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Supervisory
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TESTIMONY PROVIDED TO: The House Education Committee

From: Donarae Dawson, Director of Student Services
Subject: Act 166 - PreK Education Implementation Challenges and Potential Solutions
Date: January 13, 2017

Introduction:

The Washington West Supervisory Union (Harwood Unified School District) wholeheartedly supports the efforts of the legislature and the intent of Act 166 to provide universal preschool education to all 3-and 4-year "olds" in Vermont. We believe in high quality access to preK for children. Recently we have seen an increase in the number of 3 year olds who are accessing our public preK programs which is exciting for the school district. The challenges presented today are representative of our own supervisory union and are not meant to be representative of the challenges that other supervisory unions are experiencing. With that said, as President of the Vermont Council of Special Education Administrators, I do have a statewide perspective that I bring to the discussion. Our Early Education Committee has done quite a bit of work in regard to Act 166, and I have participated in many statewide leadership and stakeholder meetings; we have collaborated to try to find solutions to some of the access issues for students with disabilities and students from poverty.

This document is not all inclusive or exhaustive. Act 166 interpretation and implementation vary greatly around the state, and much of this variation depends upon the geographic location of the supervisory unions and the availability of private prek provider sites there. This testimony is meant to help identify many of the significant implementation issues so that the law can be comprehensively reexamined this year and the intention of the law can be carried out successfully statewide.

Significant Implementation Issues:

- ***No single organization in charge (CDD or AOE):*** It is not clear as to who is responsible for ensuring the law is followed and making sure providers or other agencies uphold their responsibilities.
 - In regard to the criminal record checking and fingerprinting, supervisory unions are not receiving guidance from the AOE that was in their purview, or not receiving consistent guidance in a timely manner. Superintendents

were told by the AOE to follow their lawyers' recommendations in solving the criminal record check and fingerprint fiasco.

- o As a result, superintendents were left to interpret the law with the help of their lawyers--this led to inconsistency among SUs and perceived inequities among providers and parents (e.g., SUs holding back the payments to centers until the fingerprinting of all staff was completed, what documentation was acceptable to supervisory unions--CDD or AOE results, whether public preK staff needed to be "re-fingerprinted," etc.)
- **Late notification about new 2016-2017 fingerprint requirements:** Resulted in a backlog of verifying results; State decision that preKs wouldn't be paid retroactively before the fingerprint results; tough for centers and parents alike; resulted in many phone calls from angry parents and providers to the supervisory union.
- **Not all providers are applying the \$3092 as full tuition for 10 hours/week for 35 weeks, as our contract stipulates:** There is no clear enforcer of this rule. Providers are reimbursing parents varying amounts:
 - o Many providers claim that 10 hours of universal preK costs them more than state-allocated \$3092, because of all the state requirements. For example, one provider only gives families \$1295 of the \$3092 back to families; it claims it needs the \$1797 difference to cover their costs. Other centers are also keeping a portion of the money, having figured out their own costs; some centers are giving the full \$3092 back to families for the 10 hours.
- **The number of universal preK State requirements makes it cost-prohibitive for providers to offer universal preK at the \$3092 per year.**
 - o Providers now have to absorb the cost of TS Gold.
 - o Providers have had to pay for additional liability insurance coverage, including worker's comp, which is costing them hundreds of extra dollars per year.
 - o Providers have to pay someone additional hours to track/manage the new preK program and provide required documentation to the SU.
- **Poor communication between the State and the families about the law:** Parents are not clear about what Act 166 entitles them to. They are only getting information from providers, and providers are interpreting the law differently.
- **ADM issues:** We were advised that preK students could not be counted in the census until the date that all staff had cleared a CDD check. This resulted in 59.6 fewer students being included in the preK ADM than we actually had and therefore a lower frozen equalized pupil count for FY2018 budgets. We are told this will be corrected but we have not received a revised frozen pupil count at this time. Potentially this could result in a higher tax rate for all our taxpayers.
 - o Many SUs simply counted all prekindergarten students in their ADM without regard to the CDD check and therefore equalized pupils have been determined inequitably. Districts that did not follow the law benefitted.
 - o It is my understanding that as of Tuesday 1/10/17, the AOE has communicated that they are going to re-calculate this for the FY18 budgets

