

[not yet reviewed by editorial staff]

1 **potential additional amendments to House Bill No. 889**

2 ***** Responsibilities of Supervisory Union Boards, Superintendents,**

3 **and School Districts *****

4 **Sec. 1.** 16 V.S.A. § 268 is added to read:

5 § 268. DUTIES OF A SUPERVISORY UNION BOARD

6 A supervisory union board shall:

7 (1) adopt supervisory union policies, including truancy policies that are
8 consistent with model protocols developed by the Secretary;

9 (2) adopt a supervisory union-wide curriculum that meets the
10 requirements adopted by the State Board under subdivision 165(a)(3)(B) of
11 this title, by either developing the curriculum or directing the superintendent to
12 assist the member districts to develop it jointly;

13 (3) on or before June 30 of each year, adopt a supervisory union budget
14 for the ensuing school year;

15 (4) employ a superintendent pursuant to the provisions of section **270**
16 **[current § 241]** of this title and evaluate and oversee the performance of the
17 superintendent;

18 (5) employ all licensed and nonlicensed employees of the supervisory
19 union pursuant to the provisions of section **271 [current § 242]** of this title,
20 including a person or persons qualified to provide financial and student data
21 management services for the supervisory union and the member districts;

[not yet reviewed by editorial staff]

1 (6) negotiate with the licensed employees of the supervisory union and
2 school districts, pursuant to chapter 57 of this title, and with other school
3 personnel, pursuant to 21 V.S.A. chapter 22, at the supervisory union level;
4 provided that

5 (i) contract terms may vary by district; and

6 (ii) contracts may include terms facilitating arrangements between
7 or among districts to share the services of teachers, administrators, and other
8 school personnel;

9 (7) pursuant to criteria established by the State Board, establish and
10 direct the superintendent to implement a plan for receiving and disbursing
11 federal and State funds distributed by the Agency, including funds awarded
12 under P.L. 89-10, the Elementary and Secondary Education Act of 1965, as
13 amended.

14 **Sec. 2.** 16 V.S.A. § 269 is added to read:

15 § 269. DUTIES OF A SUPERVISORY UNION

16 (a) A supervisory union shall have sole responsibility to:

17 (1) provide professional development programs or arrange for the
18 provision of them, or both, for teachers, administrators, and staff within the
19 supervisory union, which may include programs offered solely to one school or
20 other component of the entire supervisory union to meet the specific needs or
21 interests of that component; a supervisory union has the discretion to provide

[not yet reviewed by editorial staff]

1 financial assistance outside the negotiated agreements for teachers'
2 professional development activities;

3 (2) provide special education services on behalf of the member districts
4 and, except as provided in section 144b of this title, compensatory and
5 remedial services, and provide or coordinate the provision of other educational
6 services as directed by the State Board or local boards;

7 (3) provide all financial and student data management services on behalf
8 of the member districts and serve as the districts' business office and human
9 resources office;

10 (4) provide transportation or contract for the provision of transportation,
11 or both in any districts in which it is offered within the supervisory union;

12 (5) procure and distribute all goods and operational services used by the
13 member districts, including office and classroom supplies and equipment,
14 textbooks, and cleaning materials and services;

15 (6) manage all real property owned or leased by the member school
16 districts and keep the buildings and grounds in good repair, suitably equipped,
17 and in a sanitary condition; and

18 (7) manage all construction projects within the supervisory union.

19 (b) A supervisory union shall submit to the board of each member school
20 district, on or before January 15 of each year, a summary report of financial
21 operations of the supervisory union for the preceding school year, an estimate

[not yet reviewed by editorial staff]

1 of its financial operations for the current school year, and a preliminary budget
2 for the supervisory union for the ensuing school year. This requirement shall
3 not apply to a supervisory district. For each school year, the report shall show
4 the actual or estimated amount expended by the supervisory union for special
5 education services, including:

6 (A) a breakdown of that figure showing the amount paid by each
7 school district within the supervisory union; and

8 (B) a summary of the services provided by the supervisory union's
9 use of the expended funds;

10 (c) A supervisory union may provide other appropriate services if requested
11 by a member district, including grant writing and fundraising.

12 **Sec. 3.** 16 V.S.A. § 241 is redesignated and amended to read:

13 § ~~241~~ 270. APPOINTMENT OF SUPERINTENDENT

14 (a) Each supervisory union or supervisory district board, with the advice of
15 the commissioner, ~~may~~ shall employ a superintendent of schools.

