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H.270

Introduced by Representatives Buxton of Tunbridge, Christie of Hartford,
Cross of Winooski, Donovan of Burlington, and Peltz of
Woodbury

Referred to Committee on

Date:

Subject: Education; prekindergarten education; access

Statement of purpose of bill as introduced: This bill proposes to provide access to at least ten hours per week of high-quality, publicly funded prekindergarten education for 35 weeks annually to any “prekindergarten child” whom the parent or guardian wishes to enroll in an available, prequalified program. A prekindergarten child is defined as a three- or four-year-old child or a five-year-old child who is not enrolled in kindergarten. The parent or guardian of a prekindergarten child would retain complete discretion whether to enroll the child in a prekindergarten program and could select from prequalified public and private providers who have available space. School districts would choose whether to operate a prekindergarten education program. If a parent or guardian selected a prequalified provider other than the district of residence, the district would pay tuition at a statewide rate. The Agencies of Education and of Human Services would establish the tuition rate annually and could adjust the amount to account for regional differences. The

1 Agencies would continue to determine if a prekindergarten program met
2 established quality standards and would maintain a publicly accessible
3 database of prequalified providers. School districts could begin or expand a
4 school-based program only upon prior approval from the Agencies of
5 Education and of Human Services based on an analysis of the number of
6 prekindergarten children residing in the district and the availability of
7 enrollment opportunities with prequalified private providers. School districts
8 would continue to include the cost of prekindergarten programs and tuition in
9 their budgets and the number of resident children attending prekindergarten
10 programs in the calculation of average daily membership.

11 An act relating to providing access to publicly funded prekindergarten
12 education

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

14 Sec. 1. 16 V.S.A. § 829 is amended to read:

15 § 829. PREKINDERGARTEN EDUCATION; ~~RULES~~

16 (a) Definitions. As used in this section:

17 (1) "Prekindergarten child" means a child who is three or four years old
18 or who is five years old but is not yet eligible for or enrolled in kindergarten.

1 (2) “Prekindergarten education” means services designed to provide to
2 prekindergarten children developmentally appropriate early development and
3 learning experiences based on Vermont’s early learning standards.

4 (3) “Prequalified private provider” means a private provider of
5 prekindergarten education that is qualified pursuant to subsection (c) of this
6 section.

7 (b) Access to publicly funded prekindergarten education.

8 (1) No fewer than ten hours per week of publicly funded
9 prekindergarten education shall be available for 35 weeks annually to each
10 prekindergarten child whom a parent or guardian wishes to enroll in an
11 available, prequalified program operated by a public school or a private
12 provider.

13 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
14 available, prequalified program, then, pursuant to the parent or guardian’s
15 choice, the school district of residence shall:

16 (A) pay tuition pursuant to subsection (d) of this section upon the
17 request of the parent or guardian to:

18 (i) a prequalified private provider; or

19 (ii) a public school located outside the district that operates a
20 prekindergarten program that has been prequalified pursuant to subsection (c)
21 of this section; or

1 (B) enroll the child in the prekindergarten education program that it
2 operates.

3 (3) If requested by the parent or guardian of a prekindergarten child, the
4 school district of residence shall pay tuition to a prequalified program operated
5 by a private provider or a public school in another district even if the district of
6 residence operates a prekindergarten education program.

7 (4) If the supply of prequalified private and public providers is
8 insufficient to meet the demand for publicly funded prekindergarten education
9 in any region of the State, nothing in this section shall be construed to require a
10 district to begin or expand a program to satisfy that demand; but rather, in
11 collaboration with the Agencies of Education and of Human Services, the local
12 Building Bright Futures Council shall meet with school districts and private
13 providers in the region to develop a regional plan to expand capacity.

