Policy Brief Update

Vermont's New Universal Pre-Kindergarten Law

Traci Sawyers, June 2014

UPDATE

This policy brief is an update to the March 2014 edition, The Case for Universal Pre-K in Vermont.

During 2014, the Vermont Legislature passed a new law, Act 166, providing universal Pre-Kindergarten (Pre-K) for *all* 3- and 4-year-olds in Vermont. Parents or guardians can choose a pre-qualified program for their child, which can be in their own town or another. Or they still have the choice to keep their child at home.

This law is the beginning of an effort to build a universal system that offers equal access to high quality programs throughout the state. Vermont currently has many early education programs but they vary widely in structure, accessibility and level of quality. It builds on Vermont's first Pre-K law – Act 62 – that was passed in 2007 and provides an optional 10 or fewer hours of state funded Pre-K per week.

The new law requires school districts to provide access to at least 10 hours of instruction for 35 weeks to any preschool-aged child. Pre-K education is defined as developmentally appropriate early development and learning experiences based on Vermont's early learning standards. Eligible children are 3- or 4-year olds, or 5-year-olds not yet enrolled in kindergarten. Enrolling children in Pre-K is voluntary. Families can enroll in these programs, in other early education options or keep preschoolers at home.

While most of the state's 270-plus school districts already have programs for Pre-K students, 37 do not. And most that do offer programs currently provide 10 or fewer hours per week. By 2020, this new universal law will bring about 1,800 additional 3-, 4- and 5-year-olds into Pre-K programs. The total number of children who will take advantage of the program is expected to be about 6,000, or 60 percent of the state's 11,284 preschool-aged children.[1] Though no state has achieved this rate, most states and research studies have used an 80% participation rate to represent true universal access.[2]

The academic success of a child depends heavily on how ready he/she is for kindergarten.[3, 4] However, Vermont's kindergarten readiness test scores show that nearly half of all children are not showing up ready.[5] Over the past five decades, numerous studies have repeatedly shown that full day, high-quality early childhood education increases the likelihood that children—*especially from disadvantaged backgrounds*—will succeed in school and beyond.[6]

The law also eliminates the current 2-year lapse for including Pre-K children within the overall student count. This previously caused a tax rate increase creating a barrier to establish a Pre-K program, unless a district got philanthropic support to cover start up. However, it is important to note that this change in the new law only affects the 37 districts that don't currently provide access to a Pre-K program. This law allows

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them to estimate Pre-K students in the count in FY16 and then accurately adjust the count in FY17 if the estimate of Pre-K students was either under or over. As of FY16, Pre-K students will be officially counted and based on numbers served in the prior fiscal year.

To assure universal access to Pre-K education in every district, the new law calls for the development of a consistent state-wide tuition rate for Pre-K education, allowing for regional adjustments, if necessary. This will replace the current system of districts choosing whether or not to offer Pre-K, and if they do so, entering into individual agreements with individual providers and negotiating the rates.

Parents or guardians have increased options with respect to where they can enroll their child if they choose to, and Pre-K will still be offered in a variety of settings. School districts will partner with prequalified early education programs (defined in statute – and meeting the "pre-qualified" standards below) that include center-based child care programs, home-based child care programs, Head Start classrooms, and private schools. Under this law, the school district of residence will pay tuition to a prequalified private provider, its own public school program or a prequalified program in another district. And if the supply of qualified private and public providers is insufficient to meet the demand for publically funded Pre-K in any region of the state, this will not force a district to operate its own program. Instead, the Agency of Education (AOE), Agency of Human Services (AHS) and the local Building Bright Futures (BBF) Council will meet with school districts and private providers in the region and develop a plan to expand capacity.

The law does allow school districts to limit the geographic boundaries within which they pay tuition by creating a "pre-kindergarten region," but this is an explicit process that involves the school board, private Pre-K providers, parents and others and is based on the number of Pre-K children in the district, the availability of Pre-K providers, commuting patterns, and other regional-specific criteria and must be approved by AOE and AHS. And if a Pre-K child in the district is not able to access a program within the "pre-kindergarten region," the district must then still provide access to a program outside of the region at the statewide rate.

For parents in need of full day care, they will either have to transition the child to a child care program for the remaining part of the day or have the provider of Pre-K deliver child care for the remaining hours. The additional hours of child care beyond the 10 will be paid for by the parents in most cases, who may qualify for a child care subsidy depending on their income.

Minimal quality standards are set forth in the law and the AOE and AHS are allowed to initiate rulemaking to require higher standards of quality for Pre-K programs beginning July 1, 2016. The Act specifically calls for changes to the quality standards to "ensure that programs are based on intentional, evidence based practices that create a developmentally appropriate environment and support the delivery of an engaging program that supports the social, emotional, language, literacy and physical development of prekindergarten children." This is critical because research consistently highlights the importance of "high-quality" Pre-K so children are ready for kindergarten and beyond.[7] One criticism of Vermont's current Pre-K regulations are a lack of quality. To date, Vermont's Pre-K has not shown a real change in school readiness since its implementation and only addresses 4 of the 10 National Institute for Early Education Research quality benchmarks. Individuals and programs will be able to provide input on quality during this important rule-making process which will be initiated by AOE and AHS in the coming year.

