

Act 166 (H.270) of 2014
Access to Publicly Funded Prekindergarten Education

Since 2008, 16 V.S.A. § 829 has required the Agency of Education and the Department for Children and Families jointly to develop rules that *permit* a school district to:

- operate a prekindergarten education program
- enter into a contract with one or more qualified private providers and pay tuition for resident prekindergarten children enrolled there (at whatever rate the district and provider negotiate)
- do both (operate and pay tuition)
- do neither

A school district may include in its average daily membership (ADM) any child it enrolls in a program it operates or for whom it pays tuition

A parent may request that a district pay tuition to a qualified provider (inside or outside the geographic boundaries of the district) with which the district does *not* have a contract – solely within the district’s discretion whether or not to pay

On and after July 1, 2015, 16 V.S.A. § 829 requires *publicly funded* access to:

- at least ten hours per week
- of high-quality prekindergarten education
- for 35 weeks annually
- to any “prekindergarten child” whom a parent or guardian wishes to enroll
- in an *available*, prequalified program

“Prekindergarten Child” is defined as:

- a 3 or 4 year old child or
- a 5 year old child not enrolled in kindergarten

Act 166 went into effect on May 28, 2014, but the new requirements apply to enrollments on July 1, 2015 and after

16 V.S.A. § 829, as amended by Act 166, will:

- continue to give parents and guardians *complete discretion whether to enroll* a child in a prekindergarten program
- continue to allow districts to *decide whether to operate* a prekindergarten program
- *require a district to pay tuition to **any prequalified** private or public provider in the State in which a resident prekindergarten child is enrolled (even if the district operates a program that has space for the child)*
- *permit a district to limit the geographic area within which it pays tuition by requesting that the Agencies of Education and Human Services work with it to define its own “prekindergarten region” that:*
 - would be no smaller than the geographic boundaries of the school district
 - would take into account factors such as commuting patterns, availability of prekindergarten education programs, numbers of prekindergarten-aged children in the area, etc.*(even if a district chooses to limit the area in which it pays tuition, a parent could still request a district to pay tuition outside the region – discretionary)*
- continue to permit schools to *enter into partnerships* with providers through which the school provides support (such as a licensed teacher) that enables a provider to become qualified under the statute
- continue to permit districts to include prekindergarten children in their *ADM*

Act 166 adds new *data collection* elements intended to improve quality *and* to inform future decisions of the Legislature and Agencies

In FY16 and FY17, a district that has not previously provided resident children with access to prekindergarten education may include the estimated number of prekindergarten children in its ADM