



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 3.1 An Act Relating to Prekindergarten Education  
Date: February 6, 2020

Good afternoon. On behalf of the organizations indicated above, we are pleased to provide this testimony on draft bill 20-0816 V3.1 addressing Act 166 and prekindergarten education.

In 2014, our Associations supported H270, which became Act 166.

The decision to support the bill establishing universal access to prek education was a simple one for our Associations.

Educators recognize the significant value of investment in prekindergarten education. Educators understand that investment in early education is one of the best education investments available. And, they understand that a delivery system that relies on the strength of our public school systems and the participation by qualified private early care and education providers are the underpinnings of a system that is good for all. This is why there was widespread support for Act 166.

Act 166 was enacted with a great deal of enthusiasm and with expectations for a dual system, overseen jointly by the Agency of Education and the Agency of Human, that would function efficiently, expanding opportunity and creating better access and greater equity.

Since the enactment of the law, there have been no adjustments made legislatively.

In fact, in 2017, our Associations provided testimony supporting an early analysis of the implementation of the law, because we were hearing feedback from our members that adjustments were in order. Many of the concerns raised in 2017 have gone unaddressed.

On January 23rd, Sandra Cameron for the VSBA and Chelsea Myers for the VSA testified on behalf of our Associations and provided a slide presentation outlining many of our concerns.

Your invitation to testify on the draft bill today provides the opportunity to focus on particular areas of interest and share specific feedback on the draft bill. We appreciate that opportunity.

Before we outline our specific testimony, we want to emphasize two points.

First, in testimony about early care and education, it is common to hear about the importance of keeping children and families at the center of the public policy equation. We agree. And, we believe that in any ambitious public endeavor, like providing publicly funded universal access to prek education, the best way to serve children and families in the most fair, equitable, effective and efficient manner is through the creation, maintenance, evaluation and finetuning of a strong system. Creating and maintaining any effective system requires a willingness to make adjustments - that is why we support the effort by this Committee to work on this bill.

Second, we believe that a system for delivering high quality prekindergarten education should rely on both public schools and private providers.

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

In that testimony, Sandra Cameron, M.Ed and Chelsea Myers, M.Ed. introduced 'problem statements' which were informed by feedback from the field, local and national data and assessment, first-hand experience, and collective observation. We would like to

reemphasize these problem statements and speak to how the current draft addresses these concerns, and where our concerns have not been addressed. In addition, a detailed and specific review of the draft is provided.

***Problem Statement:*** *Students with disabilities do not have **equitable access** to educational services when compared to their peers who do not have disabilities (equity).*

A fundamental issue with Act 166 is that access is limited for children with disabilities and in some cases children are not receiving early special education services that can make a difference especially at that age. Non-discrimination with respect to disability status is a fundamental civil right. This protection should apply to any school or program in Vermont that is a recipient of public dollars, including community-based Pre-kindergarten programs.

Although the Committee bill does not address this significant issue, we believe that it is an issue that cannot be left unaddressed. We recommend that the Committee include language within the bill that acknowledges this as an issue and commits to further examination.

***Problem Statement:*** *There is not consistency in the requirement of direct teaching time by credentialed staff (home-based providers compared to private center-based compared to public schools (**equity**)).*

***Problem Statement:*** *There is insufficient child outcome data necessary to evaluate **quality** in the system overall.*

Vermont should implement a continuous quality improvement system for prekindergarten programs, to include: a structured observation of classroom quality at least annually, use of a reliable and valid classroom observation measure, and provision of results from classroom observations fed back to the classroom to improve practice (NIEER Quality Standard Benchmarks). It is clear through testimony from the field that the structures, such as Vermont Early Learning Standards and child progress monitoring are available but the level of adherence to and utilization of these structures varies widely.

***Problem Statement:*** *There are many challenges with systems oversight and administration by the State (**simplicity**).*

Draft 3.1 makes significant progress to simplify oversight through elimination of joint oversight while continuing towards uniformity through a joint rulemaking process.

**Dr req 20-0816; Review of draft 3.1**

	<b>Reference</b>	<b>Draft Bill Element</b>	<b>Response</b>	<b>Reasoning</b>
1.	Pg 1, lines 5-6	Eliminate Joint Oversight	We (VSBA, VSA, VPA, VCSEA) Support	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.
2.	Pg 2, lines 1-7	Five year old enrollment ONLY with IEP or 504, and education team recommendation	We Support	This is a clear and unambiguous statement establishing two years of eligibility for publicly funded prek, which is consistent with the intention of Act 166
3.	Pg 2, line 3 (and through the document)	Prequalification Language is Struck	We Support	Respective Agencies will develop monitoring & evaluation processes for private providers and public schools
4.	Pg 4, lines 6-10 Pg 11, lines 9-16	School District notifies partners of expansion, but no application/needs assessment	We Support, and request that communication be reciprocal - private providers should inform public school districts when they expand as well.	This is both an operational and equity consideration. Schools should act responsibly to adjust capacity when it is necessary and when conditions support expansion. Private providers should do the same.
5.	Pg 5, lines 9-13	Removes eligibility for programs with 3-stars and a plan	We Support	Moving to 4 stars as the minimum is an overall qualify enhancement

