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To: Senate Education Committee  
From: Nicole L. Mace, Executive Director  
Re: Modifications to Act 166  
Date: February 16, 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. In fact, it was our concerns that led the legislature to request a review of Act 166 by the Secretaries of AHS and AOE.

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. Same benefit for all income families is not best utilization of resources. We should ensure Act 166 does not become a subsidy for families of means who would be accessing high quality early education regardless of the voucher. Data on use of prekindergarten vouchers must be

collected and analyzed to determine whether the state's \$32 million investment is being accessed by children and families contending with barriers associated with poverty, addiction, language, disability and geographic isolation.

4. 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 prek 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.

I understand this Committee has received testimony suggesting 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 preK 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 proposed changes under consideration do not resolve the concerns raised by our associations.** In some instances, they appear to exacerbate issues – in particular the ability to form cohesive PreK-12 delivery systems, ensure equal access for students with disabilities, and eliminate duplicative regulation. Furthermore, in an environment where significant changes are being contemplated to the education funding formula and special education funding, changing the ADM calculation for school districts could lead to significant increases in property tax rates across the state. This change also negates the important role that school districts play in developing relationships with private providers in order to ensure a successful transition to kindergarten.

The VSBA board urges the Committee to not take action to move this bill in its current form forward. Continuing to operate under the current system would be preferable to the changes being contemplated here.