

MEMORANDUM

TO: House Committee on Human Services,
Rep. Ann Pugh, Chair

FROM: Daniel M. French, Secretary of Education
Michael K. Smith, Secretary of Human Services

SUBJECT: Administration Position on H.935

DATE: March 11, 2020

Position Statement

Thank you for the opportunity to testify on H.935 regarding changes to the laws governing prekindergarten education (PreK) in Vermont. We can, at this time, support a bill that makes technical changes and gradual improvement to PreK in Vermont, but are not looking for comprehensive changes to Vermont's Universal PreK system.

There has been a lot of discussion this session, and over the last few years, about whether and how we should bifurcate the oversight and regulation of PreK. After reviewing the proposed bill and many conversations about the best way to proceed in clarifying administration of the Universal PreK system, we have concluded that "bifurcation" of administration, oversight or rulemaking should not be pursued this session. Accordingly, we **strongly recommend** that the committee not make changes to laws that result in the bifurcation of PreK. Please see our specific substantive suggestions later in this memo related to this recommendation.

We agree that these are important issues, however we would like to continue working together under the new monitoring system and are committed to working together to support the needs of both public and private providers.

Our two Agencies are pleased that through the discussions around this bill, and the other important work we have been doing together, we have found many agreed upon statutory changes that are also found in your bill.

Both the Agency of Human Services and the Agency of Education agree on the following principles to guide our ongoing work together on PreK:

- We need and rely on a mixed delivery system.
- We need to implement and administer standards and monitoring jointly and collaboratively.
- At this time, we are not prepared to make any changes surrounding licensing requirements.

What follows is a list of the items we agree on and the current status in your latest version of the bill. All other considerations regarding changes to oversight and regulation are big topics of

conversation that we will continue to discuss and present any recommendations to your committee in the future.

AOE and AHS Agreed Positions on H.935

- **Enrollment Criteria:** Our agencies agree with the update to the enrollment criteria regarding age and IEP status.
- **Notification Requirement:** We agree that SU/SDs should be required to notify private providers they contract with when a school board warns consideration of expanding a public PreK program.
- **Strike 3 STARS:** The Agencies support removal of 3 STARS rating from Approved Provider list.
- **Tuition and Budgeting:** We agree that PreK education should continue to be funded from the Education Fund.
- **Uniform Forms and Processes:** The agencies agree that this is a good idea.

Additional Policy Comments

- The Agencies agree that educator certifications should be limited to licensed teachers and not include other certifications such as Montessori, etc. (as drafted in a previous version of the bill).
- We agree that school districts should not be required to adopt local monitoring policies (as drafted in a previous version of the bill).

Suggested Bill Changes

Consistent with our recommendation to not pursue bifurcation this session, please see the following suggested amendments to the bill:

- do not add the proposed language 16 V.S.A. §829(c)(1)(B)(iii) found on lines 11 and 12 on page 7 of the bill, which requires new health and safety rules to be adopted by the State Board of Education that would only apply to public school PreK programs
- do not make any of the proposed changes to 16 V.S.A. §829(e), beginning on line 19 of page 11 and ending on line 2 of page 18 of the bill which bifurcates some but not all administration and oversight of public and private PreK programs
- remove section 2 of the bill, which proposed changes to 33 V.S.A. § 3502 and eliminates CDD health and safety regulatory oversight of public PreK programs
- remove section 5 of the bill on the topic of AOE adopting a new and separate set of health and safety rules

In the interest of drafting the best and clearest legislation possible, we also suggest the following non-substantive draft changes

- Sec. 1 (b)(2):
 - **SUGGEST DRAFT CLEANUP EDIT:** (ii) a public school provider located ~~outside the district that operates a prekindergarten program that has been prequalified pursuant to subsection (c) of this section that is not~~ other than the program operated by the school district of residence; or
- Sec. 1 (b)(3):
 - **SUGGEST DRAFT CLEANUP EDIT:** If requested by the parent or guardian of a prekindergarten child, the school district of residence shall pay tuition to a ~~prequalified prekindergarten education program operated by a private provider or a public school in another district provider~~ other than the program operated by the school district of residence even if the district of residence operates a prekindergarten education program

Finally, with respect to the report in section 6 of the bill, the agencies have access to some of the requested information related to the availability of qualified prekindergarten teachers, but note that we will need to survey both public and private providers for the remainder of the requested information. We also suggest that research may garner helpful information with respect to best practice models being utilized across the country for PreK instruction and program structure. These models could be used as the basis for the analysis requested in this section regarding the availability of qualified PreK instructors. It is not clear that AOE or DCF currently have the capacity to perform the analysis requested.