

## Memorandum

**To:** House Human Services Committee  
**From:** Leslie Wisdom, DCF General Counsel  
Emily Simmons, AOE General Counsel  
**Re:** H.935 PreK Bill – Proposed Language  
**Date:** March 12, 2020

Please see the proposed language below for H.935, the Prek bill. This language addresses 3 STAR programs coming into compliance with the 4 STAR requirement and the report in section 6.

### Proposed STARS language in a new section of the bill:

Three-star programs with plans that were approved no later than July 1, 2020 will have until July 1, 2021 to come into compliance with the prekindergarten program quality requirement option of four stars in the Department for Children and Families' STARS system.

### Section 6 report language:

Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED PREKINDERGARTEN TEACHERS

#### (a) Findings and purpose.

(1) Prekindergarten education is provided in Vermont through a mixed delivery system by a combination of private providers, which are regulated either as a center-based child care program or family child care program, and by public schools.

(2) A private center-based provider is required to employ or contract with a teacher with a valid Vermont educator license with an endorsement in either early childhood education or early childhood special education (qualified teacher). A family child care home is also required to employ or contract with a qualified teacher, unless the operator of the family child care home is a qualified teacher.

(3) While public schools retain qualified teachers to provide direct instruction to prekindergarten students, under current law, private providers retain qualified teachers to either provide direct instruction to prekindergarten students or training and supervision to the provider's staff, or both.

(4) The General Assembly finds that it is best practice for prekindergarten education to be delivered through the implementation of high quality, effective direct instruction by qualified educators who use evidence-based practices within intentionally designed early learning environments.

(5) However, the General Assembly recognizes that there may be challenges to requiring private programs to retain qualified teachers to solely provide direct instruction, which may include a lack of



qualified teachers in Vermont and the financial impact this requirement may have on private providers and families.

(6) Therefore, the General Assembly is commissioning the study under subsection (b) of this section in order to better understand the issues and concerns that may arise if private providers were required to retain qualified teachers to solely provide direct instruction for all or a portion of the prekindergarten education hours that are publicly funded.

(b) On or before December 15, 2020, the Agency of Human Services and the Agency of Education shall study and report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare **and the Joint Fiscal Office:**

(1) the number of teachers in the State who are licensed and endorsed in early childhood education or early childhood special education under 16 V.S.A. chapter 51 (qualified teachers);

(2) the number of private prekindergarten education programs in the State and the **reported** number of qualified teachers employed by or contracted with those programs;

(3) the **reported** average number and range of direct instruction hours prekindergarten children receive from qualified teachers employed by or contracted with center-based child care programs and family child care homes qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act, respectively;

(4) the number of public prekindergarten education programs in the State and the **reported** number of qualified teachers employed by or contracted with those programs;

(5) the number of public-private partnerships that permit providers to offer prekindergarten pursuant to 16 V.S.A. §829(e)(2)(A) and the reported number of qualified teachers and reported average number and range of hours they provide direct instruction;

(6) results from a literature review of best practice models for prekindergarten education programs regarding the number of hours spent by qualified teachers on direct instruction to prekindergarten students as well as the number of hours spent by qualified teachers on program development and other program duties.

(c) On or before February 1, 2021, the Joint Fiscal Office shall study and report to the House Committees on Education and on Human Services and the Senate Committees on Education and on Health and Welfare:

(1) an estimate of the additional number of qualified teachers that private prekindergarten education programs would need to employ or contract with if those programs were required to use the services of teachers for direct instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as amended by this act;

(2) the budgetary implications to private prekindergarten education programs and the fiscal impact to families of requiring these programs to employ or contract with teachers for direct instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as amended by this act; and

(3) taking into account **the reported literature review** and the General Assembly's goal to have prekindergarten education be delivered through the implementation of high quality, effective direct instruction by qualified educators who use evidence-based practices within intentionally designed early learning environments, recommendations on how many hours of direct instruction by qualified teachers should be required in:



(A) a public school that offers prekindergarten education;

(B) a regulated center-based child care program qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act;

(C) a regulated family child care home qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home is a qualified teacher; and

(D) a regulated family child care home qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home is not a qualified teacher.

