

Act 166 Considerations

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Vermont
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Association



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CONSIDERATIONS FROM THE ACT 11 STUDY

➤ Charge:

- Act 11 required an investigation of “how to identify ways that the prekindergarten education system may create undesirable outcomes for prekindergarten students, their parents or guardians, or providers of prekindergarten education services or child care services and steps to mitigate them,” yet there is no information on child outcomes
- Study is about access, not quality

➤ Sampling:

- Convenience sample was utilized in qualitative research component, yet these are highly vulnerable to selection bias and influences beyond the control of the researcher, high level of sampling error, studies that use convenience sampling have little credibility, typically used in pilots
- In the parent survey, data is not representative of VT’s demographics (eg: per US Census, Vermonters with Bachelor’s degree or higher is 37% yet this report included data from a sample where 59% of families had a Bachelor’s degree or higher)
 - Were there attempts to interview guardians not accessing the services under Act 166?
 - Were there attempts to interview guardians with lower literacy levels?
 - Lower representative sample of guardians with kids in family child care
- Quantitative sample - excluded programs had more 3-Star programs

CORE PRINCIPLES

EQUITY

QUALITY

SIMPLICITY

PROBLEM STATEMENTS

Students with disabilities do not have **equitable access** to educational services as compared to their peers who do not have disabilities.

Specific Concerns

- Limited resources for SDs to provide services outside of the geographic boundary, families sometimes decline much-needed services or are limited to within-district option
- Parents of students with IEPs have fewer options than those parents who have students without IEPs
 - 90% of children with an IEP were enrolled in programs within the boundaries of the LEA/64% of children with an IEP were enrolled in public programs compared to 47 % of those without an IEP (REL, 2020)
- Imbalance of students with IEPs in public programs, cost more to educate

Specific Concerns

- Reports from the field of limited understanding of ADA and Section 504 compliance in private settings so universal access, modifications & accommodations cannot be ensured to each and every child

Potential Solutions

- Training for private providers and monitoring all programs for ADA & Section 504 compliance
- Require high-quality UPK options in those regions with limited options through public school if need is not currently met or increased TA & monitoring of private providers to ensure service plans can be met



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CLEARING A PATH
FOR PEOPLE WITH SPECIAL NEEDS
CLEARS THE PATH FOR EVERYONE!

Equity—The state that would be achieved if individuals fared the same way in society regardless of race, gender, class, language, disability, or any other social or cultural characteristic. In practice, equity means all children and families receive necessary supports in a timely fashion so they can develop their full intellectual, social, and physical potential. **Equal treatment given to individuals at unequal starting points is inequitable.**

Instead of equal treatment, we should aim for equal opportunity. This requires considering individuals' starting points, then distributing resources equitably (not equally). Attempting to achieve equality of opportunity without considering historic and present inequities is ineffective, unjust, and unfair.

Source: NAEYC

PROBLEM STATEMENTS

Educational equity is not achieved, nor is it being thoroughly evaluated.

Specific Concern

- Flat statewide tuition rate does not provide assurance of quality markers, such as direct instructional contact time by licensed teachers or opportunity to achieve similar child outcomes, nor does it support students who require additional support across settings. Currently, the same tuition rate applies regardless of whether the education service is provided by a licensed teacher and regardless of the composition of the students.

More Details

- Students with IEPs and/or FRL are more likely to attend public PreK programs. 64% of children with an IEP were enrolled in public programs compared to 47 % of those without an IEP. 64% of children on FRL were enrolled in public programs compared to 42% not on FRL (REL, 2020).

Potential Solutions

- Universal Pre-K should be clearly defined in terms of intentional instruction by a licensed early educator and should be a benefit all students can access regardless of ability level, cultural and linguistic characteristics, family situation or income
- Weighting and associated FTE should be commensurate with hours of education services provided to students.

PROBLEM STATEMENTS

Educational equity is not achieved, nor is it being thoroughly evaluated.

Specific Concern

- Significant variation in instructional contact hours:
 - Public schools are required to provide direct instruction by a licensed teacher during all publicly-funded hours
 - Private centers are required to have a teacher “on-site” (not directly instructing) for 10 hours/week (inc. Head Start), regardless of the number of students served
 - Home providers are required to have only 3 hours of weekly consultation by a licensed teacher



More Details

- “With so much local latitude, it is difficult to know how program quality and effectiveness have evolved as the program expanded, though funding levels have been relatively high.” (NIEER, 2017, pg 23)



Potential Solutions

- Create uniform requirements for instructional contact hours across all provider types

PROBLEM STATEMENTS

Educational equity is not achieved, nor is it being thoroughly evaluated.

