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Subject: First Steps - H 3428

Senators Bright and Setzler both have their names on H. 3428, Rep. Allison's reauthorization bill for First Steps. I expect at least one of them will take his name off before session concludes, though.

There are a number of reasons why we wouldn't like this bill to arrive downstairs in its current form. Some background:

- We provided a number of comments on the reauthorization draft as it appeared in March 2013 – at the time, these were not accepted.
- The bill was significantly amended this year in the wake of the LAC audit, which was finally released as the 2013 session drew to a close. Some of the changes made at this point were similar to some of the suggestions we had made last year, since there was some overlap between our concerns and the LAC's findings.
- Although given a couple of opportunities to provide additional comments and amendments this year, we haven't done so at this point. This is largely because our comments were essentially ignored last year. With all the other issues and areas I have to cover, I just can't do another all-nighter or two to produce those materials if I don't believe there's going to be a receptive audience.

A very high-level and by no means exhaustive list of concerns with this bill in its current form:

- I understand that the overall budget deal this year will now include language calling for further study of governance for our public and private pre-kindergarten programs. This makes sense (depending on how it's constituted), but if we're going to study that as we prepare for the 2015 session, why would we permanently reauthorize First Steps now?
- First Steps has always been authorized on a temporary basis – one or several years at a time. Even if you accept the argument that it should be made permanent, how do you make that argument at a time when you're (1) admitting that changes are needed...since this bill makes some notable changes to how this program works and (2) we're weeks away from launching a study of governance for pre-kindergarten programs?
- There will be a new Superintendent of Education in a few months – that person should participate in this process.
- The budget contains a proviso to extend First Steps for another year, so you don't need to pass reauthorization through H. 3428 in order to keep First Steps.
- If they want to amend H. 4020 instead (one-year extender) and send that to us as an insurance policy, they can.
- This bill explicitly cites certain Executive Orders in a way that would appear to lock-in by statute certain decisions that are currently the Governor's prerogative. I don't think the statute would actually prevail in some cases, since it's federal law that grants the Governor some of this authority, but it's not worth getting into litigation at some point in the future. This is one of those problems I've raised several times but which they haven't accommodated.
- The definition of "evidence-based program" is very loose.
- The advisory council is tasked with responsibilities it's probably not capable of actually performing, like evaluating some higher education activities.
- The bill doesn't resolve the question of whether or not First Steps is an agency. Doing a permanent reauthorization without definitively resolving that question is ridiculous and gets back to why we should do the governance study first.
- First Steps has never fully complied with the triennial review requirement currently in statute. We shouldn't give them a pass on that AND extend it to a five-year review AND permanently reauthorize the program at the same time. We keep talking about accountability...

- The bill eliminates the ability of several department heads to send a designee to meetings, even as it now offers that ability to other board members. This doesn't make much sense. Why would Catherine Templeton need to come to every First Steps meeting?

This list ignores a number of improvements that this bill would make. I don't intend to discount those. Long story short, though, this bill isn't ready to come downstairs. We should discuss this in the next session, once we have the governance study and a new Superintendent.

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