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To: The House Education Committee
From: Nicole Mace, Executive Director
Date: February 9, 2017
Re: Modifications to Act 166

When the legislature adopted Act 166, ensuring universal access to prekindergarten for Vermont's 3 and 4 year olds, our Association supported the law because we believe strongly in the benefits of high quality early education, especially for our most vulnerable children.

With respect to the proposed changes to Act 166 in the committee's bill, the VSBA board endorsed the following components at their meeting last night:

Single Agency Oversight

With the passage of Act 166, the state expanded the definition of public education to include prekindergarten, which can be provided in a public or private setting. Title 16 now defines "elementary education" as a "program of public school education adapted to the needs of students in prekindergarten, kindergarten, and the first six grades" (16 VSA 11(3)). However, administration of the law is not overseen by the Agency responsible for the public education system. Rather, the system is jointly administered by the Agency of Human Services (AHS) and the Agency of Education (AOE).

The joint administration of this law has not worked well to date. The conflict over fingerprint-supported background checks is an illustration of this. In that instance, AOE and AHS worked for over seven months to determine the best methods to both inform school districts and private providers of the record check requirements and ensure they are fulfilled. They were unable to devise an approach that worked, and as a result we had a situation where the school year started, private providers were not cleared, and families, school districts, and providers were placed in an untenable position.

Because prekindergarten is a public education program, it should be overseen by the Agency of Education. Consultation with the Agency of Human Services is appropriate and should be required, but ultimate decision-making authority ought to rest with the administrative agency responsible for public education.

Local Determination for PreK Regions

We strongly support the approach taken in this bill that would allow supervisory union/district boards to establish preK regions. School boards are responsible for ensuring the effective and efficient delivery of public education for every resident child. If the school board determines that the needs of students, families and taxpayers are best served by building a cohesive early education delivery system within their supervisory union/district, working with prequalified private providers within their boundaries, they should have the authority to do so.

This approach not only places responsibility for managing costs and quality where they belong – with the school board – it ensures equal access to prekindergarten for students with disabilities. The cost associated with LEAs providing special education services in multiple locations outside of the supervisory union/district boundary are prohibitive. This means that students with disabilities do not currently have the same ability to take vouchers anywhere in the state the way their non-disabled peers do.

Equity, Access and Means Testing

Prekindergarten should be a benefit all students can access, regardless of family income or situation.

While means testing is one way to ensure vouchers are going to families who need it the most, it does raise some questions in the context of a publicly-funded education program that must be available to all 3 and 4 year olds. The law requires school boards to provide public education to resident students at no expense to them or their families. Allowing some students to access 10 hours of prekindergarten free of charge, while some families would have to pay for a portion of the 10 hours could be problematic.

Ultimately, it will be important to examine the nexus between publicly funded pre-k education and the costs and funding of both early care and education. Given the goals of affordability and protecting the most vulnerable, we should be considering the interplay between early care and education with a goal of getting both to families and children with greatest need in the most affordable manner.

Placing Public and Private Providers on Equal Footing

Because school districts cannot charge families for education services, we support adjustments to the law that make clear that public schools can assess fees for services provided in support of a partial or full day program provided as a supplement to

publicly funded pre-k education (ten hours). In other words, allow school districts to charge for early childhood services (not education) that are provided in a school-based setting that are supplemental to the ten hours of education. CCFAP subsidies would be available to families who qualify to cover the costs of care beyond 10 hours of prekindergarten. This will allow districts to pro-actively respond in areas where there is a shortage of qualified private providers and establish programs that will serve children in full-day programs.