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## ACT 62

### Implementation Challenges and Possible Solutions

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The Kids Are Priority One Coalition continues to stand behind Act 62 because we know that when we provide children with a sound start, we are laying the foundation for their future development. Research shows us that positive experiences in the early years lead to the building of solid brain architecture, which literally wires the brain for all future learning. Vermont's children benefit from Act 62 by increasing access to high-quality early care and education services. It also benefits parents, schools, communities and early childhood programs.

The following is a summary of challenges posed by implementation of Act 62 which have been brought to the attention of the Kids Are Priority One Coalition staff. This memo also includes some proposed ways to address those challenges. Although we have not solicited such feedback, we have received requests for technical assistance from Building Bright Futures Regional Directors (before their positions were eliminated), school district staff, individual early childhood programs, and parents who have learned of Act 62 and want help thinking through a process for encouraging their local school board to begin contracting with qualified community-based providers. Given the lead role played by the Coalition in passage of Act 62, we feel a responsibility to help address these challenges.

- I. Community Needs Assessment Process
  - a. Challenges
    - i. The process is not spelled out specifically enough to ensure:
      1. Consistency from region to region
      2. Sufficient representation from community-based ECE programs (many cannot attend BBF regional Council meetings because the meetings are generally held during work hours)
  - b. Possible solution: add more details/guidance to Act 62 Implementation Guide

- II. Lack of Understanding of Act 68/School Funding Formula
  - a. Challenge
    - i. Some supervisory unions have built a lag in payment into contracts (per Act 60) although funds for early education contracts are built into annual school budgets and should be passed onto contracted programs within the fiscal year. This lag in payment creates a disincentive for programs to contract and negatively impacts ECE programs' cash flow.
  - b. Possible solution: DOE create an addendum to the Implementation Guide geared towards supervisory unions' business managers that provides guidance on this issue.
  
- III. Concerns about the Cap
  - a. Challenges:
    - i. Some school districts/qualified programs do not know what the cap in their school district is, which hampers planning.
    - ii. In some cases, the cap is creating tension among qualified ECE programs. Programs are competing with each other for contracts with the school district because (a) some children cannot be counted because of the limits set by the cap, and (b) there is no fair way to determine *which* programs' preschoolers are counted.
    - iii. Programs and school districts (e.g., Newfane School Board and contracted programs) need assistance in understanding how to implement the non-discriminatory language without violating the rules.
  - b. Possible solutions
    - i. Remove the cap
    - ii. Clarify this as an option in the Implementation Guide
  
- IV. Technical Assistance Re. Professional Development
  - a. Challenges
    - i. There is lack of clarity re.:
      1. Who pays for supervision of family child care providers or center staff who do not have their early childhood/early childhood special education license
      2. Who supervises the mentor
      3. Who can serve as a mentor in areas where no qualified individuals can be identified
      4. Who supports early childhood programs that want to become NAEYC-accredited or achieve their 4-5 STARS rating. Some school district staff do not know to direct early childhood educators to local or statewide resources, such as local child care resource and referral agencies, the Vermont Association for the Education of Young Children,

Learning Partners, etc. Moreover, these resources do not have the staff to be able to provide this level of support.

- b. Possible solutions
  - i. DOE/DCF work with Northern Lights Career Development Center to create a database by region of qualified mentors; reference this list in the Implementation Guide.
  - ii. Build a technical assistance component into the newly-formed BBF Regional Directors' positions.
  - iii. Increase DOE/DCF staff capacity to provide this level of support and collaborate with Northern Lights, VACCRRRA, VAEYC and Learning Partners to avoid duplication and build upon existing resources.

V. Insufficient Staff Capacity Within Supervisory Unions

- a. Challenges
  - i. There are many details to be worked out in the process of negotiating and writing contracts with community-based programs. Many supervisory unions lack a staff person who is familiar with Act 62 and/or has the time to field related questions. In the absence of BBF Regional Directors, many ECE programs find themselves trying to make sense of Act 62 and apply what they know of the law/rules to their particular situation.
  - ii. Possible solution: We are grateful to Manuela Fonseca, Early Education Coordinator at the Department of Education, for her work on the Act 62 Implementation Guide and the technical assistance she has provided to countless individuals and school districts since Act 62 was enacted. However, one person alone cannot support the entire state, especially at the individual school district level where much of the technical assistance needs exist, as far as we can ascertain. Efforts to address this need should be coordinated between DOE and DCF.

As noted below, the original legislation called for \$200,000 additional dollars for additional resources to support additional staffing to help field the inevitable questions that would arise from this new funding stream for early education, much of which is provided by the private sector. We believe this need still exists and would be most appropriately provided to supervisory unions, in conjunction with a community-based organization, such as a regional child care resource and referral agency.

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