

2012 Report on Section 28(b) of Act 58 of 2011

Simplification of Publicly Funded Prekindergarten Education

Report to the House and Senate Education Committees

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Submitted by:

Department of Education

Department for Children and Families



VERMONT

DEPARTMENT OF EDUCATION

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Act 58 (§28) requires the commissioners from the Department of Education and the Department for Children and Families to examine Act 62 (the Prekindergarten Education Act), propose ways to simplify regulations, and identify all statutory and regulatory changes needed. This report fulfills that charge. In addition to presenting the commissioners' recommendations, the report describes the process used to engage the public in a discussion of challenges encountered when implementing prekindergarten education and suggestions for improvement.

Process for Engaging the Public

In order to gather input from the public, the commissioners held two public meetings and accepted written comments. The first meeting was held on Friday, October 7, from 10:00 to 3:00 in Montpelier. This meeting was conducted using a "hearing" format. Both commissioners listened to various individuals representing private child care programs (centers and family-based), public schools and supervisory unions, school boards, and the general public. The focus of this meeting was to collect stories of challenges, issues, and specific suggestions for simplifying public prekindergarten education. A total of 38 individuals attended this meeting. Comments from this meeting, as well as written comments, were reviewed and analyzed to identify major themes and ideas.

A second public meeting was held on Wednesday, November 9, from 9:00 to 12:00 in Montpelier. The purpose of this second meeting was to have a discussion of the themes and ideas that emerged from the testimony provided at the October meeting and from written comments that were submitted. Equipped with summaries of the public comments and suggestions (refer to attachments 1 and 2), the 32 attendees were organized into small discussion groups; each group focused on a specific topic. The topics were: Community Needs Assessment, Partnerships, Enrollment Process and "Counting", Program Standards, Personnel Standards, and Finance. The purpose of these discussions was to suggest specific changes to Act 62 and the prekindergarten regulations.

The Department of Education website was used as a venue to provide additional opportunities for broad participation in this process from community stakeholders and others interested in offering input. Documents used throughout the public engagement process were posted on the website. A draft of this report was posted in December for public feedback prior to the commissioners finalizing their recommendations.

Commissioners' Recommendations

Based on the concerns voiced and the suggestions provided during the public engagement process, we recommend three strategies for improving the implementation of prekindergarten education.

- Implement statutory and regulatory changes recommended below (see sections on *Proposed Amendments*);
- Reduce duplication between departments by streamlining agencies' administrative practices (see section on *Administrative Procedures*); and
- Create a short-term "Finance Group" to research all of the financial issues fully and recommend solutions that are fair, consistent, and an improvement over current implementation (see *Public Prekindergarten Finance Group*).

Specific recommendations and rationales related to these strategies are as follows:

Proposed Amendments to Act 62:

1. Add "National Association for Family Child Care (NAFCC) accreditation" to §829 (10)(A)

Rationale: NAFCC accreditation for family child care providers is comparable to the currently required accreditation from the National Association for the Education of Young Children (NAEYC) for center-based early childhood programs.

2. Add "A community needs assessment shall not be required when a school district needs to expand an existing school-based prekindergarten program to accommodate an influx of young children with substantial special needs that cannot be adequately met in a community-based program" to §829 (1)

Rationale: There are rare situations in which a school district has an influx of children with significant special needs who can best be served in an inclusive school-based prekindergarten program rather than in private community-based programs or Head Start. Such a decision would need to be based on the Individualized Education Plan (IEP) team process and address the child's specific needs. If the district finds that adding these children would result in the class having more children on IEPs than there are typically developing peers, the district may need to add another class in order to maintain an "inclusive" learning environment. In this rare incidence, the community needs assessment should not be required for such an expansion.

Proposed Amendments to Prekindergarten Education Rules 2600:

1. Delete “potentially qualified prekindergarten education program” and related language throughout the document.

Rationale: Theoretically, any program could be “potentially qualified” since it could be argued that any program might meet the program and/or personnel standards in the future. The current definition of “potentially qualified” states that the program must meet the standards by July 15; however, it is difficult to predict whether that will occur. This uncertainty makes it difficult for families and districts to plan in early spring when enrollment decisions have to be made.

2. Reduce the number of days prior to the start of the academic year a community needs assessment must be completed from 90 days to 45 days [2603(8)]

Rationale: The reason for specifying 90 days was to ensure that families had adequate time to plan for a new or expanded prekindergarten program. However, the 90 days requirement can become a barrier to the establishment or expansion of prekindergarten since communities may not have completed their community assessment before the end of May (i.e., about 90 days prior to the start of the academic year).