The Act's current minimal standards for an "prequalified" provider are essentially the same as Act 60, and are as follows:

- Licensed by the Vermont Child Development Division (CDD) and in good regulatory standing;

- Accredited by the National Association for the Education of Young Children (NAEYC), or have 4 or 5 STARS in Vermont's STep Ahead Recognition System (STARS), or have 3 STARS with an *approved* plan to obtain 4 STARS within 3 years;

- Has a licensed early childhood educator or early childhood special educator. In the case of registered family homes, the requirement is to have at least 3 hours per week of regular active onsite supervision and training from a licensed educator, which can be used in lieu of the provider possessing the license.

NEXT STEPS

With Act 166, superintendents and school boards throughout Vermont will now have to decide how much Pre-K to offer, where and at what cost. Vermont currently spends about $26 million per year on Pre-K and the expansion is estimated to cost an additional $9.6 million by FY20.[8] Again, this will fund 10 hours per week of Pre-K only. Research clearly highlights the benefits of more time in a high quality program and in fact, all the studies showing the many gains for children are based on full day, high quality programs. Ten hours a week is also not enough for working families. So if districts want to offer more half or full day Pre-K, they will either have to cover the extra cost or pass the cost on to the parents. However, preparing children for school success pays off. A Pre-K program instituted in Dover, Vermont over ten years ago costs an additional $50,000 per year. But over that time, they have seen their elementary special education budget drop from around $250,000 to $40,000.[9]

In addition to the rule-making related to quality standards, Act 166 also calls for rule-making by AOE and AHS to calculate a state-wide payment rate for Pre-K and to determine whether a district can begin or expand a school-based program. This will also be another opportunity for programs, parents and others to provide input on how this is developed. More information on the rule making process to establish these regulations will be posted on the AOE and AHS websites.

AOE and AHS will monitor and evaluate Pre-K programs to promote optimal outcomes for children and to collect programmatic and quality data. AOE, AHS and the state BBF council will also monitor access to and enrollment in Pre-K education programs and report back to the legislature on or before Jan. 1, 2018.

FUTURE RECOMMENDATIONS

Act 166 is a significant step towards true high quality, universal Pre-K in Vermont. Recommendations to continue building this system include:

- Continue to increase the quality of Vermont's Pre-K program and curriculum with a focus on teacher-child relationships, class size and teacher qualifications; use evidence-based, evidence-informed or promising-practice approaches to the greatest extent possible; ensure that programs are addressing social and emotional, language, literacy and physical development; and, ensure Vermont is meeting all the National Institute for Early Education Research benchmarks for quality.

- Look beyond the Education Fund to increase the capacity and quality of Vermont's Pre-K system. Leverage, coordinate, and integrate federal, state and local funding streams. Other states have also used Special Funds such as lottery, or tobacco tax. Pre-K can be provided in any school, community-based organization, state-funded preschool program, Head Start, and childcare home or center. We must expand access to high quality Pre-K programs.

- Continue to examine the number of hours that publicly funded Pre-K is available in Vermont. Again, the studies referenced in this brief are

based on high quality, full day programs. A program that is only 10 hours per week is difficult for parents who work full-time to access. Transportation and the need for additional care are very real barriers to part-time Pre-K for working parents.

Vermont must keep on course in this important area to ensure that children are ready to succeed in school and beyond.

Sources:

Most of the material in this brief came from Act 166 which can be found at: http://www.leg.state.vt.us/docs/2014/Acts/ACT166.pdf

[1] Vermont Department of Education, 2014.

[2] Goodman-Bryan, M. *Pre-K Matters*, The Urban Child Institute (2012)

[3] Yoshikawa, H., Weiland, C., Brooks-Gunn, J., Burchinal, M., Espinosa, L, Gormley, W, Ludwig, J., Magnuson, K., Phillips, D., Saslow, M. *Investing in Our Future: The Evidence Base on Preschool Education*, Society for Research in Child Development (2013)

[4] Mead, S., *Quality Pre-K Starting Early to Close the Achievement Gap and Boost Student Achievement*, Stand For Children Leadership Center (2012)

[5] Vermont Department of Education, Kindergarten Readiness Report, 2013

[6] Mead, (2012)

[7] Barnett, W.S., *Expanding Access to Quality Pre-K is Sound Public Policy*, National Institute for Early Education Research (2013)

[8] http://www.leg.state.vt.us/jfo/fiscal_notes/2014_H_270.pdf

[9] Bill Anton, Principal, The Dover School – June 2014.

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About Project LAUNCH:

Project LAUNCH (Linking Actions for Unmet Needs in Children's Heath) is a federal initiative funded by the Substance Abuse and Mental Health Services Administration (SAMHSA). The Vermont Department of Health (VDH) received a five-year SAMHSA Project LAUNCH grant in 2012. Project LAUNCH is being piloted in Chittenden County and is grounded in a comprehensive view of health that addresses the physical, emotional, social, cognitive and behavioral aspects of well-being. Building Bright Futures serves as the grantee of VDH for LAUNCH implementation.

About the Author:

Traci Sawyers holds a M.A. in public policy from Tufts University and has 25 years experience in child and family policy, maternal/child health and behavioral health. In these areas, she has been a writer, lobbyist, researcher, planner, program administrator, consultant, facilitator, grant writer/administrator, elected official, and organizational director. She is currently the Early Childhood Health Policy Expert for Building Bright Futures and Vermont's Project LAUNCH initiative.