

TESTIMONY TO: Senate Education Committee
FROM: Al Gobeille, Secretary, AHS and Rebecca Holcombe, Ed.D., Secretary, AOE
SUBJECT: Act 166
DATE: April 6, 2017

Thank you very much for the opportunity to discuss Act 166 with the committee. Thank you as well for your patience as our Agencies have worked to the respond to the challenges of implementing Act 166.

Together, we would like to offer the following comment.

1. We would like to make very clear that we both feel urgency related to a fix to the requirements for fingerprinting in the current session. We have been working for months to arrive at language that would reduce the burden on educators in both private providers and school systems, especially given the new prohibition on secondary sharing of fingerprint-supported background check results. Absent a change, we will be compelled to fingerprint some individuals many times over, which is an absurd outcome. For that reason, we respectfully request action in the current session, even if not perfect, to serve as a patch until we have a more comprehensive solution.
2. We both acknowledge that Act 166 has serious flaws that must be addressed to ensure it is effective, equitable and affordable over the long haul. This is not necessarily a function of will but of complexity: the complexity of the bill, the complexity of navigating two sets of federal and state statutes and regulations, the complexity of navigating effects-- both intended and unintended-- on the supporting agencies, and the challenges of implementing a one-size-fits-all model over diverse regions.
3. That said, this complexity makes it difficult to get clarity on efficient and effective remedies, and our Agencies are concerned that when changes are made, we need to get them right to prevent harm and provide minimal disruption first and foremost to children, as well as to parents, providers and schools.
4. Both Agencies agree, based on the level of concern that has been expressed about the current law as well as our significant challenges in implementation, that we need time to put together a comprehensive remedy that addresses structural flaws with Act 166 that we could not fully appreciate until we had to grapple with the complexity.
5. The Administration will work to develop a proposed alternative bill that will be shared with the committee members for discussion in advance of the next session.

6. Our guiding decision criteria for proposed remedies will be:

- Ensuring we prioritize expanding access and hours for children and, by extension, working parents (growing the economy)
- Minimizing transaction costs at every level, to make sure we get the greatest value per dollar for direct service to children (affordability)
- Allowing for some regional flexibility to expand equity and access in the most affordable way possible (affordability)
- Ensure the service model provides equity of access (protecting the vulnerable)

7. The coherence of any remedy we suggest will come from a belief that while early learning may take place in different settings, what ensures consistency in opportunity across sites is adhering to the Vermont Early Learning Standards.