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Agency of Administration

TO: House Committee on Government Operations and Military Affairs
FROM: Xusana Davis, Executive Director of Racial Equity
Justin Kenney, Chief Performance Officer
RE: Testimony on H. 702 - An act relating to legislative operations and government accountability
DATE: Tuesday February 27, 2024

The Office of Racial Equity (ORE) and Chief Performance Office (CPO) submit this testimony for the purposes of providing thoughts, commentary and suggestions on Bill H.702 - An act relating to legislative operations and government accountability.

Acknowledgement of Positive Steps:

Overall, we commend the legislature for considering taking proactive steps towards institutionalizing accountability and creating a consistent approach to program and policy evaluation and review. The creation of a dedicated oversight and accountability committee along with the provision of ongoing training and support for other committees are laudable initiatives which reflect a recognition of the importance of accountability in government processes and the need to systematize it to ensure its effectiveness. These measures signal a commitment to upholding the public trust and ensuring that governmental actions are in line with the best interests of constituents.

We also want to express our appreciation of efforts to increase consistency and accountability in rulemaking, as well as efforts to ensure accessibility and utilization of key legislative reports. Easy access to relevant information is vital for informed decision-making, both for legislators and the public. By making these reports readily available, the State can enhance transparency and accountability in its legislative processes. Furthermore, the establishment of a process to ensure that committee members and staff regularly review past legislation, legislatively mandated reports, and other materials is commendable. Relying solely on institutional knowledge is not sufficient for effective governance. Regular review of past actions allows us to learn from our experiences, identify areas for improvement, and ensure that legislative decisions are grounded in evidence and best practices.

Considerations and Concerns:

As you consider these initiatives, it's essential to acknowledge the challenges and potential roadblocks that lie ahead.

1. Knowledge and Skills Shift:

Some of the recommendations put forth by the Summer Government Accountability Committee (Summer GAC) will require a significant shift in knowledge and skills towards program evaluation, beyond mere auditing. While audits are valuable for assessing compliance and identifying irregularities, program evaluation delves deeper into understanding the effectiveness and impact of programs and government initiatives. It requires expertise in reviewing theories of action and change, assessing program results, and recommending improvements based on data and evidence-based practices. For this to be successful, it's essential that adequate resources and training be provided to equip legislators and staff with the necessary skills to undertake comprehensive program evaluations effectively. It's also essential that both our Offices be consulted and involved in the establishment of any program evaluation mechanisms.

Additionally, any efforts at program evaluation or performance measurement must be grounded in a shared understanding of equity and justice. For the State's laws and programs to be effective for all Vermont's residents and visitors, they must be designed and assessed using metrics that will surface any disparate outcomes and maximize inclusion across the state's diverse communities.

2. Technical Challenges:

Implementing a program like New Mexico's LegisSTAT will undoubtedly entail a substantial technical lift. Consolidating vast amounts of data from disparate sources, ensuring data accuracy and integrity, and developing user-friendly interfaces for data collection and analysis are just a few of the challenges that must be addressed. For this to work, it would be imperative for there to be an investment in robust data infrastructure that leverages modern technologies to streamline data collection, analysis, and reporting processes. Both of our Offices have experience in this space and would be happy to speak to you about what limitations might exist and how they may be overcome.

3. Readiness and Leadership Commitment:

Readiness and leadership commitment are essential for the success of the recommendations provided by the Summer GAC. Adopting a culture of accountability requires more than just procedural changes; it necessitates a fundamental shift in attitudes and behaviors towards transparency, openness, inclusion, equity, and continuous improvement. Leaders must lead by example, demonstrating their commitment to accountability through their actions and decisions. They should actively champion accountability initiatives, provide necessary resources and support, and hold themselves and others accountable for upholding standards and delivering results. We also recognize the important interplay between positional leadership and dispositional leadership, and we encourage efforts that will empower non-managerial and non-supervisory staff to participate and be reflected in accountability efforts. We further note that while the attitudes and commitments of leadership are critical, there is still a disproportionate demographic representation in leadership across all three branches; this is a factor that contributes to the overall picture of readiness.

