

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; prekindergarten

4 Statement of purpose of bill as introduced: This bill proposes to (1) limit
5 public funding for prekindergarten education based upon family income; (2)
6 permit a supervisory union to establish a prekindergarten region within which
7 member districts of the supervisory union shall pay tuition to prequalified
8 providers located within the region; (3) require supervisory unions and school
9 districts that are part of a prekindergarten region to form a prekindergarten
10 collaborative with prequalified providers located within the prekindergarten
11 region to coordinate the delivery of prekindergarten services throughout the
12 region; (4) permit a school district to pay tuition to a prequalified provider that
13 operates a prekindergarten program outside the district's academic year; (5)
14 permit a public prequalified provider to receive additional payment directly
15 from a parent or guardian for the provision of prekindergarten services in
16 excess of publicly funded prekindergarten education that is required under
17 State law; and (6) grant rulemaking and related powers over prekindergarten
18 programs and services to the Agency of Education, and require the Agency of
19 Education to exercise these powers in consultation with the Department for
20 Children and Families and the Agency of Human Services.

1 An act relating to prekindergarten education

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

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

4 § 829. PREKINDERGARTEN EDUCATION

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

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

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

12 (3) “Prequalified private provider” means a private provider of
13 prekindergarten education that is qualified pursuant to subsection (c) of this
14 section.

15 (4) “Qualified parent” means the parent or guardian of a prekindergarten
16 child who qualifies for State funding of prekindergarten education under this
17 section.

18 (b) Access to publicly funded prekindergarten education.

19 (1) ~~No fewer than ten hours per week of publicly~~ Publicly funded
20 prekindergarten education shall be available ~~for 35 weeks annually~~ to each
21 prekindergarten child whom a qualified parent or guardian wishes to enroll in

1 an available, prequalified program operated by a public school or a private
2 provider. The amount of publicly funded prekindergarten education to which a
3 qualified parent is entitled shall be determined under subdivision (d)(5) of this
4 section.

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

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

10 (i) a prequalified private provider; or

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

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

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

20 (4) If the supply of prequalified private and public providers is
21 insufficient to meet the demand for publicly funded prekindergarten education

1 in any region of the State, nothing in this section shall be construed to require a
2 district to begin or expand a program to satisfy that demand; but rather, in
3 collaboration with the Agencies of Education and of Human Services, the local
4 Building Bright Futures Council shall meet with school districts and private
5 providers in the region to develop a regional plan to expand capacity.

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

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

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

20 (B) 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 (C) three stars in the STARS system if the provider has developed a
2 plan, approved by the ~~Commissioner for Children and Families and the~~
3 Secretary of Education, in consultation with the Commissioner for Children
4 and Families, to achieve four or more stars in no more than two years with at
5 least two points in each of the five arenas, and the provider has met
6 intermediate milestones.

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

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

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

16 (1) On behalf of a resident prekindergarten child of a qualified parent, a
17 district shall pay tuition for prekindergarten education ~~for ten hours per week~~
18 ~~for 35 weeks annually~~ to a prequalified private provider or to a public school
19 outside the district that is prequalified pursuant to subsection (c) of this
20 section; ~~provided, however, that the district shall pay tuition for weeks that are~~
21 ~~within the district's academic year~~ in an amount determined under subdivision

1 ~~(5) of this subsection. Tuition paid under this section shall be at a statewide~~
2 ~~rate, which may be adjusted regionally, that is established annually through a~~
3 ~~process jointly developed and implemented by the Agencies of Education and~~
4 ~~of Human Services.~~ A district shall pay tuition upon:

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

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

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

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

20 (4)~~(A)~~ A prequalified private provider may receive additional payment
21 directly from the qualified parent ~~or guardian~~ only for prekindergarten

1 education in excess of the hours paid for by the district pursuant to this section
2 or for child care services, or both. The private provider is not bound by the
3 statewide rate established in this subsection when determining the rates it will
4 charge the qualified parent or guardian for these additional hours.

