
TESTIMONY

Testimony To: House Committee on Human Services

Respectfully Submitted by: Heather A. Bouchey, Ph.D., Interim Secretary of Education

Subject: **S.56 An act relating to childcare and early childhood education (Draft No. 3.3)**

Date: April 19, 2023

Chair Wood, members of the House Committee on Human Services; thank you for the opportunity to provide testimony on the topic of Draft 3.3 of S.56

I would like to start by thanking the committee for your attention to the critical issue of early childhood education. We all know how important it is to offer a variety of stimulating, engaging, and flexible opportunities for our youngest Vermonters so they come to school well-nurtured and ready to further learn.

Today I will share AOE's thoughts on S.56 and provide suggested edits that we believe would substantially improve the bill.

Three-Year-Olds

First, we believe it is critical to ground all early childhood education policy around what is best for children. From this perspective, we note the significant impact of removing three-year-olds from state-funded PreK. Research documents that three-year-olds benefit from interacting with their near-age peers, stretching "up" in terms of their outcomes, whereas four-year-olds can benefit from being in the older peer, "stretching down" role. Interacting and engaging with younger peers can help four-year-olds solidify and crystallize core aspects of cognitive, emotional, and social development. We note that numerous witnesses, representing many roles within the PreK arena, have testified before this committee, house education, and the respective senate committees of jurisdiction about this important point. Like them, we have grave concerns about the impact of defining PreK as beginning age 4, as contemplated in S.56. We believe this is inconsistent with child development theory and best practice; it also will most assuredly have repercussions for three-year-old children's social, emotional, and cognitive development and success in Vermont.

In addition, we are even more concerned about the impact of this model on three-year-olds who qualify for special education services (EEE). The model as written in S.56 removes a regular education environment or least restrictive environment, where a child on an IEP is entitled to receive their special education and related services, for three-year-olds. This will likely



lead school districts to adopt a clinical approach, where three-year-olds receive services one-on-one with their special educator or related service provider outside of the regular education environment, not in an inclusive setting as dictated by both federal regulation and best practice.

As a state, we are obligated to measure the percentage of 3, 4, and 5-year-olds receiving services within a regular education setting with their same aged, non-disabled peers to meet IDEA regulations. The result of this change as proposed in S.56 would impact meeting our 6a target on yearly special education performance measures. This could affect our federal special education funding in future years if we continually underperform on this metric. In addition, Indicator 7, Early Child Outcomes, provides a framework for describing and consistently measuring children's functional skills and behaviors across all settings and situations. Excluding 3-year-olds from public PreK will also affect their progress in these required child outcomes (social emotional skills, acquisition and use of knowledge and skills, and use of appropriate behaviors to meet needs) as they will be less likely to participate in an inclusive environment with their same age peers (i.e., given the opportunity to learn these critical skills). If three-year-olds with IEPs are unable to attend a school-based UPK program, they would not be in an educational environment with same age peers; therefore, there would be a substantial gap in access to peer models displaying age-appropriate skills. Precluding three-year-olds from attending public PreK, with all that this entails, is not an acceptable option for our youngest, most vulnerable students. We strongly urge the General Assembly to maintain the inclusion of three-year-olds in the definition of and funding for public PreK, as is currently mandated in Title 16. Again, if this policy is truly focused on what is best for children, we must ask ourselves “What about three-year-old children?”

Parity in PreK Authority Across Agencies

The Administration does not support the proposed Deputy Secretary position as described in Section 2. Although we think we understand the intent—to achieve better parity in responsibility, authority, and roles/responsibilities across early childhood teams within two state Agencies—this is not the solution we recommend. The current language would effectively create substantial inequities across Deputy Secretary positions, with the new position responsible for solely public PreK and special education/MTSS and the existing Deputy position responsible for everything else (in effect, everything to do with grades K-12). (We remind the committee that AHS itself only has one Deputy Secretary). Per Vermont’s Department of Human Resources, “it doesn’t make sense for a small agency of 150+ employees to single out one group and leave the other deputy to handle all the other department operational and programmatic pieces. Having three deputy commissioners in DCF makes sense due to the size of the Department with 925+ employees.” In addition, elevating what is currently a Director level position to a Deputy in AOE without changing the actual workload would have a significant impact on morale, retention, and functioning for the remaining three Division Directors who, again, currently lead and manage everything else to do with K-12 education except for PreK, special education, and MTSS. (Please refer to attached

organizational charts for clarification of current S.56 language impact on current Agency functioning.)

Finally, and perhaps most importantly, the proposed language creating of a second deputy as a secondary effect of writing one of AOE's current divisions into statute. Currently, unlike our colleagues at the Department for Children and Families, AOE's organizational structure is not codified in statute.