Specific Concern

- Years after implementation of the law, there is no reliable system for Prekindergarten monitoring or revocation when programs fail to meet basic criteria (eg: licensed teacher). Children and families cannot be assured educational equity
- SDs are responsible for crafting local agreements to include assurance of basic criteria, then sometimes criticized when attempting to enforce compliance



More Details

- “Vermont is in the process of designing a pre-K monitoring and improvement system. The state will be conducting a pilot during January 2018” (NIEER, pg 336). Monitoring remains at the pilot stage of development
- Act 166 says, “The Secretary of Education and the Commissioner of the Agency of Human Services shall jointly establish Rules...(9) To provide an appeal administrative process for: (A) a parent, guardian, or provider ... and (B) a school district to challenge an action of a provider or the State when the district believes that the provider or the State is in violation of state statute or rules regarding prekindergarten education.”
- In our experience, when violations have been reported to the State, we have been referred to our local agreements and the programs have been permitted to remain prequalified

PROBLEM STATEMENTS

Educational equity is not achieved, nor is it being thoroughly evaluated.

Specific Concern

- Access to 10 hours of Prekindergarten services per week is limited more to families who have access to transportation and/or can afford to pay for hours above and beyond 10 (when not eligible for subsidy).



More Details

- A study by NIEER found that the benefits of full-day preschool over half-day programs are significant and concludes that, “policy makers should strongly consider implementation of full-day preschool.” Through a randomized trial comparing children from low-income families in half-day and full-day public preschool programs, results showed that children attending full-day programs did better on mathematics and literacy tests than children in a 2.5 hour to 3-hour public preschool program and the achievement gains continued at least until the end of first grade.
- “While having children in high-quality programs can facilitate gains in school-readiness, increasing the total time (dosage) ... may produce significant(ly) improved rates of school readiness...Children in the full-day programs demonstrated double the literacy gains compared to children who were in half-day programs.”


PROBLEM STATEMENTS

There is a lack of child outcome data, making it difficult to support continuation of the current system or to suggest specific changes for **quality** improvement.

Specific Concern

- Although we do not have access to student outcome data at this time, Vermont scores 7 out of 10 in NIEER quality standards, lacking:
 1. the requirement of a lead teacher with a BA degree,
 2. the requirement of assistant teacher with a Child Development Associate (CDA), and
 3. required professional development (NIEER, 2018)

Potential Solution

- All prekindergarten providers should hold credentials that match those required in public schools: licensed educator during all publicly-funded hours for every child.
 - Vermont should develop and 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)
- 

PROBLEM STATEMENTS

There is a lack of child outcome data, raising questions about the effectiveness of the current system (**quality**).

Specific Concern

- Vermont is one of only a handful of states that does not provide guidance to the field on criteria for selecting evidence-based curricula (NIEER, 2018), thus the variation of instructional practices between programs is vast. Although all prequalified PreK programs are required to complete an all-domain developmental progress monitoring tool with students (TSGold), inter-rater reliability is not required, nor is there any stated expectation that providers utilize the data to inform their practice.

Potential Solution

- Vermont should consider the *NIEER Quality Standards Benchmark recommendations: **Supports for Curriculum Implementation***, which may include:
 - guidance on criteria for selecting evidence-based curriculum models
 - a list of state-approved or state-recommended curricula
 - SEA sponsored training
 - on-going technical assistance on curriculum implementation
 - funding to support curriculum implementation or training

Professional Development:

At least 15 clock hours per year of approved professional learning activities (the majority of these hours should be on topics other than health & safety); Lead teachers & Assistant teachers have written individualized annual professional development; coaching is required for all lead teachers (or all classrooms)

PROBLEM STATEMENTS

There is concern about **financial sustainability** and overall affordability.

Specific Concern

- There are absences of economies of scale within the mixed-delivery system. Because home programs are limited to enrolling six children, the cost per child may be much higher than serving a group or multiple groups of fifteen in a center.
- SDs are currently unable to expand public PreK without completing an application.

More Details

- Under Act 46, systems were unified to simplify governance and support economies of scale, yet under Act 166 the system has been made more complex.
- Public leaders who support the mixed delivery model do so with the expectation to contract with a subset of providers regionally. This will promote SDs' ability to have stable relationships with providers, to support children in private programs, and to provide greater capacity to monitor and affect quality.

Potential Solution

- Remove requirement for public schools to apply to expand PreK

PROBLEM STATEMENTS

There are many challenges with systems oversight and administration by the state (**simplicity**).

