

October 27, 2006

Alvin C. Bush, Chairman
Independent Regulatory Review Commission
333 Market St., 14th Floor
Harrisburg, PA 17101

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INDEPENDENT REGULATORY
REVIEW COMMISSION

Dear Mr. Bush:

The Pennsylvania School Boards Association stands in support of the State Board of Education's Regulation #6-301 (IRRC #2543) that establishes provisions for prekindergarten programs that are operated voluntarily by school districts or contracted by districts with community providers.

PSBA believes that it is the proper role for the state to provide guidance for school districts with the goal of creating a framework for schools to develop high-quality early childhood education programs. However, as schools step into this area, it is important that the state provide clear guidance without becoming too restrictive. The State Board recognized this need for flexibility, and appropriately included language that allows school districts to seek limited waivers from the regulation if their program does not meet certain requirements.

While PSBA supports the final-form regulation, the association would like to restate, for the record, some of the association's suggestions not incorporated into the proposal. For the sake of clarity and in the spirit of helping to avoid unnecessary debate, PSBA recommended that the proposal be amended to clarify that school districts are not required to provide pupil transportation to prekindergarten programs. While the board made clear that districts are not required to provide transportation, it chose not to add the language we suggested. We maintain that the addition of such language would diffuse any misconception that may appear as districts decide how they will structure, and pay for, their programs and services for pre-kindergarten children.

The regulation establishes a maximum class size for prekindergarten of 20 students, which seems reasonable compared with caps set by other states. However, we suggested that the board add language to specifically allow a school district to operate classrooms that slightly exceed the maximum under certain circumstances. Such exceptions would be appropriate if they allow a district to operate its program in an effective and efficient manner. For example, in one particular school year, a school building may have 23 pre-kindergarten students enrolled, which exceeds the cap but not by an amount that would make adding another class a practical consideration. While it is possible that a district could apply for a waiver from the regulations to cover such an instance, PSBA believes

that the section of the regulation concerning class size should specifically offer such flexibility to districts. Enrollments can change at any time within the school year, and schools need assurances that they will be able to continue their program and be considered compliant.

PSBA also raised the question as to why aides in the pre-K classroom must be required to meet the same qualifications as aides in other Title I classrooms. The Title I requirements for aides were created under the No Child Left Behind Act, and we believe they are not intended to apply as a mandate for pre-kindergarten programs. These requirements are intended to provide a higher bar for those aides whose job it is to provide instruction to students, an activity that is much more clearly delineated in elementary, middle and high schools than in pre-K programs. We believe that, as a practical matter, this age group of children has different needs and behaviors from older elementary age students, and routinely need help with basic care activities. Teachers aides can provide clerical support for teachers, read to students, supervise children in the schoolyard and hallways and generally provide assistance to children under the direction and guidance of teachers.

Finally, I would like to emphasize again PSBA's support for the regulation, and for this administration's focus on early childhood education. We urge this administration and legislative leaders to continue these efforts to encourage school districts to establish prekindergarten programs. Every district that considers when, or whether, to begin a program will have to weigh its desire to do so against that practical matter of how to do it. Aside from the educational considerations, the district must be able to provide and pay for the classroom space, the materials and supplies, the teachers and required aides, professional development, and other important matters.

The Accountability Block Grant program began in the 2004-05 school year as an initiative of Gov. Rendell to provide schools with additional funds for early childhood education and other proven academic programs. This successful program has allowed many schools to implement prekindergarten, full day kindergarten or reduce class sizes in K-3rd grade, among many other worthwhile projects benefiting older students. However, the ABG grant program must be renewed each year under the new state budget at an amount that must be negotiated between the governor and the General Assembly. There is no guarantee that this program will continue to exist in the future, the amount that would be allocated, or that districts will receive sufficient funds to sustain a program, particularly when the administration changes. Unless the General Assembly enacts some type of permanent subsidy system for all school district-operated prekindergarten programs, funding will continue to be at the will of the current administration and

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members of the Legislature. A lack of legislative support could lead to a lack of ability of school districts to provide or maintain prekindergarten programs. Additionally, districts may be less likely to initiate or even to continue various programs as they comply with the budgeting requirements and fiscal restraints of the tax reform legislation under Act 1 of Special Session 2006.

We appreciate the opportunity to provide comment.

Sincerely,



Timothy M. Allwein
Assistant Executive Director
Governmental and Member Relations

cc: Sen. James Rhoades, Senate Education Committee
Sen. Raphael Musto, Senate Education Committee
Rep. Jess Stairs, House Education Committee
Rep. James Roebuck, House Education Committee
Mr. James Buckheit, State Board of Education