The Agency of Education is an incredibly lean, flat organization. We do a lot with a small number of people distributed over a very broad range of teams and programs. The Student Support Services Division is currently made up of Early Education, Special Education and MTSS. This is a combination that works for the Agency currently, but it is not the only way to organize these teams. A future Agency might need to be structured differently.

Absent a significant change in the way AOE is staffed and organized, AOE's success is highly dependent on our ability to reorganize ourselves to meet the needs of the work as it currently stands and as it evolves. By codifying the "Student Support Services" Division, you are, I believe, unintentionally, limiting the ability of a future Secretary to organize the Agency in the way she determines necessary to achieve the Agency's mission and purpose.

Suggested Language

We believe we understand what the General Assembly is hoping to achieve. Accordingly, we respectfully request that AOE, in consultation with AHS, determine a plan to achieve that desired goal:

Sec. 4. 16 V.S.A. § 213 is amended to read: 6 § 213.

DEPUTY SECRETARIES The Secretary shall employ such number of deputy secretaries as he or she deems necessary. (Note: Keep existing language; confirmed with DHR, Secretary of Education does not need new authorization to appoint deputies, as this is already in statute).

~~One deputy secretary shall: 9 (1) solely manage the Division of Student Support Services, which shall 10 govern special education, early education, and multitiered systems of support; 11 and 12 (2) hold at least a master's level degree in early childhood education, 13 special education, child development, or a related field. 14 Sec. 4a. AGENCY OF EDUCATION; DEPUTY SECRETARY 15 AUTHORIZATION 16 The establishment of a second Deputy Secretary position within the Agency 17 of Education pursuant to 16 V.S.A. § 213 is authorized beginning in fiscal year 18 2025. 19~~

Sec. 4b. PLAN; ~~DEPUTY SECRETARY~~ CROSS-AGENCY PARITY IN PREK AUTHORITY

On or before ~~November~~ January 1, 2023~~4~~, the Agency of Education, in consultation with the Agency of Human Services, shall submit to the House Committees on

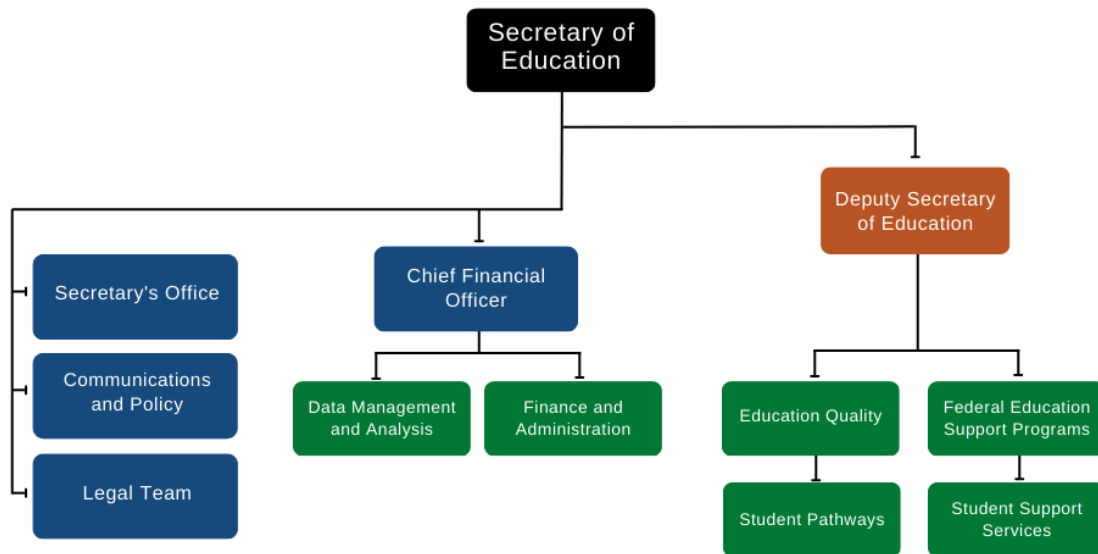
Education and on Human Services and to the Senate Committees on Education and on Health and Welfare to implement a 2-second deputy secretary position within the Agency of Education a plan to achieve greater parity in decision-making authority, roles and responsibilities, and reporting structure for PreK across the two agencies, using some combination of exempt and classified positions, commissioners, chiefs, and/or deputies, by examining current classification status of employees; maintaining equity in workload across divisions, teams, and positions; and considering agency size and complexity; in accordance with sections 4 and 4a of this act.

Respectfully submitted,

Heather A. Bouchey, Ph.D.

Organization Charts

Vermont Agency of Education Organization Chart



AOE Organization Chart Student Support Services