14 (c) Prequalification. Pursuant to rules jointly developed and overseen by
15 the Secretaries of Education and of Human Services and adopted by the
16 Agency of Human Services pursuant to 3 V.S.A. chapter 25, the Agencies
17 jointly may determine that a private or public provider of prekindergarten
18 education is qualified for purposes of this section and include the provider in a
19 publicly accessible database of prequalified providers. At a minimum, the
20 rules shall define the process by which a provider applies for and maintains

1 prequalification status, shall identify the minimum quality standards for
2 prequalification, and shall include the following requirements:

3 (1) A program of prekindergarten education, whether provided by a
4 school district or a private provider, shall have received:

5 (A) National Association for the Education of Young Children
6 (NAEYC) accreditation; or

7 (B) at least four stars in the Department for Children and Families
8 STARS system with at least two points in each of the five arenas; or

9 (C) three stars in the STARS system if the provider has developed a
10 plan, approved by the Commissioner for Children and Families and the
11 Secretary of Education, to achieve four or more stars in no more than two years
12 with at least two points in each of the five arenas, and the provider has met
13 intermediate milestones.

14 (2) A licensed provider shall employ or contract for the services of at
15 least one teacher who is licensed and endorsed in early childhood education or
16 in early childhood special education under chapter 51 of this title.

17 (3) A registered home provider that is not licensed and endorsed in early
18 childhood education or early childhood special education shall receive regular,
19 active supervision and training from a teacher who is licensed and endorsed in
20 early childhood education or in early childhood special education under
21 chapter 51 of this title.

1 (d) Tuition, budgets, and average daily membership.

2 (1) On behalf of a resident prekindergarten child, a district shall pay
3 tuition for prekindergarten education for up to ten hours per week for 35 weeks
4 annually to a prequalified private provider or to a public school outside the
5 district that is prequalified pursuant to subsection (c) of this section. Tuition
6 paid under this section shall be at a statewide rate, which may be adjusted
7 regionally, that is established annually through a process jointly developed and
8 implemented by the Agencies of Education and of Human Services. A district
9 shall pay tuition upon:

10 (A) receiving notice from the child's parent or guardian that the child
11 is or will be admitted to the prekindergarten education program operated by the
12 prequalified private provider or the other district; and

13 (B) concurrent enrollment of the prekindergarten child in the district
14 of residence for purposes of budgeting and determining average daily
15 membership.

16 (2) In addition to any direct costs of operating a prekindergarten
17 education program, a district of residence shall include anticipated tuition
18 payments, administration, and transition planning in its annual budget
19 presented to the voters.

20 (3) The district of residence may include within its average daily
21 membership any prekindergarten child for whom it has provided

1 prekindergarten education or on whose behalf it has paid tuition pursuant to
2 this section.

3 (4) A prequalified private provider may receive additional payment
4 directly from the parent or guardian only for prekindergarten education in
5 excess of the hours paid for by the district pursuant to this section or for child
6 care services, or both. The provider is not bound by the statewide rate
7 established in this subsection when determining the rates it will charge the
8 parent or guardian.

9 (e) Rules. ~~The commissioner of education and the commissioner for~~
10 ~~children and families~~ Secretary of Education and the Commissioner for
11 Children and Families shall jointly develop and agree to rules and present them
12 to the ~~state board of education~~ State Board for adoption under 3 V.S.A.
13 chapter 25 as follows:

14 ~~(1) To ensure that, before a school district begins or expands a~~
15 ~~prekindergarten education program that intends to enroll students who are~~
16 ~~included in its average daily membership, the district engage the community in~~
17 ~~a collaborative process that includes an assessment of the need for the program~~
18 ~~in the community and an inventory of the existing service providers; provided,~~
19 ~~however, if a district needs to expand a prekindergarten education program in~~
20 ~~order to satisfy federal law relating to the ratio of special needs children to~~
21 ~~children without special needs and if the law cannot be satisfied by any one or~~

1 ~~more qualified service providers with which the district may already contract,~~
2 ~~then the district may expand an existing school based program without~~
3 ~~engaging in a community needs assessment. [Repealed.]~~

