

1 H.270

2 Introduced by Representatives Buxton of Tunbridge, Christie of Hartford,

3 Cross of Winooski, Donovan of Burlington, and Peltz of

4 Woodbury

5 Referred to Committee on

6 Date:

7 Subject: Education; prekindergarten education; access

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

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

§ 829. PREKINDERGARTEN EDUCATION; ~~RULES~~

(a) Definitions. As used in this section:

(1) "Prekindergarten child" means a child who, as of the date established by the district of residence for kindergarten eligibility, is three or four years of age or is five years of age but is not yet enrolled in kindergarten.

(2) "Prekindergarten education" means services designed to provide to prekindergarten children developmentally appropriate early development and learning experiences based on Vermont's early learning standards.

(3) "Prequalified private provider" means a private provider of prekindergarten education that is qualified pursuant to subsection (c) of this section.

(b) Access to publicly funded prekindergarten education.

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

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

(A) pay tuition pursuant to ~~subsection (d)~~ subsections (d) and (h) of this section upon the request of the parent or guardian to:

(i) a prequalified private provider; or

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

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

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

(4) If the supply of prequalified private and public providers is insufficient to meet the demand for publicly funded prekindergarten education in any region of the State, nothing in this section shall be construed to require a district to begin or expand a program to satisfy that demand; but rather, in collaboration with the Agencies of Education and of Human Services, the local

Building Bright Futures Council shall meet with school districts and private providers in the region to develop a regional plan to expand capacity.

(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements:

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

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

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

(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars in no more than two

years with at least two points in each of the five arenas, and the provider has met intermediate milestones.

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

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

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

(1) On behalf of a resident prekindergarten child, a district shall pay tuition for prekindergarten education for ten hours per week for 35 weeks annually to a prequalified private provider or to a public school outside the district that is prequalified pursuant to subsection (c) of this section; provided, however, that the district shall pay tuition for weeks that are within the district's academic year. Tuition paid under this section shall be at a statewide rate, which may be adjusted regionally, that is established annually through a process jointly developed and implemented by the Agencies of Education and of Human Services. A district shall pay tuition upon:

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

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

(2) In addition to any direct costs of operating a prekindergarten education program, a district of residence shall include anticipated tuition payments and any administrative, quality assurance, quality improvement, transition planning, or other prekindergarten-related costs in its annual budget presented to the voters.

(3) Pursuant to subdivision 4001(1)(C) of this title, the district of residence may include within its average daily membership any prekindergarten child for whom it has provided prekindergarten education or on whose behalf it has paid tuition pursuant to this section.

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

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

~~(1) To ensure that, before a school district begins or expands a prekindergarten education program that intends to enroll students who are included in its average daily membership, the district engage the community in a collaborative process that includes an assessment of the need for the program in the community and an inventory of the existing service providers; provided, however, if a district needs to expand a prekindergarten education program in order to satisfy federal law relating to the ratio of special needs children to children without special needs and if the law cannot be satisfied by any one or more qualified service providers with which the district may already contract, then the district may expand an existing school based program without engaging in a community needs assessment. To permit private providers that are not prequalified pursuant to subsection (c) of this section to create new or continue existing partnerships with school districts through which the school district provides supports that enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and through which the~~

district may or may not make in-kind payments as a component of the statewide tuition established under this section.

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

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

~~(4) To establish a process by which;~~

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

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

(B) a district:

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

(ii) enters into an agreement with any provider to which it will pay tuition regarding quality assurance, transition, and any other matters; and

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

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

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

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

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

~~(9) To provide an ~~appeal~~ administrative process for:~~

~~(A) a parent, guardian, or provider to challenge an action of the a school district or the State when the ~~appellant~~ complainant believes that the district or State is in violation of state statute or rules regarding prekindergarten education; and~~

~~(B) a school district to challenge an action of a provider or the State when the district believes that the provider or the State is in violation of state statute or rules regarding prekindergarten education.~~

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

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

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

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

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

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

~~(C) A registered home shall receive regular, active supervision and training from a teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title. To establish a system by which the Agency of Education and Department~~

for Children and Families shall jointly monitor prekindergarten education programs to promote optimal outcomes for children and to collect data that will inform future decisions. The Agency and Department shall be required to report annually to the General Assembly in January. At a minimum, the system shall monitor and assess:

(A) programmatic details, including the number of children served, the number of private and public programs operated, and the public financial investment made to ensure access to quality prekindergarten education;

(B) the quality of public and private prekindergarten education programs and efforts to ensure continuous quality improvements through mentoring, training, technical assistance, and otherwise; and

(C) the outcomes for children, including school readiness and proficiency in numeracy and literacy.