Specific Concerns

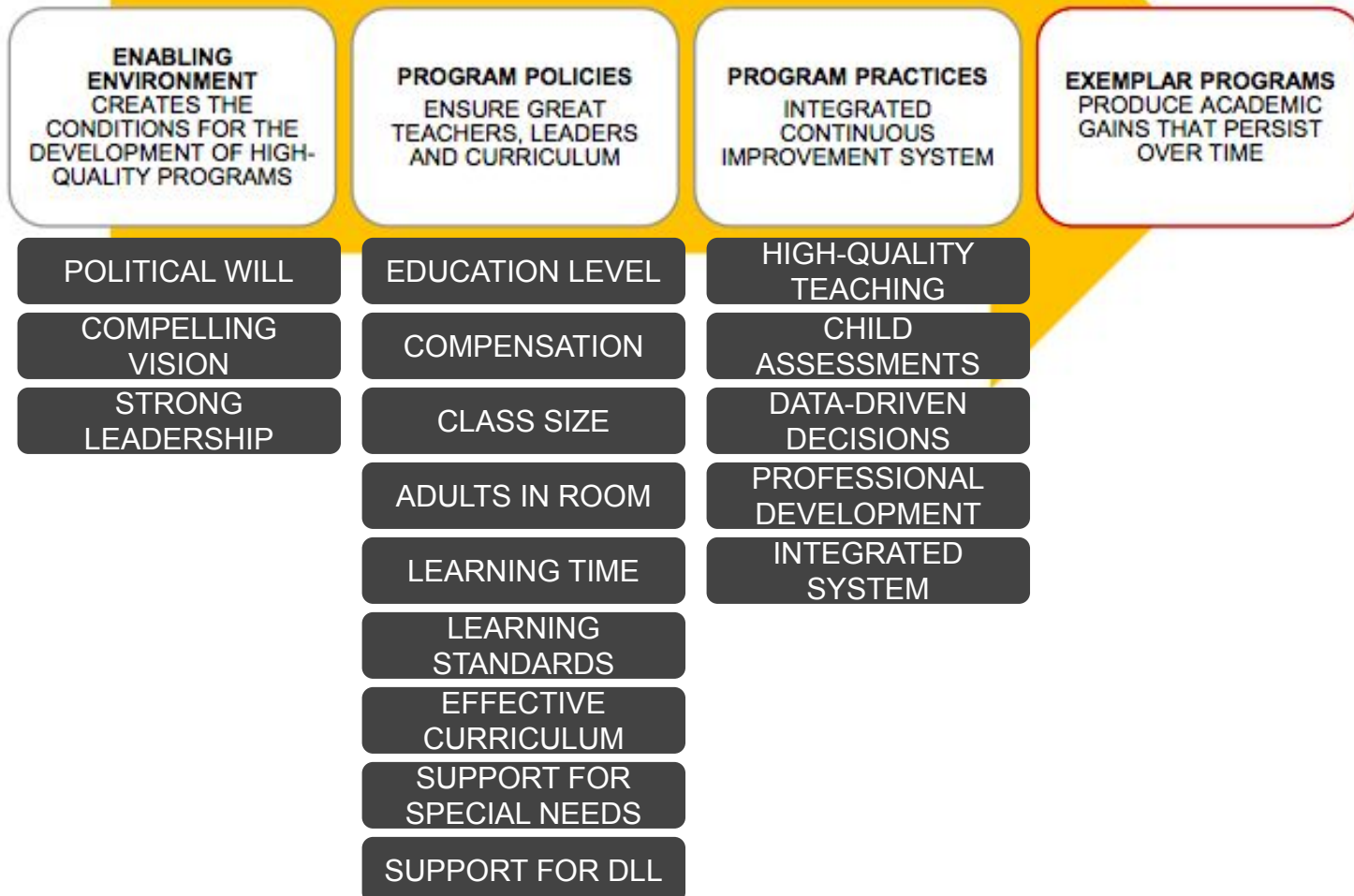
- Lack of technical assistance, communication, effective grievance process
- Wide variation across the State in terms of practice
- No reliable process to revoke prequalification status and notify school districts when a program does not meet qualifications. Rather when issues are discovered, SDs are directed to refer to their local agreements and left to address issues of noncompliance locally.