- o Example: One WWSU resident student attending Doty public school - The school did not make the deadline for the CDD checks until December 12, 2016. So the WWSU business office must prorate another SU's payment. There are no consistent rules about how to do this. Today we learned, finally, that there is a Senate bill to address the recalculation of the equalized pupil count. Do we wait to prorate our Doty bill until this is official?
 - o Example: Superintendents had to spend time negotiating around payments/prorated payments for students because the ways we were making decisions around the documentation of CRC (fingerprinting) were different - two different lawyers.
- **Resource-intensive:** Entering into contracts with 19+ private providers both as a receiving and sending SU, tracking the CDD check date for all employees employed by these providers, and managing inquiries has required 1 full time employee and the support of several other staff throughout implementation. This is all administrative time at a cost when school districts are fiscally challenged and there are no new resources for administration.
- **Parents have routinely switched their child from program to program:** We are charged with working with parents and providers to negotiate what we will pay each provider based on the student's enrollment in each program. Often parents are not happy with how we are paying providers as it affects their cost, and much time is spent dealing with these sorts of issues.
- **Boundary applications and definitions/process for applying is still not solved:** Some districts/SUs applied and were denied more than once. Some SUs applied and stopped the process because the data required was too extensive and impossible to aggregate. WWSU was told this year that we do not need to reapply and that we may be able to become our own boundary; however, that decision has not been made to our knowledge.
- **Assessment administration/tracking and Collection of the assessment data:** Private Providers are spending substantial administrative time matching students to SU personnel who should have viewing rights to the assessments so that we can then go into the database and view and print reports on our resident pupils. This may be done more efficiently at the AOE, where the AOE provides the data to the school districts, just as they do SBAC, WIDA, Science Assessments, etc.
- **Supervision and monitoring of the Out-of-district Sites:** Who is monitoring the sites? The CDD is responsible for the monitoring, but are they doing it? Who is monitoring and ensuring program quality? It is not possible for SUs to ensure quality of all of the private programs. This is a statewide question from special education directors via the VCSEA Early Education Committee.
- **Discrimination issues for students with disabilities:**
 - o Students with disabilities only receive special ed. services in preK if they are attending a site within our Supervisory Unions
 - WWSU has students in 11 out-of-district sites. We are responsible for our resident student evaluations, but we are not obligated by law and also do not have any capacity to send our staff to out-of-SU

sites to provide services. This will impact early intervention for students

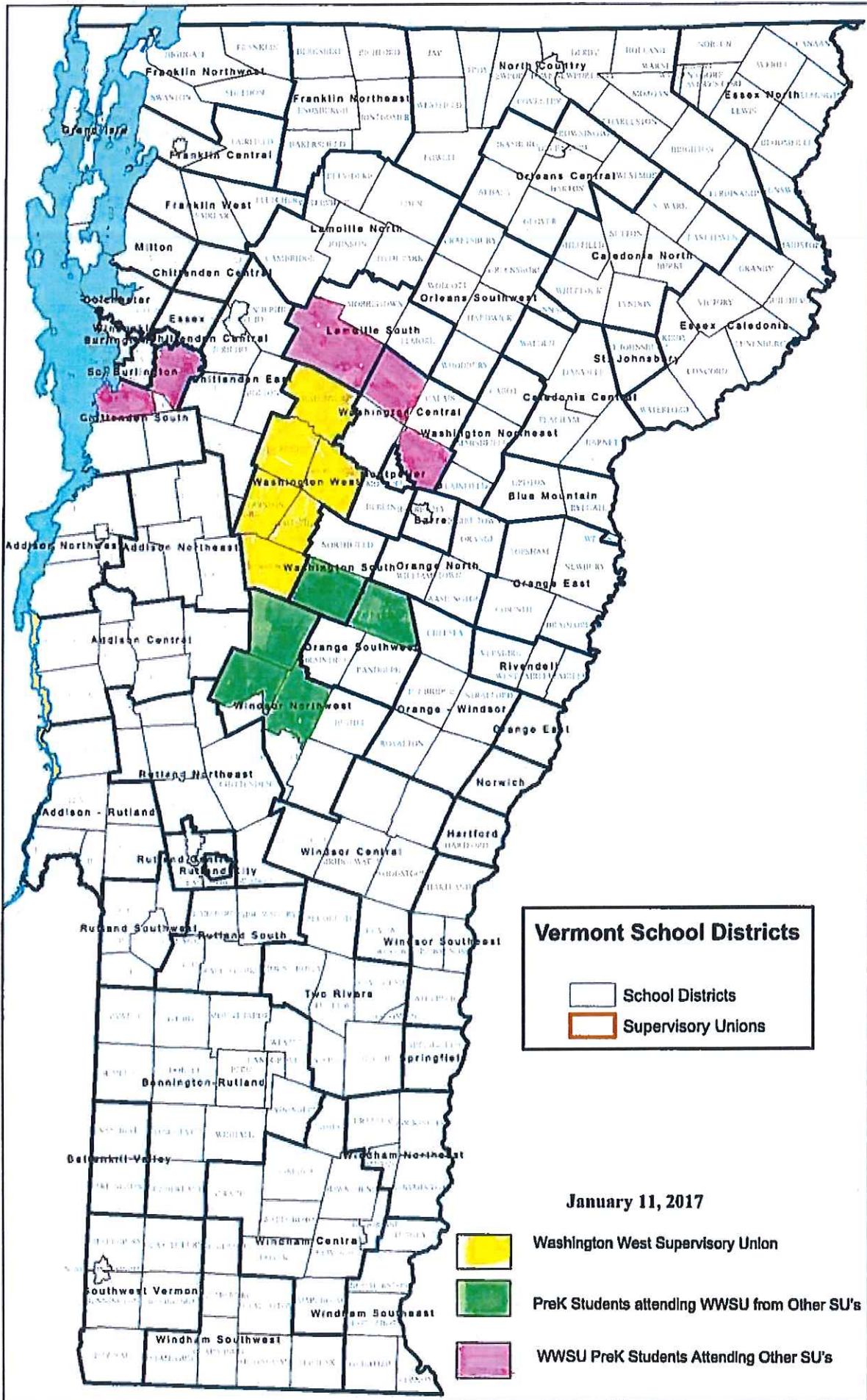
- **Private providers have limited awareness regarding how to provide for accommodations/services under Section 504.** The AOE has sent them a memo, but this is a significant and complicated process. Providers have varied experience, knowledge of the law, and levels of comfort identifying students who have disabilities and need a 504 evaluation and/or plan..
- **Transportation impacts preK student access to special education services.** This is a critical problem for some of our supervisory union in rural locations and also for supervisory unions, such as WWSU whose boundary has not been able to be established and has preschoolers in sites many miles from the SU.

