



Vermont  
Superintendents  
Association

Considering the Implementation  
of  
Act 166 - Universal Access to Pre-Kindergarten Education  
Act 77 - Flexible Pathways

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Overview

1. With the exception of Act 46, Act 166 of 2014 and Act 77 of 2013 are the most significant pieces of education-related legislation enacted in the last several years.
2. Vermont superintendents and the Vermont Superintendents Association (VSA) are very supportive of the education goals of both Acts.
3. Effective investments in early education are generally acknowledged as among the better strategies for supporting learning overall.
4. Providing flexible pathways in support of learning success is useful in responding to the aptitudes, interests and aspirations of more children in an era where we must treat every child as an individual learner. (See VSA's work on education quality - [www.vtvsa.org](http://www.vtvsa.org))
5. Act 166 and Act 77 are complex legislation that have altered the landscape for the delivery of public education in Vermont.

6. The implementation of these Acts plays out differently in different regions of Vermont and is influenced by capacity in the local school systems and characteristics specific to those regions.
7. Some school systems are strained to implement Act 166 and/or Act 77 effectively and efficiently.
8. Act 166 may have some unintended negative consequences.

### Act 46 - The Goals and the Opportunity

1. Act 46 - Stated and Implied Goals:
  - Provide substantial equity in the quality and equity in educational opportunities statewide.
  - Maximize operational efficiencies through increased flexibility to manage, share, and apply resources.
  - Promote transparency and accountability
  - Achieve better cost-effectiveness
  - Operate at a scale that makes program implementation more organized, more manageable and more sustainable
2. As a result of Act 46, unified systems, operating at scale, will be better able to implement new education initiatives more efficiently and more effectively.
3. Many Vermont school systems would be better positioned to fulfill the goals of Acts 166 and 77 if Act 46 been enacted and fully implemented prior to the passage of those Acts.

### General Observations

In certain ways, unforeseen aspects of Act 166 have emerged as both especially challenging and contradictory to the Act 46 goals of equity, cost-effectiveness (efficiency), transparency, accountability and a more organized, more manageable, more sustainable system.

Act 166, if not implemented carefully and with full consideration for useful adjustments, may lead to greater disparity in opportunities for pre-k children and more, not less, inequity in the system overall.

As executive director for the Vermont Superintendents Association, I have a lot of opportunity to hear from superintendents about their work and the work of the school systems they serve.

Over the last year, I have heard with some frequency about the challenges related to the implementation of Acts 166 and 77.

Sometimes, the significance of these challenges has been lost among the dynamics associated with the implementation of Act 46 and specific related issues like how to contend with the allowable growth provision.

Presently, Vermont's school systems are tremendously challenged to contend with all that they are being called upon to accomplish.

I believe that at this time, the General Assembly should prioritize its work in three specific areas:

First, I believe that the General Assembly should continue to support the full and thorough implementation of Act 46.

Second, I believe that the General Assembly should take stock of the intended and unintended consequences emerging as Acts 166 and Act 77 are implemented, and make adjustments as necessary to better support school systems in their work to respond to the Acts.

Finally, I believe that the General Assembly should take appropriate actions to ensure that the Agency of Education has the capacity it needs to support school officials in their implementation of Acts 46, 77 and 166.

With respect to my second point, and in preparation for this testimony, I conducted a short survey asking superintendents to comment on the **challenges and unforeseen consequences** associated with the implementation of Act 166 and Act 77.

I initiated the survey on Saturday, February 20 and received thirty responses. This is a fifty percent response rate.

### Responses Related to Act 166

As I summarize and convey the results, please keep in mind that the VSA fully supports universal access to pre-kindergarten education and flexible pathways as useful and effective education strategies. I am reporting to you what I am learning from superintendents in the field.

If you wish to hear from superintendents directly on these issues, I can help to arrange that.

### General Themes Around the Implementation of Act 166

- Some superintendents expressed concerns about inequitable access to high quality pre-k education experiences with a specific focus on:
  - Challenges to assuring continuity in, and access to, high quality special education services for students requiring those supports.
  - Inability to serve the more needy students under the 10 hour per week tuition model. Some superintendents observe that students with more challenging socio-economic circumstances do not have access to full-day programs through private providers because their families can't afford it.