3. Add “including Head Start programs” to 2603 (1)(c); Add “Head Start” to 2603 (2)

Rationale: It is important to specify that Head Start needs to be included in the Community Needs Assessment process. The current rules refer to “early care and education providers” which is meant to include Head Start; however, being explicit would ensure school districts consider the Head Start program staff.

4. Change 2603(8) to “Community needs assessments and plans are valid for three years.”

Rationale: The required community needs assessment provides a wealth of data as to a community’s need and desire for prekindergarten education, existing community providers, and the population of young children. The process is extensive and can be expensive to complete. These data and resulting plans should be in effect for at least three years.

5. Add “A community needs assessment shall not be required when a school district needs to expand an existing school-based prekindergarten program to accommodate an influx of young children with substantial special needs that cannot be adequately met in a community-based program” to rule 2603.

Rationale: Refer to number 2 in the “Proposed Amendments to Act 62” section.

6. Add “National accreditation through the National Association of Family Child Care (NAFCC) to rule 2602(1)(a).

Rationale: Refer to number 1 in the “Proposed Amendments to Act 62” section.

7. Add “A partner program that loses points in STARS mid-year resulting in fewer than three stars or loses its only licensed teacher shall receive Probationary Status for the remainder of the year. A program on probation shall only be eligible to offer prekindergarten education in the subsequent year if it meets all program and personnel standards by the start of the new academic year” to 2602(1)(a).

Rationale: There are unforeseen situations which could affect a program’s star level or lead to a licensed teacher leaving a program. Granting “Probationary Status” would enable a program to continue offering prekindergarten education for the remainder of the year since it would be very disruptive to children and families for a program to suddenly not be eligible to partner with a school district.

Administrative Procedures:

The Department for Children and Families (DCF) and the Department of Education (DOE) will jointly review regulations and policies to identify ways to eliminate duplication and to streamline various processes related to the provision of prekindergarten education. The agencies acknowledge there are specific areas of duplication between DCF program licensing requirements and requirements for public schools.

Rationale: “Duplication” was cited repeatedly as a time consuming and unnecessary burden on school-based prekindergarten programs. An example of duplication is when copies of certain permits required by the Department of Public Safety for occupancy and the Department of Environmental Conservation for water quality are part of the licensing/relicensing process but may already be in place for public school buildings. Further examination of this and other aspects of DCF/DOE duplication will continue. We anticipate some procedural changes in regulatory practice to accommodate early childhood programs in public school buildings as well as proposing some specific exceptions in licensing requirements for public

school facilities in the regulatory review process that is currently underway by DCF.

Another area of duplication that was of concern to some who participated in the Act 58 meetings was the criteria for and verification of teachers' professional development and qualifications. DCF and DOE staff are currently examining comparability of documentation required by their respective agencies. It may be possible that licensed teachers working in public school settings (or in other DCF regulated settings) may not need to provide duplicative information as part of their DCF program licensing or STARS application requirements. Analysis of this and other specific details of professional development duplication will continue and will also be reflected in the proposed licensing regulations noted above. The DCF/DOE staff working on this aspect of the Act 58 recommendations will include public preschool teachers and others in the process to ensure that a sufficient and reasonable response to this area of concern is developed.

Public Prekindergarten Finance Group:

DCF and DOE will jointly convene a group of experts from the community, school districts, and state agencies to study the financial issues of publicly funded prekindergarten education. Financial arrangements that currently exist between community partners and school districts are complicated to negotiate and vary widely across the state. The cost for providing prekindergarten programs in school settings also fluctuates widely from district to district. Programs and schools struggle with how to effectively blend the multiple public funding streams that support early care and education. This group will examine all aspects of these issues, including the possibility of establishing a more consistent cost per child or formula to determine a cost per child, and recommend strategies for clarifying, simplifying, and standardizing finances and financial partnership agreements in publicly supported prekindergarten.

Rationale: Many of the concerns voiced throughout the Act 58 public discussion referred to the time and effort needed to negotiate school districts' financial partnership agreements with community early care and education programs (including Head Start) and the widely varied results of those negotiations. These negotiations may create tension between schools and programs and make it difficult for families, programs, and schools to plan from one school year to the next. Concerns were also expressed about blending multiple public funding streams like prekindergarten funding, child care subsidies, and Head Start funding. Some ideas were offered by individuals during the process but there was little consensus or resolution of financial issues. There is agreement that these are important and complex issues and a full and detailed discussion is warranted.

A group of individuals with knowledge of school funding, Act 62 and the Prekindergarten Rules, contract negotiation, community program budgeting and public funding streams should be tasked with recommending strategies that advance fair,

transparent and consistent financial arrangements, clarity in regard to reporting cost per child across districts, and guidance for early care and education programs working with multiple public funding streams.