16 * * *

17 **Sec. 4.** 16 V.S.A. § 242 is redesignated and amended to read:

18 § ~~242~~ 271. DUTIES OF SUPERINTENDENTS

19 The superintendent shall be the chief executive officer for the supervisory
20 union board and for each school board within the supervisory union, and shall:

21 * * *

[not yet reviewed by editorial staff]

1 (6) arrange for the provision of the professional training required in
2 subsection 561(b) of this title; ~~and~~

3 (7)(A) ensure implementation of the supervisory union-wide curriculum
4 adopted by the supervisory union board;

5 (B) assist each school in the supervisory union to follow the
6 curriculum; and

7 (C) if students residing in the supervisory union receive their
8 education outside the supervisory union, periodically review the compatibility
9 of the supervisory union's curriculum with those other schools;

10 (8) perform all the duties required of a supervisory union in section 269
11 of this title or oversee the performance of those duties by employees of the
12 supervisory union; and

13 (9) provide for the general supervision of the public schools in the
14 supervisory union ~~or district~~.

15 **Sec. 5.** 16 V.S.A. § 242a is redesignated to read:

16 § ~~242a~~ 272. Internal Financial Controls

17 **Sec. 6.** 16 V.S.A. § 563 is amended to read:

18 § 563. POWERS OF SCHOOL BOARDS; ~~FORM OF VOTE IF BUDGET~~

19 ~~EXCEEDS BENCHMARK AND DISTRICT SPENDING IS ABOVE~~

20 ~~AVERAGE~~

[not yet reviewed by editorial staff]

1 (6) Shall have discretion to furnish instruction to pupils who have
2 completed a secondary education and to administer early educational
3 programs.

4 (7) May relocate or discontinue use of a schoolhouse or facility, subject
5 to the provisions of sections 821 and 822 of this title.

6 (8) ~~Shall~~ Subject to the duties and authority of the supervisory union
7 pursuant to subdivision 263(a)(3), shall establish and maintain a system for
8 receipt, deposit, disbursement, accounting, control, and reporting procedures
9 that meets the criteria established by the State Board pursuant to subdivision
10 164(15) of this title and that ensures that all payments are lawful and in
11 accordance with a budget adopted or amended by the school board. ~~The~~
12 ~~school board may authorize a subcommittee, the superintendent of schools, or~~
13 ~~a designated employee of the school board to~~ The superintendent shall examine
14 claims against the district for school expenses and draw orders for such as shall
15 be allowed by it payable to the party entitled thereto. Such orders shall state
16 definitely the purpose for which they are drawn and shall serve as full authority
17 to the treasurer to make such payments. ~~It shall be lawful for a school board to~~
18 ~~submit to its treasurer a certified copy of those portions of the board minutes,~~
19 ~~properly signed by the clerk and chair, or a majority of the board, showing to~~
20 ~~whom, and for what purpose each payment is to be made by the treasurer, and~~

[not yet reviewed by editorial staff]

1 such certified copy shall serve as full authority to the treasurer to make the
2 payments as thus approved.

3 * * *

4 (14) ~~Shall provide, at the expense of the district, subject to the approval~~
5 ~~of the superintendent, all text books, learning materials, equipment and~~
6 ~~supplies. [Repealed.]~~

7 * * *

8 **Sec. 7.** 16 V.S.A. § 426(c) is amended to read:

9 (c) The treasurer shall pay out of such money, orders drawn by or upon the
10 authority of the ~~board of school directors~~ superintendent. If ~~he or she~~ the
11 treasurer does not pay any such order on demand the holder thereof may
12 recover the amount from the town school district with interest from the time of
13 such demand. Moneys so received by the town school district may be invested
14 and reinvested by the treasurer, with the approval of the board of school
15 directors.

16 **NOTE:** *There are probably other sections that need to be amended to clarify*
17 *SU's role as business office and treasurer's limited more role.*

18 Sec. ____ REPEAL **[to be filled in once all decisions are made about which**
19 **sections to include]**

20 **[add to EFFECTIVE DATE Section]** Secs. ____ shall apply to academic
21 years 2015–2016 and after.