Potential Solution

- Through oversight and authority for public education, grades PreK-12, the AOE could simplify, regulate, and promote systems and improvement plans
- If the oversight of PreK becomes bifurcated, equitable educational quality standards must be adopted

NIEER'S ESSENTIAL ELEMENTS



NIEER'S ESSENTIAL ELEMENTS

Enabling Environment		Rigorous, Articulated Early Learning Policies								Strong Program Practices				
Political Will	Strong Leaders	BA + comp	Class size	Two Adults	Hours/ Dosage	EL Standards	Effective Curriculum	Special Ed	DLL support	HQ Teaching	PD	Child Assessments	Data Driven	Integrated System
●	○	○	●	●	—	●	—	●	—	○	—	○	—	—

Key: ● Fully Met ○ Partially Met — Not Met ND Not determined

- Compelling vision and strong leadership: Joint agency oversight and leadership changes within the administering entities
- Education and compensation: Pre-K teachers located in public schools must have a BA and specialization, same starting salary and schedule as K-3 teachers
 - For private providers, there must only be one certified teacher in the center with a BA, no salary parity policies
- Dosage: 10 hours a week, 350 hours per year
- Effective curriculum: Not an approved list of curriculum models, curricula must be aligned with Vermont Early Learning Standards, not monitored or evaluated
- Professional Development: Public PreK programs required to have 9 credit hours per 7 years; nonpublic have 12 hours per year; coaching is not a requirement
- Child Assessments: Teaching Strategies Gold
- Data-Driven Decision-Making: Monitoring system in progress; observation every three years
- Integrated System: VELs, TS GOLD, Class Observation; supports to implement components are not fully developed; little verification that evaluation system is working or enacted

PRELIMINARY FEEDBACK ON DRAFT BILL

We support:

- Clarifying legislative intent of Act 166 for three and four year olds and five year olds with an individualized education plan or Section 504 Plan
- Simplification through the development of uniform forms and processes, providing that these forms include adequate language to address potential chains of liability for public schools
- Addressing quality by removing the “3 STARS with a plan” criteria and requiring programs to be NAEYC accredited or have at least 4 STARS
- Simplification by replacing CDD childcare regulations with “safety and quality rules adopted by the State Board of Education”
- Addressing greater educational equity by removing the requirement of the public school to apply to expand their program

We do not support:

- Inequitable access to services of a licensed teacher in private programs: “to provide direct instruction or regular, active supervision and training of the private provider’s staff” whereas public schools must have a licensed teacher for all publically-funded hours

We recommend:

- Clear language to ensure equitable access to educational services by licensed teachers for each and every child, including those with disabilities
- Clear language to 1) assure all quality standards have been met annually, 2) the method that will be used to communicate this assurance to SDs (currently “prequalification”), and 3) a process to remove a provider from this list of assurances when they fail to meet the standards
- Consistent data reporting systems between public and private programs
- Evaluation of Prekindergarten weight(s) related to educational service hours provided

CONCLUSIONS

- Three most critical points we want the Committee to understand:
 - *School districts should play a central role in ensuring equity, quality, and accountability in publicly funded early education programs as they best understand the needs and resources of their communities.*
 - *The Agency of Education is the appropriate agency to oversee the public education continuum PreK-grade 12.*
 - *Act 166/Early Education should ensure:*
 - Equity
 - Quality
 - Simplicity

- How long will it take for us to know if this bill made a difference? What will that difference look like?
 - Student outcomes show marked improvements when equity, quality, accountability and simplicity are adequately addressed. This data can be collected through the SLDS.

THANK YOU!

RESOURCES

Bassok, D., Fitzpatrick, M., Loeb, S. (2012) “Does state preschool crowd out private provision? The impact of universal preschool on the childcare sector in Oklahoma and Georgia” found at <https://www.nber.org/papers/w18605>

National Institute for Early Education Research (NIEER), State of Preschool (2019) found at http://nieer.org/wp-content/uploads/2019/08/YB2018_Full-ReportR3wAppendices.pdf

Overview of Changes to NIEER Quality Standards Benchmarks found at <http://nieer.org/wp-content/uploads/2017/10/Overview-of-Changes-to-NIEER-Quality-Standards-Benchmarks.pdf>

Implementing 15 Essential Elements for High-Quality Pre-K: An Updated Scan of State Policies found at <http://nieer.org/wp-content/uploads/2018/10/Essential-Elements-FINAL-9.14.18.pdf>

Minervino, J. (2014). *Lessons from research and the Classroom: Implementing High-Quality Pre-K that Makes a Difference for Young Children*.

Vermont Agency of Education, 5440-36 Early Childhood Education endorsement requirements, pgs 94-98, found at https://education.vermont.gov/sites/aoe/files/documents/Rules%20Governing%20the%20Licensing%20of%20Educators_9_20_2019.pdf

Vermont Guiding Principles: Supporting Each and Every Young Child and Family’s Full and Equitable Participation found at https://fpg.unc.edu/sites/fpg.unc.edu/files/resources/presentations-and-webinars/Vermont%20Guiding%20Principles%20AOE-BBF-HMG_V_2.pdf