- Some superintendents express concerns about the challenges of implementing Act 166 in what they consider an overly complex regulatory framework.
  - There is concern about the lack of efficacy under the joint administration/ oversight approach between the Agency of Human Services and the Agency of Education
  - Some superintendents have expressed that the process of establishing a pre-k service region is too cumbersome to navigate and discourages those efforts
  - Some superintendents have observed that technical assistance under Act 166 is inconsistent and not timely
  - Several superintendents referenced inconsistent AOE and AHS technical advice re: implementation, complex situations with community partner providers
  
- A number of superintendents expressed concerns about the costs associated with Act 166 implementation.
  - Frequently mentioned was the \$3,000 per child tuition costs coming in a year when there was significant pressure to reduce spending
  - Some superintendents referenced the lack of predictability in an arrangement where the school system was both operating a school - based program and paying tuition to private providers.
  - Some superintendents reported the need to add staff to administer the Act 166 program
  - One superintendent spoke of the supervisory union being billed nearly \$100,000 in new tuition costs to an area Head Start program with no additional services being provided.
  - Several superintendents spoke about the fiscal challenges associated with no longer being able to use Title 1 funds to support early learning after the passage of Act 166.
  - One superintendent indicated that a school district needed to cut costs in grades K-6 in order to cover pre-k tuition expenses

- Some superintendents referenced challenges in determining a reliable ADM count, another cited the issue of year to year volatility in enrollment in school-based vs. private programs
- One superintendent observed that “universal access to pre-k education” is only universal if there are sufficient spaces available for all children/families who wish to be served and cited a shortage of available spaces in his region as a significant problem.

With respect to Act 166, some of the “additional comments” from superintendents are informative:

*“We must empower one agency or the other to be responsible for oversight of PK. We must provide for HQ pk in an environment that is surrounded by full-day and extended day child care.”*

*“The current law helps families with the cost of prek if they were already in a program, but it doesn’t provide access for those that can’t afford to send their children to full-time care.”*

*“It is very difficult to design, plan and staff what needs to occur related to Act 166 without significant impact on other areas - all of which are required. All are important, but we continue to do more with less.”*

*“Act 166 is a big step in the right direction to improve the outcomes for all children throughout the State. The rising cost of childcare as a result of Act 166 should be examined with input from community partner programs in order to get a balanced solution to the issue.”*

*“Can’t say this enough, without transportation, and with a tuition voucher of over \$3000, parents who have the means will transport their kids closer to their work-- families of children living in poverty won’t. If they can get to their public school programs it may create heavy number of those programs in previously more heterogeneous programs. That is if they can*

*get them to the program. Many students are in home daycares while there parents are at work. The people who transport their kids to out of town providers do so because they have the means. ...And....private providers are now subsidized by public school dollars.”*

*“This Act is important and necessary - the challenges it causes due to the tuition are tricky. I feel like those children that the law is most intended for will not be able to access the education and the more-advantaged children will benefit most”*

*“I see inequity for students from poverty- limited choice for them. Special education services- the schools do not have the staff to send to pre k programs all over the state which means these students will go unserved and arrive in kindergarten without early intervention.”*

### Responses Related to Act 77

Regarding superintendent responses related to Act 77, the responses were more narrow.

Thematically, superintendents reported:

- Observations about the need for time and resources at the local level to effectively implement the Act
- Observations about the need for resources at the Agency of Education to support implementation of the Act
- Observations about disparities in opportunities for students based on the proximity of the school and the socio-economic status of the students
- Observations about the need to better communicate to parents and communities about the purpose of, and transition to, a proficiency based education system

## Direct Responses

*An increase in the gap between less-advantaged and more advantaged students. Students with the means for transportation are afforded greater access and a much wider range of opportunities. Transportation is a huge issue especially in rural areas. There is also an increase in competition for limited resources in terms of internships - with more students accessing these opportunities, there are unforeseen constraints put on community partners.*

*We have had to add staff to coordinate the PLP's. We will need to increase this capacity to full time. In order to ensure that students are meeting proficiencies in flexible pathways- internships and independent studies, we will need to assign highly qualified teachers to conduct oversight. This is problematic within the current negotiated agreement and planning for resources necessary on-site. The number of students applying for Early College this year is four times greater than last year.*

*Shrinking enrollment, cutting of positions due to the threshold and adding a position to oversee this Act. It will take time to implement this Act well. I agree that this Act is needed but the timing of implementation does not allow for a well thought out plan that will lead to significant and sustainable change.*

*We did not understand that Act 77 would require an educator at the High School to obtain an endorsement - workplace educator. This puts a strain on our small high school. (Two similar comments)*

*A capacity challenge has us offering very limited opportunities. Currently we have virtual learning opportunities, and have discussed ways in which to develop richer community work-based learning. We do not have colleges near enough to us to really launch a dual enrollment option and*



*have been considering (but don't have the capacity at this time) of licensing some high school classroom teachers to offer college approved courses. We are a small and geographically isolated SU. Capacity is our biggest challenge at this time.*

*Training for all teachers is limited. It takes time to implement new programs/models. There are few models of best practice. There are too many initiatives at the same time which makes it a challenge to do all of them well.*

*We have active productive teacher based committees developing proficiency based graduation requirements and PLP details. Many questions continue to arise: how many times demonstrating a proficiency is enough, transcripts, special ed, 'passage' projects , proficiency credit for college , etc. The answers to these could be different district to district. We are actively exploring merger with another supervisory union and could have 2 sets of requirements at implementation. Also students moving from district to district may face significant differences*