5 (B) A school district that operates a prequalified program may
6 receive additional payment directly from a parent only for prekindergarten
7 education or for child care services, or both, offered outside the normal
8 operating hours of the elementary school operated by the school district.
9 Subject to this limitation, a school district that operates a prequalified program
10 may receive additional payment directly from a qualified parent only for
11 prekindergarten education in excess of the hours paid for by the district of
12 residence pursuant to this section or for child care services, or both. The
13 school district is bound by the statewide rate established in this subsection (d)
14 when determining the rates it will charge a parent under this subdivision.

15 (5) The Agency of Education, in consultation with the Agency of
16 Human Services, shall annually set a base statewide rate of tuition, which may
17 be adjusted regionally, that reflects the cost of providing prekindergarten
18 education for ten hours per week for 35 weeks annually. The amount of
19 publicly funded tuition paid on behalf of a qualified parent authorized by this
20 section shall be on a sliding scale basis. The scale shall be established by the
21 Secretary of Education, in consultation with the Commissioner for Children

1 and Families, pursuant to subsection (e) of this section, and shall bear a
2 reasonable relationship to the prekindergarten child’s family income and size.
3 A family whose gross income is up to and including 100 percent of the federal
4 poverty guidelines shall be entitled to the entire amount of the base statewide
5 rate of tuition. A family whose gross income is over \$150,000.00, as adjusted
6 each year for inflation, shall not be entitled to public tuition under this section.

7 (e) Rules. The Secretary of Education ~~and~~ in consultation with the
8 Commissioner for Children and Families, shall ~~jointly develop and agree to~~
9 rules and present them to the State Board for adoption under 3 V.S.A.
10 chapter 25 as follows:

11 (1) To permit private providers that are not prequalified pursuant to
12 subsection (c) of this section to create new or continue existing partnerships
13 with school districts through which the school district provides supports that
14 enable the provider to fulfill the requirements of subdivision (c)(2) or (3), and
15 through which the district may or may not make in-kind payments as a
16 component of the statewide tuition established under this section.

17 (2) To authorize a district to begin or expand a school-based
18 prekindergarten education program only upon prior approval obtained through
19 a process ~~jointly~~ overseen by the ~~Secretaries~~ Secretary of Education ~~and~~ in
20 consultation with the Secretary of Human Services, which shall be based upon
21 analysis of the number of prekindergarten children residing in the district and

1 the availability of enrollment opportunities with prequalified private providers
2 in the region. Where the data are not clear or there are other complex
3 considerations, the ~~Secretaries~~ Secretary of Education may choose to conduct a
4 community needs assessment.

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

7 (4) To establish a process by which:

8 (A) a qualified parent ~~or guardian~~ notifies the district that the
9 prekindergarten child is or will be admitted to a prekindergarten education
10 program not operated by the district and concurrently enrolls the child in the
11 district pursuant to subdivision (d)(1) of this section;

12 (B) a qualified parent provides the district with income and
13 household information to determine whether the parent is qualified and for the
14 district to determine the amount of public tuition it is authorized to pay on the
15 parent's behalf, and to verify the income and household information on a basis
16 determined by the Secretary of Education;

17 ~~(B)(C)~~ a district:

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

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

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

6 (5) To establish a process to calculate an annual base statewide rate of
7 tuition rate that is based upon the actual cost of delivering ten hours per week
8 of prekindergarten education that meets all established quality standards ~~and,~~
9 to allow for regional adjustments to the rate, and to establish the sliding tuition
10 scale pursuant to subdivision (d)(5) of this section.

11 (6) [Repealed.]

12 (7) To require a district to include identifiable costs for prekindergarten
13 programs and essential early education services in its annual budgets and
14 reports to the community.

15 (8) To require a district to report to the Agency of Education annual
16 expenditures made in support of prekindergarten education, with distinct
17 figures provided for expenditures made from the General Fund, from the
18 Education Fund, and from all other sources, which shall be specified.

