



Vermont  
Superintendents  
Association



To: Members of the House Education Committee  
From: Jeffrey Francis, Executive Director for the Vermont Superintendents Association  
Sue Ceglowski, Executive Director for the Vermont School Boards Association  
Traci Sawyers, Executive Director for the Vermont Council of Special Education Administrators  
Jay Nichols, Executive Director for the Vermont Principals' Association  
Re: Testimony - 20-0816 version 6.2 An Act Relating to Prekindergarten Education  
Date: February 25, 2020

On behalf of the above organizations, we welcome the opportunity to provide this testimony. In this testimony, we will re-emphasize our longstanding calls for quality, equity, and simplicity in Vermont's prekindergarten delivery system and provide feedback on draft bill 20-0816 V6.2 addressing Act 166.

Creating and maintaining any effective system requires a willingness to make adjustments. Since enactment of the law in 2014 and despite the issuance of the Memorandum titled "[Recommended Reform of Act 166](#)" by AOE Secretary Rebecca Holcombe and AHS Secretary Al Gobeille, there have been no adjustments made to the Act by the General Assembly. There are persistent reports of concerns from the field.

Kate Rogers, AOE Early Education Manager provided this definition on 1/18/2020: **"What defines Vermont's Universal Prekindergarten Education (UPK) is the implementation of high-quality, effective instruction by licensed educators who use evidence-based practices within intentionally designed early learning environments."**

The House Education Committee's recent phone conference with the National Institute for Early Education Research provided clear guidance. Vermont has focused on access. It's now time to focus on quality. The research is compelling -- the credentials of both the lead teacher and the assistant teacher affect child outcomes.

As noted in our January 23, 2020 testimony the core principles that guide our recommendations are: **equity, quality, and simplicity**.

- *Students with disabilities do not have **equitable access** to educational services when compared to their peers who do not have disabilities (**equity**).*
- *There is inconsistency in the requirement of direct teaching time by credentialed staff (**equity**).*
- *There is insufficient child outcome data necessary to evaluate the system (**quality**).*
- *There are many challenges with systems oversight and administration by the State (**simplicity**).*

**We do not support Draft 6.2 of 20-0816 as written as it does not make sufficient improvements to equity, quality, and simplicity in the PreK delivery system.**

Our specific assessment of the Draft is as follows:

### **Implementation Goals Not Met in 6.2**

#### **Goal: Consistency Across the Delivery System (settings) in Licensed Teacher Qualifications and Contact Hours**

**Draft 3.1 addressed** this by requiring a licensed teacher to provide direct instruction during the prekindergarten hours funded by the school district. **Draft 6.2** moves away from this goal by omitting any reference to increasing direct licensed teacher contact time across the delivery system. Research clearly demonstrates the importance of having a high quality teacher providing instruction to prekindergarten children. A qualified educator is what distinguishes prekindergarten education from early childcare.

#### **Goal: Elimination of Joint Oversight**

**Draft 3.1 addressed** this objective by establishing regulatory oversight by AOE for public providers and oversight by AHS for private providers. Annual reports would be done collaboratively. We believe that advantages of bifurcating oversight, with proper interagency coordination on common interests, will prove better for both public schools (AOE) and private providers (AHS). Joint oversight has not worked well thus far. **Draft 6.2** requires dual oversight for the quality rating system.

#### **Goal: Monitoring Quality and Accountability**

**Draft 3.1 addressed** this by requiring program operators to notify their respective agency and school districts within 5 calendar days when it no longer satisfies one or more requirements. **Draft 6.2** requires the Secretary of Education and the Commissioner for DCF to establish a process for remedial action. The language excludes any timelines and provides no requirements in terms of actionable responses to serious violations by the AOE and AHS. This is of special concern given that it has taken five years to see an introduction to the PreK Monitoring System and that this new system has not been introduced to the field.

### **Implementation Goals Partially Met in 6.2**

#### **Goal: Special Education Portability/FAPE (equity and quality)**

We support the inclusion of the Special Education Study to examine the matter of equity for preK students attending a program outside of the student's district of residence. However, **Draft 6.2** takes no immediate action to address the inequities experienced by students with disabilities and their families. We support an analysis of the early childhood special education funding system. Subjects of the analysis should include but not be limited to: PreK pupil weighting, census-based block grant, and the EEE grants.

### **Implementation Goals Met in 6.2 (should be retained in any subsequent draft)**

#### **Goal: Clearly indicate two years of preK eligibility**

**In both 3.1 and 6.2** there is a clear and unambiguous statement establishing two years of eligibility for publicly funded preK, which is consistent with the intention of Act 166.

#### **Goal: Removal of 3-Stars with a Plan**

**In both 3.1 and 6.2** there is language moving to 4 stars as the minimum. This is an enhancement in quality requirements.

#### **Goal: Removing liability of public school systems for private provider actions**

**In both 3.1 and 6.2** there is language that removes liability of public school systems for private provider actions. This is a positive step as public school systems should not be liable for actions of private providers for whom they have very little, if any, oversight or authority over.

**In conclusion, while we appreciate the efforts the committee has made to improve Act 166, we cannot support Draft 6.2 because it does very little to address equity, quality and simplicity, which would improve the quality of instruction and programming for preK children in the State of Vermont.**