6.	Pg 5, lines 14-18	Requires licensed teacher to provide direct instruction (vs. "onsite")	We Support	Improving quality of instruction is consistent with the goals of Act 166 and best practice.  *note concern about home based providers see below
7.	Pg 5, line 18	Montessori certification would be eligible to meet quality requirement (licensed teacher)	We Do Not Support	Insufficient information on potential implications.
8.	Pg 6, lines 1-3	Family ChildCare Home - three hour minimum for direct instruction - licensed teacher	We Do Not support:	Inequitable for children; inequitable for different teaching provisions with same tuition rate - insufficient quality improvement
9.	Pg 6, line 11-12 Pg 19, lines 17-21 & Pg 20, lines 1-2	Health and Safety Requirements	We support clear and appropriate health and safety requirements developed in accordance with best practice and protective of the health and safety of prekindergarten age children. We are not sure that the health and safety requirements must correspond precisely to those in effect by CDD but will support requirements protective of children as a priority with appropriate attention to health and safety practices currently in effect in public schools. Health and safety of prek children should be the highest priority.	

10.	Pg 6, line 13-15 & Pg 7, line 5	AHS & AOE each maintain & post qualified providers on their respective websites;	We Do Not Support:  Recommend one unified repository (could be Bright Futures Information System), linked to each website	We believe that the better approach is to maintain a joint prekindergarten education site with information
11.	Pg 6, lines 15-19 & Pg 7, lines 1-5	Providers that no longer qualify must notify respective agencies & partners	We Support, and recommend: <ul style="list-style-type: none"> <li>• consequences for failure to notify,</li> <li>• timely action plan for addressing issue of quality standards, and</li> <li>• timeline/process to cease tuition payments when issue persists</li> </ul>	Lack of these processes in the current system has resulted in unresponsiveness to concerns
12.	Pg 7, lines 16-17	Tuition within the academic year	We Support	Aligns with School District schedule and calendar
13.	Pg 9, lines 4-16	Uniform Forms and Processes; SD ability to adapt	We Support with Adjustment <ul style="list-style-type: none"> <li>• Consult with business managers/prek coordinators/private providers to assure useful cost benefit of this change</li> </ul>	Our discussion with local school officials indicates value to this approach but complications in achieving it. They do not support simply having AoE develop and would like to provide input, analysis and recommendation to guide any change
14.	Pg 9, lines 17-21 & Pg 10, lines 1-6	SUs only monitor their own prek programs; are immune from liability & penalties from contracted programs	We Support; <ul style="list-style-type: none"> <li>• Interested in the Board of an SU adopting a monitoring policy (model)</li> </ul>	Policy guidance consistent with best practice should be sufficient to assure quality monitoring

15.	Pg 9, lines 1-3	No Additional Fees for the hours of prek	We Support	prek hours are publicly funded
16.	Pg 10, lines 7-16	Regulatory oversight by AOE for public providers and by AHS for private providers; Annual reports done jointly	We Support	Simplified oversight with collaborative reporting
17.	Pg 14, lines 4-15	Agencies jointly report monitoring & evaluation to GA...at a minimum... program details, quality, results for children	We Support <ul style="list-style-type: none"> <li>Systematic feedback of Agency functionality/performance by the field</li> </ul>	
18.	Pg 10, lines 17-20, Pg 15, lines 1-10	Joint Agency Rulemaking	We Support <ul style="list-style-type: none"> <li>Pg 16, lines 5-10 appear redundant to Sec 6 (p. 19, lines 17-21 through p20, line 2)</li> </ul>	
19.	Pg 15, lines 17-21 & Pg 16, lines 1-11	Geographic Limitations	We have not completed our review of this section.	Considerations include portability, equity, effectiveness, efficiency and program continuity
20.	Pg 17, lines 12-19 & Pg 18, lines 1-3	Public programs are exempt from CDD license unless they participate in CCFAP	We Support	
21.	Pg 19, lines 2-12	Dates for the Development of Uniform Forms & Processes	<ul style="list-style-type: none"> <li>See comment on forms above</li> </ul>	
22.	Pg 20, lines 3-13	Three year Interim requirement for teachers in private prek settings	We would support a shorted timeline:	

			<p><i>“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. “</i></p> <p>Vermont Universal prekindergarten Accountability and Continuous Improvement System - presented by Kate Rogers AoE February 6, 2020</p>	
	Pg 20, lines 14-21	Definition of Coaching	We Support	

We would be more than happy to answer any questions.