4 (2) ~~To ensure that, if a school district begins or expands a~~
5 ~~prekindergarten education program that intends to include any of the students~~
6 ~~in its average daily membership, the district shall use existing qualified service~~
7 ~~providers to the extent that existing qualified service providers have the~~
8 ~~capacity to meet the district's needs effectively and efficiently. To authorize a~~
9 ~~district to begin or expand a school-based prekindergarten education program~~
10 ~~only upon prior approval obtained through a process jointly overseen by the~~
11 ~~Secretaries of Education and of Human Services, which shall be based upon~~
12 ~~analysis of the number of prekindergarten children residing in the district and~~
13 ~~the availability of enrollment opportunities with prequalified private providers~~
14 ~~in the region. Where the data are not clear or there are other complex~~
15 ~~considerations, the Secretaries may choose to conduct a community needs~~
16 ~~assessment.~~

17 (3) ~~To require that the school district provides opportunities for effective~~
18 ~~parental participation in the prekindergarten education program. [Repealed.]~~

19 (4) To establish a process by which:

20 (A) ~~a parent or guardian residing in the district or a provider, or both,~~
21 ~~may request a school district to enter into a contract with a provider located in~~

1 ~~or outside the district~~ notifies the district that the prekindergarten child is or
2 will be admitted to a prekindergarten education program not operated by the
3 district and concurrently enrolls the child in the district pursuant to subdivision
4 (d)(1) of this section;

5 (B) a district pays tuition pursuant to a schedule that does not inhibit
6 the ability of a parent or guardian to enroll a prekindergarten child in a
7 prekindergarten education program or the ability of a prequalified private
8 provider to maintain financial stability; and

9 (C) a provider that has received tuition payments on behalf of a
10 prekindergarten child notifies a district that the child is no longer enrolled.

11 ~~(5) To identify the services and other items for which state funds may be~~
12 ~~expended when prekindergarten children are counted for purposes of average~~
13 ~~daily membership, such as tuition reduction, quality improvements, or~~
14 ~~professional development for school staff or private providers. To establish a~~
15 ~~process to calculate an annual statewide tuition rate that is based upon the~~
16 ~~actual cost of delivering ten hours per week of prekindergarten education that~~
17 ~~meets all established quality standards.~~

18 ~~(6) To ensure transparency and accountability by requiring private~~
19 ~~providers under contract with a school districts to report costs for~~
20 ~~prekindergarten programs to the school district and by requiring school~~
21 ~~districts to report these costs to the commissioner of education. [Repealed.]~~

1 (7) To require ~~school districts~~ a district to include identifiable costs for
2 prekindergarten programs and essential early education services in ~~their~~ its
3 annual budgets and reports to the community.

4 (8) To require ~~school districts~~ a district to report to the ~~departments~~ their
5 Agency of Education annual expenditures made in support of prekindergarten
6 ~~care and~~ education, with distinct figures provided for expenditures made from
7 the ~~general fund~~ General Fund, from the ~~education fund~~ Education Fund, and
8 from all other sources, which shall be specified.

9 (9) ~~To provide an appeal process for parent, guardian, or provider to~~
10 ~~challenge an action of the school district when the appellant believes that the~~
11 ~~district is in violation of state statute or rules regarding prekindergarten~~
12 ~~education.~~ [Repealed.]