[not yet reviewed by editorial staff]

* * * Collaboration by Supervisory Unions * * *

Alternative #1:

Sec. 8. 16 V.S.A. § 261a(b) is amended to read: **[will need to amend lead-in and all references if include Secs 1-7]**

(b) Virtual merger. In order to promote the efficient use of financial and human resources, ~~and whenever legally permissible, supervisory unions are encouraged to reach agreements with other supervisory unions jointly to provide any service or perform any duty under this section pursuant to section 267 of this title. Agreements between supervisory unions are not subject to the waiver requirement of subdivision (a)(8) of this section. Agreements shall include a cost benefit analysis outlining the projected financial savings or enhanced outcomes, or both, that the parties expect to realize through shared services or programs~~ and pursuant to subsection 267 of this title, each supervisory union shall enter into an agreement with at least one other supervisory union jointly to provide the services required under the following subdivisions of subsection (a) of this section:

(1) subdivision (a)(5) (professional development);

(2) subdivision (a)(8)(A) (goods and operational services);

(3) subdivision (a)(8)(E) (transportation); and

(4) subdivision (a)(8)(G) (other appropriate services).

[not yet reviewed by editorial staff]

1 **Sec. 9.** 16 V.S.A. § 267(a) is amended to read:

2 (a) ~~Supervisory~~ In addition to the joint agreements required in subsection
3 261a(b) of this title, supervisory unions, or administrative units not within a
4 supervisory union, in order to provide services cooperatively, may at any
5 annual or special meeting of the supervisory unions, by a majority vote of the
6 directors present and eligible to vote, enter into a joint agreement to provide
7 joint programs, services, facilities, and professional and other staff that are
8 necessary to carry out the desired programs and services.

9 **OR**

10 **Alternative #2:**

11 **Sec. 8.** 16 V.S.A. § 261a(b) is amended to read: **[will need to amend lead-in**
12 **and all references if include Secs 1-7]**

13 ~~(b) Virtual merger. In order to promote the efficient use of financial and~~
14 ~~human resources, and whenever legally permissible, supervisory unions are~~
15 ~~encouraged to reach agreements with other supervisory unions jointly to~~
16 ~~provide any service or perform any duty under this section pursuant to section~~
17 ~~267 of this title. Agreements between supervisory unions are not subject to the~~
18 ~~waiver requirement of subdivision (a)(8) of this section. Agreements shall~~
19 ~~include a cost benefit analysis outlining the projected financial savings or~~
20 ~~enhanced outcomes, or both, that the parties expect to realize through shared~~
21 ~~services or programs. The supervisory unions in each supervisory union~~

[not yet reviewed by editorial staff]

1 service region, as established by the Secretary, shall jointly provide the
2 services required under the following subdivisions of subsection (a) of this
3 section:

4 (1) subdivision (a)(5) (professional development);

5 (2) subdivision (a)(8)(A) (goods and operational services);

6 (3) subdivision (a)(8)(E) (transportation); and

7 (4) subdivision (a)(8)(G) (other appropriate services).

8 **Sec. 9.** SUPERVISORY UNION SERVICE REGIONS

9 On or before January 1, 2015, the Secretary of Education shall establish
10 supervisory union service regions, each of which shall be a group of
11 supervisory unions that jointly provide the services required by 16 V.S.A.
12 § 261a(b).

13 **[add to EFFECTIVE DATE Section]** Secs. _____ shall take effect on July 1,
14 2014 and shall apply to academic years 2015–2016 and after.

15 ***** Financial Penalties; Failure to Comply with Law *****

16 **Sec. 10.** 32 V.S.A. § 5401 is amended to read:

17 § 5401. DEFINITIONS

18 As used in this chapter:

19 * * *

20 (13) "District spending adjustment" means the greater of: one or a
21 fraction in which the numerator is the district's education spending plus excess

[not yet reviewed by editorial staff]

1 spending plus any noncompliance penalty , per equalized pupil, for the school
2 year; and the denominator is the base education amount for the school year, as
3 defined in 16 V.S.A. § 4001. For a district that pays tuition to a public school
4 or an approved independent school, or both, for all of its resident students in
5 any year and which has decided by a majority vote of its school board to opt
6 into this provision, the district spending adjustment shall be the average of the
7 district spending adjustment calculated under this subdivision for the previous
8 year and for the current year. Any district opting for a two-year average under
9 this subdivision may not opt out of such treatment, and the averaging shall
10 continue until the district no longer qualifies for such treatment.