4. Risk of Responsibility Abdication:

There's a risk that the creation of an accountability office, or the hiring of dedicated staff to do program evaluation work, might inadvertently lead to an abdication of responsibility among individual legislators. While establishing dedicated oversight bodies can help centralize accountability efforts and ensure consistency in evaluation practices, it's essential to guard against the perception that accountability or equitable governance are solely the responsibility of a specialized office, committee or individual. Individual legislators must

recognize their role in holding government agencies and programs accountable, actively engaging in oversight activities, and advocating for transparency, inclusion and accountability in their respective domains.

5. Learning from Past Efforts:

Reflecting on past efforts, such as Act 186, raises important questions about why previous mechanisms like the Annual Outcomes Report and Programmatic and Performance Measure Budget Report weren't fully utilized. Despite significant investments in developing accountability frameworks and reporting mechanisms, the lack of institutionalization and sustained commitment may have undermined their effectiveness. It's crucial to conduct a thorough review of past initiatives, identify lessons learned, and address the barriers that hindered their implementation. By learning from past experiences and building upon existing frameworks, we can ensure that accountability efforts are more robust, sustainable, and impactful moving forward.

6. Practical Implications for Programmatic Performance Measure Budgeting:

There's specific mention of the Programmatic Performance Measure Budget Report and the timing of that. The timing of the report can be shifted, but a few things need to be understood. The report itself is released when it is because it's associated with the budget and it includes financial information from the Governor's Recommended Budget which is not available until mid-January. If the timing were changed, it wouldn't include that information at the time of release. Also, it may be helpful to know that only half of the measures are reported on a state fiscal year period. The rest are mostly calendar year with some being federal fiscal year. Given this, regardless of when the report is released, there will always be some data that is not as current as you may want. Additionally, there is not an actual requirement for the CPO to submit this report. This report came about as a response to 32 V.S.A. § 307. This law requires that as part of the budget, there be a strategic plan for each State agency, department, office, or other entity or program that includes a statement of mission and goals that support the relevant population-level outcomes set forth in 3 V.S.A. § 2311 and a description of program performance measures used to demonstrate output and results. Technically all of this is submitted in the budget and what the CPO produces is above and beyond that. It should also be noted that the current version of the Programmatic Performance Measure Budget report is not far off from the way that line item performance measure reporting works in Utah.

7. Ensuring Support for Program Improvement:

Finally, if an office is established to scrutinize program performance, there must be commensurate support to help improve these programs. Accountability efforts should not be seen as punitive measures but as opportunities for learning and improvement. Programs and program staff often face numerous challenges that hinder their ability to achieve desired outcomes, including limited resources, technical constraints, and competing priorities. Therefore, alongside accountability mechanisms, it's crucial to provide support structures and resources to assist programs in overcoming these challenges. This may include providing technical assistance, facilitating knowledge sharing and best practice dissemination, and fostering collaboration among stakeholders to address systemic issues and barriers to success. Both of our Offices would welcome an opportunity to speak at a future meeting about how we specifically support programs and staff in improving operations and results.

8. Designing Inclusive Processes

The Summer GAC was charged with exploring four main topics, several of which directly relate to matters of equity and inclusion. Without reevaluating the processes for establishing, seating and compensating its many

boards and commissions, the State risks further entrenching the demographic imbalance that currently exist in the State's workgroups. It is important to develop lasting government reform that is directly informed by and responsive to the needs of the populations that will be most impacted by it. This requires conducting robust community outreach, fairly compensating people for their labor, and assigning budgets and timelines that set workgroups and programs up for success. For detailed discussion of these issues, see the Office of Racial Equity's testimony to the Summer GAC: Initial [testimony](#); [Committee presentation](#); Guidance [document](#).

Conclusion:

While we wholeheartedly support the efforts to strengthen government accountability, we urge caution and thoughtful consideration as we move forward. Accountability and equity are not just about ticking boxes or meeting deadlines; they are about fostering a culture of continuous improvement and ensuring that government serves the needs of all its residents and visitors. We welcome the opportunity to continue this discussion and collaborate towards effective implementation of accountability measures.