*We are behind on this. As a very small system, we do not have the personnel to take on many of these initiatives. Or, it is the same exact personnel, over and over again, many of whom are adding the work to an already full plate. Act 77 is a great law, but we are behind. We will get there.*

*Portability of student portfolios - developing performance based graduation requirements. We were not involved in work offered last year by the AOE, and it has not been offered again. Why doesn't the state have one common learning management system? This should have been considered, now every district is going its own way which is not good for our students. Act 77 will require a shift in resources to manage community based placements. We will need to develop a transportation plan to get students to and from job shadows and internships. This will increase costs.*

*Due to where we are located geographically, opportunities in the immediate area are scarce. So, there are additional cost for transportation.*

*Transportation costs and the lack of opportunities in the immediate area. It is very difficult to design, plan and staff what needs to occur related to Act 77 without significant impact on other areas - all of which are required. All are important, but we continue to do more with less. We discuss flexible pathways and proficiency based systems but our infrastructure and willingness to collaborate outside of our own individual systems is limited in VT, in my opinion.*

*Last year the AOE launched a major effort to roll out Act 77. The focus of that roll out was local districts were given responsibility for much of the work. AOE needs more resources to fully support the work.*

*If we are not intentional and careful, Act 77 will exacerbate the achievement gap, not shrink it.*

*Need time for professionals to collaborate, plan. Need time and tools to work with and engage community and parents, students. Act 77 has caused people to pay attention, thank you!*

*The amount of time, especially in relationship to proficiencies, to do it right. It is very discouraging that a state as small as ours does not have one student learning management system for all school systems. The rural nature of our system makes for a long drive for college partnerships but we have leveraged digital means to improve in that.*

*Our schools have always provided youth with alternative pathways, so very little issue. The biggest concern is grading students using a Carnegie system, which soon will be proficiency based. Also, the challenge of transportation for our youth who can't afford their own transportation. Hiring an Act 77 Coordinator to help facilitate the PLP process and now the*

*requirement to have a licensed Work Based Coordinator. These requirements result in additional costs to budgets which were not planned.*

*We are on track for these changes. However additional costs for e portfolios and professional development for educators are extreme. More resources need to be devoted to implementation to result in meaningful personalized teaching and learning. Stronger partnerships with area post secondary institutions, greater interest in online or blended secondary courses with credit delivered at school site.*

END

## Appendix 1

### Response of Superintendent Ned Kirsch, Franklin West Supervisory Union to questions about challenges and unforeseen circumstances associated with implementation of Act 166

Under Act 166 our program will become more homogeneous and serve less peer models. We miss an important opportunity to intervene early and build collaborative relationships with families that are at risk and need early intervention.

Without transportation, which is cost prohibitive, we will not increase access to the students and families that will benefit the most. Lower income families do not have the means to get to and from school or an approved Pre-K program. Instead we are supplementing the cost of Pre-K education for families that will access the opportunity regardless of this law. Which misses the entire point of the law

Additional personnel costs with managing the Act 166 contracts and also being responsible for ensuring background checks employees of private businesses.

Schools in some areas boast of full implementation, that is only because their families have access to private providers. Not the case in rural areas.

The mandatory 10 hours is an arbitrary number. If they put in a flexible number it would probably fit much easier into school schedules, and we may be able to serve more students.

We are also now getting pressure from surrounding providers to get them services so they become "qualified." This will cost the taxpayers twice - the tuition dollars going out and costs to provide staff to meet the higher quality standards. I realize there are grants for this, and we tried that 4 years ago at FWSU. But as soon as the grant ended the pre-schools could not afford the qualified teacher.

We no longer have room for parent "play groups" which was a strong preschool readiness tool that heavily engaged families.

There are also special education implications for service delivery in adding another

10-hour session (and many schools throughout the state have struggled to get 3- 10 hours sessions in due to the distribution of time, transition needs, etc.). The management of tuition alone is an additional clerical/financial burden. If it weren't, why would VCPC be offering the following through one-year of grant funding for schools:

Quality improvements for accreditation/STARS by childcare programs

- Hiring of ECE teachers by providers or by school districts to serve community-based childcare programs
- Other improvements needed to meet the standards put forth in Act 166
- Support expansion of community-based prekindergarten options
- Pay for a consultant/mentor to navigate or coordinate the publicly funded prekindergarten system
- Outreach to families
- Professional development/outreach to community-based childcare programs

This is welcome support, but it still means we need to find the capacity and funds to support this once the grant has ended, which means something we already are doing and have tried to maintain despite budget cuts of the past 5 years may need to go. So, we build up one aspect of education at the expense of another.

ADM, if pre K counted as a full student, that at least could have helped fund this mandate a bit more.

END