 and 4 yr olds. Last year, we did a public records request of licensing violations in public and private Pre-K settings. We found the following trends:

1. Most frequent public program violation (21%) is failure to document students' time in/time out of classroom (Are school policy requirements being met?)
2. Second most frequent (20%) is failure to document evacuation drills (Question - is this in the context of statutory requirements for school evacuation drills being met?)
3. Most frequent private program violation (10%) is failure to document students' time in/time out of classroom
4. Second most frequent private program violation (8%) relates to grounds and equipment being in clean/orderly and good repair
5. The next three most frequent violations in private provider programs are: failure to ensure clean and smooth surfaces in the facility (5%), failure to protect from all unsafe conditions (5%), and failure to document staff member references (4%).

The VSBA supports the proposed changes to Act 166 that were unanimously approved by the House Education Committee last week. We believe the modifications to the law address significant implementation issues in the short term, while laying the groundwork for the oversight committee to monitor the data and indicators I referenced earlier in my testimony in order to make recommendations to further adjust the law as necessary.