11 * * *

12 (15) “Noncompliance penalty” means an amount equal to one percent of
13 a district’s total education spending, as defined in 16 V.S.A. § 4001(6)
14 included in the calculation of a district’s district spending adjustment if the
15 Secretary of Education, pursuant to criteria established by the State Board of
16 Education, determines that the district failed to comply with **[statutory**
17 **requirements relating to the proper roles and responsibilities of supervisory**
18 **unions and school districts /// any provision of state or federal law /// etc.]**
19 **[effective date – applies beginning in what fiscal year?]**

[not yet reviewed by editorial staff]

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***** Supervisory Union Consolidation *****

Sec. 11. SUPERVISORY UNION; ADJUSTMENT OF BOUNDARIES

Pursuant to the authority granted it in 16 V.S.A. § 261, the State Board shall regroup the supervisory unions of the state to create no more than a total of 20 supervisory unions statewide. The existing supervisory unions shall be dissolved and all new supervisory unions shall be fully operational no later than July 1, 2019.

***** Paraprofessionals *****

Sec. 12. 16 V.S.A. § 4025(b) is amended to read:

(b) Moneys in the education fund shall be used for the following:

(1) To make payments to school districts and supervisory unions for the support of education in accordance with the provisions of section 4028 of this title, other provisions of this chapter, and the provisions of 32 V.S.A. chapter 135, to make payments to carry out programs of adult education in accordance with subsection 1049(a) of this title, and to provide funding for the community high school of Vermont; provided, however, that moneys in the education funds shall not be used for the purpose of employing an individual to provide assistance in the classroom, other than an individual employed as a licensed teacher or an individual employed to provide assistance in the delivery of special education services.

[not yet reviewed by editorial staff]

1 **Sec. 13.** 16 V.S.A. § 4029(a) is amended to read:

2 (a)(1) Funds received by a school district may be used only for legitimate
3 items of current education expense and shall not be used for municipal
4 services.

5 (2) Except as provided in subdivision 4025(b)(1) of this title or as
6 otherwise prohibited by State or federal law, funds received by a school district
7 may be used for the expense of an individual who is employed by the district
8 or supervisory union to provide assistance in the classroom and who is not
9 employed as a licensed teacher or to provide assistance in the delivery of
10 special education services.

11 * * *

12 **[specifically state that not part of ed spending / tax rate calculation?]**

13 **[add to EFFECTIVE DATE Section]** Secs. ___ and ___ shall take effect on
14 July 1, 2014 and shall apply to budgets for the 2015–2016 academic year and
15 after.

[not yet reviewed by editorial staff]

***** Prekindergarten Education *****

House as Passed **plus** Additional Section proposed by Senate Committee
on Education **plus** clarifying Head Start Amendment that Senators
McCormack and Mullin intended to introduce (**and** updated dates)

Sec. 14. 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

[not yet reviewed by editorial staff]

1 available, prequalified program operated by a public school or a private
2 provider.

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

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

8 (i) a prequalified private provider; or

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

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

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

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

[not yet reviewed by editorial staff]

1 collaboration with the Agencies of Education and of Human Services, the local
2 Building Bright Futures Council shall meet with school districts and private
3 providers in the region to develop a regional plan to expand capacity.

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

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

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

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

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

[not yet reviewed by editorial staff]

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

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

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

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

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

[not yet reviewed by editorial staff]

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

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

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

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

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

[not yet reviewed by editorial staff]

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

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

[not yet reviewed by editorial staff]

1 in-kind payments as a component of the statewide tuition established under this
2 section.

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

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

18 (4) To establish a process by which;

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

[not yet reviewed by editorial staff]

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

4 (B) a district:

5 (i) pays tuition pursuant to a schedule that does not inhibit the
6 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 (ii) enters into an agreement with any provider to which it will pay
10 tuition regarding quality assurance, transition, and any other matters; and

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

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

[not yet reviewed by editorial staff]

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

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

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

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

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

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

[not yet reviewed by editorial staff]

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

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

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

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

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

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

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

21 To establish a system by which the Agency of Education and Department for

[not yet reviewed by editorial staff]

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

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

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

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

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

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

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

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

[not yet reviewed by editorial staff]

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

5 (h) Geographic limitations.

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

13 (2) For purposes of this subsection, upon application from the school
14 board, a district’s prekindergarten region shall be determined jointly by the
15 Agencies of Education and of Human Services in consultation with the school
16 board, private providers of prekindergarten education, parents and guardians of
17 prekindergarten children, and other interested parties pursuant to a process
18 adopted by rule under subsection (e) of this section. A prekindergarten region:

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

[not yet reviewed by editorial staff]

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

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

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

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

16 **Sec. 15.** PREKINDERGARTEN EDUCATION; CALCULATION OF
17 EQUALIZED PUPILS; EXCLUSION FROM EDUCATION
18 SPENDING

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

[not yet reviewed by editorial staff]

1 (1) for purposes of determining the equalized pupil count for the fiscal
2 year 2016 budget, the long-term membership of prekindergarten children shall
3 be the number of prekindergarten children for whom the district anticipates it
4 will provide prekindergarten education or pay tuition, or both, in fiscal year
5 2016; and

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

12 **Sec. 16.** 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. Changes to the quality standards shall be designed to ensure that
18 programs are based on intentional, evidence-based practices that create a
19 developmentally appropriate environment and support the delivery of an
20 engaging program that supports the social, emotional, intellectual, language,
21 literacy, and physical development of prekindergarten children.