19 (9) To provide an administrative process for:

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

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

7 (10) To establish a system by which the Agency of Education ~~and~~
8 ~~Department for Children and Families~~ shall jointly monitor and evaluate, in
9 consultation with the Department for Children and Families, prekindergarten
10 education programs to promote optimal results for children that support the
11 relevant population-level outcomes set forth in 3 V.S.A. § 2311 and to collect
12 data that will inform future decisions. The Agency ~~and Department~~ shall be
13 required to report annually to the General Assembly in January. At a
14 minimum, the system shall monitor and evaluate:

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

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

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

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

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

7 (B) collect and report child progress data to the Secretary of
8 Education on an annual basis.

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

11 (h) Geographic limitations.

12 (1) Notwithstanding the requirement that a district pay tuition to any
13 prequalified public or private provider in the State, a ~~school board~~ supervisory
14 union may choose to limit the geographic boundaries within which ~~the district~~
15 its member districts shall pay tuition by paying tuition solely to those
16 prequalified providers in which a qualified parent or guardian ~~choose~~ chooses
17 to enroll resident prekindergarten children that are located within ~~the district's~~
18 a “prekindergarten region” as determined in subdivision (2) of this subsection.

19 (2) ~~For purposes of this subsection, upon application from the school~~
20 ~~board, a district's prekindergarten region shall be determined jointly by the~~
21 ~~Agencies of Education and of Human Services in consultation with the school~~

1 ~~board, private providers of prekindergarten education, parents and guardians of~~
2 ~~prekindergarten children, and other interested parties pursuant to a process~~
3 ~~adopted by rule under subsection (e) of this section.~~ A prekindergarten region
4 shall be formed by a supervisory union upon approval by the board of the
5 supervisory union, after consultation with private providers of prekindergarten
6 education, parents and guardians of prekindergarten children, and other
7 interested parties. If a member district of a supervisory union wants to form a
8 prekindergarten region, the board of the district shall approve the proposal and
9 submit it for consideration by the board of the supervisory union, which shall
10 determine whether to approve the proposal after consultation with the district's
11 board, private providers of prekindergarten education, parents and guardians of
12 prekindergarten children, and other interested parties. A prekindergarten
13 region:

14 (A) shall not be smaller than the relevant geographic boundaries of
15 the school district or supervisory union;

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

1 (C) shall be designed to support existing partnerships between the
2 school district or supervisory union and private providers of prekindergarten
3 education.

4 (3) If a prekindergarten region is established by the board of a
5 supervisory union, all school districts that are members of the supervisory
6 union shall pay tuition to providers solely within that prekindergarten region,
7 and this prekindergarten region shall supercede and render void any
8 prekindergarten region previously established by or on behalf of one or more
9 member districts of the supervisory union.

10 (4) ~~If a school board chooses to pay~~ district pays tuition to providers
11 solely within ~~its~~ a prekindergarten region, and if a resident prekindergarten
12 child is unable to access publicly funded prekindergarten education within that
13 region, then the child's qualified parent ~~or guardian~~ may request ~~and in its~~
14 ~~discretion~~ that the district may pay tuition at the statewide rate for a
15 prekindergarten education program operated by a prequalified provider located
16 outside the prekindergarten region. A request under this subdivision shall be
17 made to, and determined by, the board of the supervisory union of which the
18 district is a member, and the determination shall be final.

19 (4)(5) Except for the narrow exception permitting a ~~school board~~
20 supervisory union to limit geographic boundaries under subdivision (1) of this

1 subsection, all other provisions of this section and related rules shall continue
2 to apply.

3 (i) Prekindergarten collaborative. Districts or supervisory unions that are
4 part of a prekindergarten region formed under subsection (h) of this section
5 shall form a prekindergarten collaborative with prequalified providers located
6 within the prekindergarten region. Members of the prekindergarten
7 collaborative shall meet on a regular basis to coordinate the delivery of
8 prekindergarten services throughout the region.

9 Sec. 2. EFFECTIVE DATE

10 This act shall take effect on passage.