(11) To establish a process for documenting the progress of children enrolled in prekindergarten education programs and to require public and private providers to use the process to:

(A) help individualize instruction and improve program practice; and

(B) collect and report child progress data to the ~~commissioner of education~~ Secretary of Education on an annual basis.

(12) If the Secretaries find it advisable, to establish guidelines designed to help coordinate prekindergarten education programs under this section with

essential early education as defined in section 2942 of this title and with Head Start programs.

(f) Other provisions of law. Section 836 of this title shall not apply to this section.

(g) Limitations. Nothing in this section shall be construed to permit or require payment of public funds to a private provider of prekindergarten education in violation of Chapter I, Article 3 of the Vermont Constitution or in violation of the Establishment Clause of the U.S. Constitution.

(h) Geographic limitations.

(1) Notwithstanding the requirement that a district pay tuition to any prequalified public or private provider in the State, a school board may choose to limit the geographic boundaries within which the district shall pay tuition by paying tuition solely to those prequalified providers in which parents and guardians choose to enroll resident prekindergarten children that are located within the district's "prekindergarten region" as determined in subdivision (2) of this subsection.

(2) For purposes of this subsection, upon application from the school board, a district's prekindergarten region shall be determined jointly by the Agencies of Education and of Human Services in consultation with the school board, private providers of prekindergarten education, parents and guardians

of prekindergarten children, and other interested parties pursuant to a process adopted by rule under subsection (e) of this section. A prekindergarten region:

(A) shall not be smaller than the geographic boundaries of the school district;

(B) shall be based in part upon the estimated number of prekindergarten children residing in the district and in surrounding districts, the availability of prequalified private and public providers of prekindergarten education, commuting patterns, and other region-specific criteria; and

(C) shall be designed to support existing partnerships between the school district and private providers of prekindergarten education.

(3) If a school board chooses to pay tuition to providers solely within its prekindergarten region, and if a resident prekindergarten child is unable to access publicly funded prekindergarten education within that region, then the child's parent or guardian may request and in its discretion the district may pay tuition at the statewide rate for a prekindergarten education program operated by a prequalified provider located outside the prekindergarten region.

(4) Except for the narrow exception permitting a school board to limit geographic boundaries under subdivision (1) of this subsection, all other provisions of this section and related rules shall continue to apply.

*Sec. 2. PREKINDERGARTEN EDUCATION; CALCULATION OF
EQUALIZED PUPILS; EXCLUSION FROM EDUCATION
SPENDING*

If a school district did not provide or pay for prekindergarten education pursuant to 16 V.S.A. § 829 in fiscal year 2015, then:

(1) for purposes of determining the equalized pupil count for the fiscal year 2016 budget, the long-term membership of prekindergarten children shall be the number of prekindergarten children for whom the district anticipates it will provide prekindergarten education or pay tuition, or both, in fiscal year 2016; and

(2) for purposes of determining the equalized pupil count for the fiscal year 2017 budget, the long-term membership of prekindergarten children shall be the total number of prekindergarten children for whom the district provided prekindergarten education or paid tuition, or both, in fiscal year 2016, adjusted to reflect the difference between the estimated and actual count for that fiscal year.

Sec. 3. QUALITY STANDARDS

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

2015. Changes to the quality standards shall be designed 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, intellectual, language, literacy, and physical development of prekindergarten children.

(b) In January of the 2015, 2016, and 2017 legislative sessions, the Agencies shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Human Services, and the Senate Committee on Health and Welfare regarding the quality of prekindergarten education in the State.

Sec. 3a. REPORT ON ENROLLMENT AND ACCESS

The Agencies of Education and of Human Services and the Building Bright Futures Council shall monitor and evaluate access to and enrollment in prekindergarten education programs under Sec. 1 of this act. On or before January 1, 2018, they shall report to the House and Senate Committees on Education and on Appropriations, the House Committee on Ways on Means, and the Senate Committee on Finance regarding their evaluation, conclusions, and any recommendations for amendments to statute or related rule.

Sec. 4. CONSTITUTIONALITY

On or before July 1, 2014, the Secretary of Education shall identify the private prekindergarten education programs to which school districts are

paying tuition on behalf of resident prekindergarten children, determine the extent to which any program provides religious prekindergarten education, and establish the steps the Agency will take to ensure that public funds are not expended in violation of Chapter I, Article 3 of the Vermont Constitution and the Vermont Supreme Court's decision in Chittenden Town School District v. Vermont Department of Education, 169 Vt. 310 (1999) or in violation of the Establishment Clause of the U.S. Constitution.

Sec. 5. EFFECTIVE DATE

This act shall take effect on July 1, 2013 and shall apply to enrollments on July 1, 2015 and after.