13 (10) ~~To establish the minimum quality standards necessary for a district~~
14 ~~to include prekindergarten children within its average daily membership. At a~~
15 ~~minimum, the standards shall include the following requirements:~~

16 (A) ~~The prekindergarten education program, whether offered by or~~
17 ~~through the district, shall have received:~~

18 (i) ~~National Association for the Education of Young Children~~
19 ~~(NAEYC) accreditation; or~~

20 (ii) ~~At least four stars in the department for children and families~~
21 ~~STARS system with at least two points in each of the five arenas; or~~

1 ~~(iii) Three stars in the STARS system if the provider has~~
2 ~~developed a plan, approved by the commissioner for children and families and~~
3 ~~the commissioner of education, to achieve four or more stars within three years~~
4 ~~with at least two points in each of the five arenas, and the provider has met~~
5 ~~intermediate milestones; and~~

6 ~~(B) A licensed center shall employ or contract for the services of at~~
7 ~~least one teacher who is licensed and endorsed in early childhood education or~~
8 ~~in early childhood special education under chapter 51 of this title; and~~

9 ~~(C) A registered home shall receive regular, active supervision and~~
10 ~~training from a teacher who is licensed and endorsed in early childhood~~
11 ~~education or in early childhood special education under chapter 51 of this title.~~

12 [Repealed.]

13 (11) To establish a process for documenting the progress of children
14 enrolled in prekindergarten education programs and to require public and
15 private providers to use the process to collect and report child progress data to
16 the ~~commissioner of education~~ Secretary of Education on an annual basis.

17 (12) If the Secretaries find it advisable, to establish guidelines designed
18 to help coordinate prekindergarten education programs under this section with
19 essential early education as defined in section 2942 of this title and with Head
20 Start programs.

1 Sec. 2. 16 V.S.A. § 4010(c) is amended to read:

2 (c) The ~~commissioner~~ Secretary shall determine the weighted long-term
3 membership for each school district using the long-term membership from
4 subsection (b) of this section and the following weights for each class:

5 Prekindergarten ~~0.46~~ 0.5

6 Elementary or kindergarten 1.0

7 Secondary 1.13

8 Sec. 3. PREKINDERGARTEN EDUCATION; CALCULATION OF

9 EQUALIZED PUPILS; EXCLUSION FROM EDUCATION

10 SPENDING

11 (a) If a school district did not provide or pay for prekindergarten education
12 in fiscal year 2014, then:

13 (1) for purposes of determining the equalized pupil count for the fiscal
14 year 2015 budget, the long-term membership of prekindergarten children shall
15 be the number of prekindergarten children for whom the district anticipates it
16 will provide prekindergarten education or pay tuition, or both, in fiscal year
17 2015; and

18 (2) for purposes of determining the equalized pupil count for the fiscal
19 year 2016 budget, the long-term membership of prekindergarten children shall
20 be the total number of prekindergarten children for whom the district provided
21 prekindergarten education or paid tuition, or both, in fiscal year 2015, adjusted

1 to reflect the difference between the estimated and actual count for that fiscal
2 year.

3 (b) For purposes of calculating excess spending pursuant to 32 V.S.A.
4 § 5401(12) in fiscal years 2015, 2016, and 2017, “education spending” shall
5 not include the portion of a district’s proposed budget directly attributable to
6 providing a prekindergarten education program or paying tuition on behalf of a
7 resident prekindergarten child pursuant to 16 V.S.A. § 829 as amended by
8 this act.

9 Sec. 4. REPEAL

10 16 V.S.A. § 11(a)(31) (definition of “early childhood education,” “early
11 education,” and “prekindergarten education”) is repealed.

12 Sec. 5. QUALITY STANDARDS

13 (a) The Agencies of Education and of Human Services shall review
14 existing quality standards for prekindergarten education programs and may
15 initiate rulemaking under 3 V.S.A. chapter 25 to require higher standards of
16 quality; provided, however, that no new standards shall take effect earlier than
17 July 1, 2015.

18 (b) In January of the 2015 and 2016 legislative sessions, the Agencies shall
19 report to the House and Senate Committees on Education, the House
20 Committee on Human Services, and the Senate Committee on Health and
21 Welfare regarding the quality of prekindergarten education in the State.

1 Sec. 6. EFFECTIVE DATE

2 This act shall take effect on July 1, 2013 and shall apply to enrollments on

3 July 1, 2014 and after.