[not yet reviewed by editorial staff]

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

6 **Sec. 17.** REPORT ON ENROLLMENT AND ACCESS

7 The Agencies of Education and of Human Services and the Building Bright
8 Futures Council shall monitor and evaluate access to and enrollment in
9 prekindergarten education programs under Sec. 14 of this act. On or before
10 January 1, 2018, they shall report to the House and Senate Committees on
11 Education and on Appropriations, the House Committee on Ways on Means,
12 and the Senate Committee on Finance regarding their evaluation, conclusions,
13 and any recommendations for amendments to statute or related rule.

14 **Sec. 18.** PREKINDERGARTEN REGIONS; PROCESS AND CRITERIA

15 The Agencies of Education and of Human Services, in consultation with the
16 Vermont Superintendents Association, the Vermont School Boards
17 Association, the Vermont Principals' Association, the Vermont-NEA, and the
18 Building Bright Futures Council created in 33 V.S.A. chapter 46, shall develop
19 a detailed proposal outlining the process and criteria by which the Agencies
20 will determine the prekindergarten region of a school district if requested to do
21 so pursuant to Sec. 1, 16 V.S.A. § 829(h)(2), of this act. The Agencies shall

[not yet reviewed by editorial staff]

1 present the proposal to the House and Senate Committees on Education on or
2 before January 15, 2015. The Agencies shall also present any
3 recommendations for amendments to statute, including repeal of or
4 amendments to subsection (h).

5 **Sec. 19.** CONSTITUTIONALITY

6 On or before July 1, 2014, the Secretary of Education shall identify the
7 private prekindergarten education programs to which school districts are
8 paying tuition on behalf of resident prekindergarten children, determine the
9 extent to which any program provides religious prekindergarten education, and
10 establish the steps the Agency will take to ensure that public funds are not
11 expended in violation of Chapter I, Article 3 of the Vermont Constitution and
12 the Vermont Supreme Court’s decision in Chittenden Town School District v.
13 Vermont Department of Education, 169 Vt. 310 (1999) or in violation of the
14 Establishment Clause of the U.S. Constitution.

15 **[add to EFFECTIVE DATE Section]** Secs. ___ through ___ shall take effect
16 on passage; provided, however, that Secs. ___ through ___ shall apply to
17 enrollments on July 1, 2015 and after.

[not yet reviewed by editorial staff]

1 * * * Agency of Education; Special Education Audits * * *

2 **Sec. 20.** AGENCY OF EDUCATION; SPECIAL EDUCATION;
3 EDUCATION FUND; AUDITS

4 (a) The Secretary of Education, in consultation with the State Board of
5 Education, shall establish systems that reduce the time and effort required to
6 account for time spent by supervisory union and school district employees to
7 provide special education services.

8 (b) The Agency of Education shall identify \$1,000,000.00 in planned
9 expenditures from the Education Fund that is improperly identified as
10 education spending and the Education Fund shall reflect that reduction in fiscal
11 year 2015. The Secretary shall reduce education spending, as defined 16
12 V.S.A. § 4001, for purposes of calculating the tax rate of, and the
13 corresponding payment from the Education Fund to, each district identified as
14 improperly including non-education spending within its education budget in
15 fiscal year 2015.

16 (c) The Secretary shall ensure that, on or before July 1, 2016, the Agency
17 shall have fully implemented a statewide, integrated electronic financial
18 reporting system and that each supervisory union and school district in the
19 State has the technological ability to provide all requested data to the system
20 and to access any data to which they are entitled under State and federal
21 privacy laws.

[not yet reviewed by editorial staff]

1 (d) On or before January 15, 2015, the Secretary shall present the results of
2 the work required by this section to the General Assembly, together with any
3 recommendations for legislative action.

4

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8 **Sec. ____ . EFFECTIVE DATES**

9

10

11

12 (Committee vote: _____)

13

14

Senator _____

15

FOR THE COMMITTEE

16