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Testimony

To: House Human Services Committee, Ann Pugh, Chair
From: Reeva Murphy, Deputy Commissioner
Subject: Prekindergarten Education (pages 7 – 26 of S.257 An act related to miscellaneous changes to education law)
Date: May 3, 2018
Cc: Al Gobeille, Ken Schatz, Candance Morgan, Karen Vastine, Leslie Wisdom, Amy Fowler, Haley Jones

Over the summer and fall of 2017, the Secretaries of Education and Human Services were charged with examining the implementation of Act 166, consulting with stakeholders, and developing recommendations to the Legislature to “ensure equity, quality, and affordability, and reduce duplication and complexity in the ... delivery of Prekindergarten services.” In November the Secretaries delivered eight consensus recommendations in answer to that charge.

Speaking for the Agency of Human Services, we are appreciative that this version of S.257 supports four critical recommendations in that report: entitlement to 10 hours of prekindergarten education for all 3 and 4 year olds in Vermont; portable tuition that acknowledges the particular challenges families face balancing work and parenting in these early years; the Education Fund as the resource supporting publicly funded PreK; and increasing efficiency by identifying one agency to administer the program. We continue to urge alignment with all of the recommendations the Agencies brought forward.

We have specific concerns related to four areas where there is significant divergence between this version of the bill and our recommendations.

1. Centralized vs. local program administration: registration of students; contractual agreements; payments; and data collection

Across all stakeholders in the implementation of Act 166, the proliferation of partnerships between private providers and public school systems were an unintended and frustrating feature of early implementation. Agency of Education has proposed a streamlined, centralized, registration, contracting, accounting and payment system that achieves desired efficiencies, financial parity and transparency, and centralized data collection without burdening schools and private providers with additional reporting requirements. None of



these ends are achieved in returning these functions to local school districts. The ability to have a common contract hinges on the state, represented by the Agency of Education, as one of the parties entering into the agreement. The Agencies provided a clear template for agreements between schools and private providers in Act 166 implementation. As a practical matter, local schools in Vermont have the authority and opportunity to do things differently and have modified that template in ways that align with their own systems. We do not believe that the state can dictate the terms of an agreement between two independent parties as described in Sec. 9. 829 (e)(4)(B) (ii) on page 15. This change to preserve local administration perpetuates, rather than resolves, one of the most widespread issues and inefficiencies encountered in implementation. It also impacts the balance between public and private providers in the mixed delivery system we seek to maintain. Since it maintains decentralized information, the data necessary to provide accountability is dispersed and will have to be collected from private providers through school systems and from school systems to AOE increasing administrative burden and decreasing data quality at every level.

We have heard and share concerns about the decline of local partnerships between public and private providers under a centralized system. We admire the innovation of districts and SUs that have voluntarily collaborated to create aligned contracts. Imagine the potential of that same energy around regional partnerships focused on teaching and learning, family engagement, transitions, collegial relationships and shared professional development rather than on business transactions. That is a great role for local district leadership and something we could all get behind.

2. Common standards and monitoring

The health, safety and well-being of very young children in early care and learning settings is a particular concern for DCF. Three and four-year-old children are not just smaller than school age children – they are significantly and substantively different in how they approach learning and relationships and what they need to thrive and develop. They are less independent and more vulnerable to environmental hazards. That’s why Vermont has maintained compliance with child care regulations for all programs serving very young children. In proposing to cede oversight of these developmentally necessary safeguards to local school administration and school boards, the AOE proposed to promulgate regulations for young learners in publicly operated programs consistent with those recommended by the American Academy of Pediatrics and adapted in Vermont licensing regulations for Center Based Child Care and Preschool Programs. The AOE intended to monitor public program compliance with those rules as part of the centralized administration proposal that supported two new staff positions in AOE to manage all aspects of universal prekindergarten implementation.

