

1 H.323

2 Introduced by Representatives Donovan of Burlington, Aswad of Burlington,
3 Bohi of Hartford, Buxton of Royalton, Clarkson of Woodstock,
4 Davis of Washington, Lenex of Shelburne, Mitchell of Barnard,
5 Pearson of Burlington, Shand of Weathersfield, Sharpe of
6 Bristol and Sweaney of Windsor

7 Referred to Committee on

8 Date:

9 Subject: Education; prekindergarten students; average daily membership; caps

10 Statement of purpose: This bill proposes to remove limits on the number of
11 prekindergarten children who may be included in a school district's calculation
12 of average daily membership.

13 An act relating to the number of prekindergarten children included within a
14 school district's average daily membership

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

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

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

20 * * *

1 (C) The full-time equivalent enrollment for each prekindergarten
2 child as follows: If a child is enrolled in 10 or more hours of prekindergarten
3 education per week or receives 10 or more hours of essential early education
4 services per week, the child shall be counted as one full-time equivalent pupil.
5 If a child is enrolled in six or more but fewer than 10 hours of prekindergarten
6 education per week or if a child receives fewer than 10 hours of essential early
7 education services per week, the child shall be counted as a percentage of one
8 full-time equivalent pupil, calculated as one multiplied by the number of hours
9 per week divided by ten. A child enrolled in prekindergarten education for
10 fewer than six hours per week shall not be included in the district's average
11 daily membership. ~~Although there~~ There is no limit on the total number of
12 children who may be enrolled in prekindergarten education or who receive
13 essential early education services, ~~the total number of prekindergarten children~~
14 ~~that a district may include within its average daily membership shall be~~
15 ~~determined as follows:~~

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

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

21 ~~(1) ten children; or~~

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

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

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

11 ~~(iii) Notwithstanding subdivision (ii) of this subdivision or any~~
12 ~~other provision limiting the number of prekindergarten children a district may~~
13 ~~include within its average daily membership, if the commissioner determines~~
14 ~~that a school district or a school within the district has made insufficient~~
15 ~~progress in improving student performance as required by subsection 165(b) of~~
16 ~~this title or federal law, then until the commissioner determines that sufficient~~
17 ~~progress is being made, the school district may include within its average daily~~
18 ~~membership the total number of children enrolled in prekindergarten education~~
19 ~~offered by or through a school district; provided, however, that the number~~
20 ~~included in the average daily membership shall not exceed the maximum~~
21 ~~number of children who can be accommodated in all qualified prekindergarten~~

1 ~~education programs, as defined in state board rule, that are offered by or~~
2 ~~through the school district and by private providers within the district as of:~~

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

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

7 Sec. 2. EFFECTIVE DATE

8 This act shall take effect on passage and shall be applied so that it will be
9 reflected in the fiscal year 2012 equalized pupil count and after.