

No. 38. An act relating to the number of prekindergarten children included within a school district's average daily membership.

(S.53)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 16 V.S.A. § 4001(1) is amended to read:

(1) "Average daily membership" of a school district, or if needed in order to calculate the appropriate homestead tax rate, of the municipality as defined in 32 V.S.A. § 5401(9), in any year means:

* * *

(C) The full-time equivalent enrollment for each prekindergarten child as follows: If a child is enrolled in 10 or more hours of prekindergarten education per week or receives 10 or more hours of essential early education services per week, the child shall be counted as one full-time equivalent pupil. If a child is enrolled in six or more but fewer than 10 hours of prekindergarten education per week or if a child receives fewer than 10 hours of essential early education services per week, the child shall be counted as a percentage of one full-time equivalent pupil, calculated as one multiplied by the number of hours per week divided by ten. A child enrolled in prekindergarten education for fewer than six hours per week shall not be included in the district's average daily membership. ~~Although there~~ There is no limit on the total number of children who may be enrolled in prekindergarten education or who receive essential early education services, ~~the total number of prekindergarten children~~

~~that a district may include within its average daily membership shall be determined as follows:~~

~~(i) All children receiving essential early education services may be included.~~

~~(ii) Of the children enrolled in prekindergarten education offered by or through a school district who are not receiving essential early education services, the greater of the following may be included:~~

~~(I) ten children; or~~

~~(II) the number resulting from: (aa) one plus the average annual percentage increase or decrease in the district's first grade average daily membership as counted in the census period of the previous five years; multiplied by (bb) the most immediately previous year's first grade average daily membership; or~~

~~(III) the total number of children residing in the district who are enrolled in the prekindergarten program or programs and who are eligible to enter kindergarten in the district in the following academic year; or~~

~~(IV) one fifth of the total number of children in grades 1-5 who were included in the district's average daily membership for the previous year.~~

~~(iii) Notwithstanding subdivision (ii) of this subdivision or any other provision limiting the number of prekindergarten children a district may include within its average daily membership, if the commissioner determines~~

~~that a school district or a school within the district has made insufficient progress in improving student performance as required by subsection 165(b) of this title or federal law, then until the commissioner determines that sufficient progress is being made, the school district may include within its average daily membership the total number of children enrolled in prekindergarten education offered by or through a school district; provided, however, that the number included in the average daily membership shall not exceed the maximum number of children who can be accommodated in all qualified prekindergarten education programs, as defined in state board rule, that are offered by or through the school district and by private providers within the district as of:~~

~~(I) June 30, 2010, if the commissioner's determination of insufficient progress is made on or before that date; or~~

~~(II) June 30 of the year the commissioner's determination of insufficient progress is made for districts added to the list after June 30, 2010.~~

Sec. 2. EFFECTIVE DATE; FISCAL YEAR 2012 IMPACT

(a) This section shall take effect on passage.

(b) Sec. 1 of this act shall take effect on July 1, 2011.

(c) Notwithstanding 16 V.S.A. § 4010(h), this act shall be implemented so that the fiscal year 2012 equalized pupil calculation is revised to reflect the amendments in Sec. 1 of this act.

(d) Upon passage of this act, school districts may take all necessary actions to prepare to offer prekindergarten education by or through public schools as authorized under this act and 16 V.S.A. § 829.

Approved: May 19, 2011