This version of the bill presents ambiguous language related to safety and quality rules. Sec. 9. 829 (c)(2)(B)(i) and (ii) on page 12 state that schools need to comply with “safety and quality rules adopted by DCF” until such time that rules are adopted by the State Board of Education, but it is unclear if the intent is that DCF shall continue to regulate these public providers until that time. Later, in Sec. 9. 829 (e) (12) on page 18, the law requires safety and quality requirements for prequalified public programs to be included in rules but there is no reference to consistency with the evidence-based child care regulations governing private programs. This



erodes the concept of common program standards across all prequalified PreK programs and raises a red flag for us about developmentally appropriate health and safety for young learners in settings and systems designed for older children. Sec. 9. 829 (e) 10 on page 17 assigns responsibility for monitoring program quality in public schools to AOE - without the additional staff capacity afforded by centralized administration there is no capacity at AOE to fulfill this requirement. With no involvement of the child care licensing staff at DCF, public school PreK programs will not be subject to monitoring beyond local oversight. This is a significant change from the recommendations proposed by the Agencies and it impacts the most basic of protections for very young children in group settings. In Section 11, on page 21, revisions to Title 33 create an exemption from child care regulation for public PreK programs that is not synchronized with the time it will take to develop and adopt new rules for those programs under the State Board of Education which adds to the ambiguity of when licensing compliance ends, and local oversight prevails for public programs.

3. Change in weighted membership

Since the introduction of differential weighted membership in the House bill we have had many questions from stakeholders about what impacts this change may have on the mixed delivery system in publicly funded PreK in Vermont. The language in Sec. 10. 4010 (c) (2) on page 20 is unclear as to whether this additional weight can be claimed by increasing tuition to private partners or can only be claimed when 20 hours are offered by a public school program. The intent is unclear. If this is limited to school operated programs, there is no equivalent opportunity for additional public PreK funding for private programs providing PreK services for 20 hours or more. It raises questions about the impacts of this provision on equity across children and families, especially those who need to access full day, full year services to work and provide financial stability for their children. We are fully supportive of more hours of PreK for children who can benefit from it but if the intent is to increase hours, shouldn't the entitlement be increased for all? What impact does an increase in hours and this change in weighted membership have on the Education Fund? This seems like an idea that needs clarification and consideration of potential impacts and consequences.

4. Time

In 2015, the original language in Act 166 allowed for a full year of policy and process development before changes from Act 62 (the previous PreK bill) took effect. This essential element for successful implementation was eliminated in the law as enacted. The result was a scramble to develop and promulgate rules and processes in four months without attention to effective change management across the complex landscape of early care and learning in Vermont. Because schools had already passed budgets for 2015-2016 that did not address the requirements in the new law, we had to allow for partial, voluntary implementation in 2015-2016 which increased confusion and confounded communication for all participants, from families to state agency partners. 2016 -2017 was the first year of full implementation. There are successes – an increase since 2014-2015 of 2,669 more children enrolled in publicly funded PreK. In the National Institute for Early Education Research (NIEER) State of Preschool Yearbook for 2017, Vermont is recognized as 3rd in the country for PreK access for 4-year olds and 2nd in the country for access for 3's. Per pupil spending in PreK declined by \$253 per child.



There has been a lot of building this plane as we flew it without sufficient time for considering unintended consequences, communication, and dialogue. Relationships are frayed. We know this is not the way to successfully manage change. Implementation science and our lived experience is loud and clear on this. Successful implementation takes time. The Secretaries recommended one full school year to manage change effectively before putting changes to universal PreK in place. This bill indicates that all sections except Section 8 shall take place upon passage – that means this summer for the 2018-2019 school year. These are major changes – a big lift. Four months is not sufficient to achieve success – especially for one Agency with full responsibility. Please, delay the implementation date for Sections 9-12 until July 2019.

There are two other provisions that preserve administrative burdens and complexity without, from our perspective, good purpose or clear benefit:

- Sec. 9. 829 (c) (1)(A)(iii) (page 10-11) ...three STARS with a plan... This language will be obsolete and unneeded in the very near future as STARS evolves in accord with a recently completed evaluation.
- Sec 9.829 (h) (page 18-19) Geographic limitations. Agencies have recommended to eliminate PreK regions.

With regard to the Prekindergarten Advisory Committee and Report (Sec. 13 on page 22), I am curious as to how this relates to the PK – 12 Council or the Think Tank work sponsored by the Building Bright Futures Statewide Early Childhood Advisory Council. There are a lot of complex questions identified that may be difficult or impossible to answer with available data and six months does not leave time for data collection, especially since schools, who hold much of the descriptive data, will not be in session for three of those months. We are not named as participants, but I wonder why we are making changes in the law and then asking questions before those changes have had a chance to take effect. The Secretaries recommended that Vermont allow for 18 months of full implementation of any changes and then contract with a 3rd party to evaluate implementation and make recommendations for the next iteration.