Suggestions for Improvement:

- **Resolution between CDD and AOE regarding the criminal record check processes** (e.g., fingerprint-supported or not and the required documentation to provide to supervisory unions)
- **Keep the voucher but require children to stay in the boundary of the SU:** This would help the SUs and the providers spend less overhead on managing the process.
- **Thorough analysis of how much it costs to provide universal preK:** Reevaluate and then require participating providers to charge ONLY that amount for the 10 hours week for 35 weeks; currently, with no one organization in charge--and therefore no guidance or enforcement--providers are determining their own costs and charging parents more than the State amount.
- **TS Gold assessments could be handled more efficiently at the AOE:** Now we require private providers to spend their time with this administrative task. Why would we not want the AOE to provide the data to the school districts, just as they do SBAC, WIDA, Science Assessments, etc.?
- **Make the contracts for private preK between the AOE and the private providers.** Currently every supervisory union is negotiating separate contracts with providers according to how their SU is interpreting the law, and private providers are having to deal with many different versions of contracts and procedures.
- **Designate one organization to be in charge of preK, making the rules everyone must follow:** This would eliminate inequities.
- **Require the AOE to be responsible for overseeing the preK programs outside the public schools** and to have staff available to consult with private preK sites for 504 evaluation, implementation, and possibly for special education services.
- **Designate one organization as the enforcer of the law:** Yes, the SU enters into a contract with the providers, but no enforcer is making sure the providers are upholding their end of the deal with parents - this would require school districts to hire staff.
- **Designate which organization is responsible for supervision of sites.**
- **Better communication:** It would be helpful if the State would create one easy-to-understand document with a synopsis and bullet points that explains to

families what Act 166 entitles them to. Put it in an easy-to-locate spot on the website where SUs could direct parents. Parents are feeling out of the loop and at the mercy of the providers. They try communicating with providers but they are getting varying answers; as a result, families are calling the SU with complaints, assuming that we are responsible and have the authority to take some action.




- **Allow SUs to pay retroactively:** Even though most children will reach the 350 hours since the AOE is allowing for compressed time, a handful will not. These children are the ones only attending ~10 hours per week. That is frustrating those parents. These centers have been trusted partners for years. Why not allow them to be paid retroactively during this transition year?
 - Plus, some people are getting hung up on the fact that there is no retroactive pay...not realizing that it won't matter in the long run, that most students will receive the full voucher amount.



Vermont School Districts

-  School Districts
-  Supervisory Unions

January 11, 2017

-  Washington West Supervisory Union
-  PreK Students attending WWSU from Other SU's
-  WWSU PreK Students Attending Other SU's

2016-2017 Washington West SU PreK Enrollment

Summary

- 15 private centers plus 1 public school partner (Doty Memorial)
- 11 partner preK sites outside our SU boundaries
- 67 Waterbury-Duxbury resident students attending private centers
- 27 Valley resident students attending private centers
- Total number of resident preK children in our SU: 67 + 27 + 146 (see Table 1) = 240

Data Provided in the Tables

- Table 1 shows the number of students attending a WWSU public school.
- Tables 2 and 3 show the number of students attending inside our boundary and outside our boundary, respectively.

Table 1. Resident and Non-Resident PreK Students Attending a WWSU Public School

WWSU School	Total # Resident Students	Of Total, # Non-Resident Students
TBPS	36	0
Moretown	25	5
Warren	43	3
Fayston	19	2
Waitsfield	23	0
Total	146	10

Table 2. PreK Students Attending a Private PreK Inside WWSU Boundary

Private PreKs (5)	# Students Attending
Children's Early Learning Space	11
Hunger Mountain Children's Center	16
Kelley Hackett's Daybreak	4
Learning Ladder	8
Spring Hill School	21
Total	60

Table 3. PreK Students Attending a Private PreK Outside WWSU Boundary

Private PreKs Outside WWSU Boundary (11)	# Students Attending
Adventures in Early Learning: Shelburne	1
Appletree: Stowe	3
Doty: Worcester	1
Heartworks Stowe	4
Heartworks Williston	1
Kids' School: Stowe	1
Kinderstart: Williston	1
Mountain Village School: Stowe	6
Nadeau's: Williston	1
OVWS: East Montpelier	2
Turtle Island: Montpelier	2
Total	23