

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; prekindergarten education and child development
4 programs

5 Statement of purpose of bill as introduced: This bill proposes to facilitate the
6 ability of families to enroll a child, who is three or four years of age or is five
7 years of age but is not yet enrolled in kindergarten, in a public prekindergarten
8 education program or a private high-quality child development program, and to
9 clearly establish the responsibility for oversight of these programs.

10 An act relating to prekindergarten education and child development
11 programs

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

13 * * * Prekindergarten Education * * *

14 Sec. 1. REPEAL

15 16 V.S.A. § 829 is repealed.

16 Sec. 2. 16 V.S.A. § 829 is added to read:

17 § 829. PREKINDERGARTEN EDUCATION

18 (a) Policy.

19 (1) It is the policy of the State of Vermont to facilitate the ability of
20 families to enroll a child, who is three or four years of age or is five years of

1 age but is not yet enrolled in kindergarten (eligible child), in a prekindergarten
2 education program or a high-quality child development program. Accordingly,
3 under the provisions of this section, a parent or guardian may choose to enroll
4 an eligible child at no cost in the public school of residence if the public school
5 offers prekindergarten education, or may choose to enroll an eligible child in
6 another public school that offers prekindergarten education on a space-
7 available basis. A parent may also, under the provisions of 33 V.S.A. chapter
8 35, subchapter 5, choose to enroll an eligible child in a high-quality child
9 development program operated by a private provider that is licensed or
10 registered by the Department for Children and Families, and depending on the
11 family’s income level, may be eligible for a subsidy to cover part or all of the
12 cost of the program. A high-quality child development program is a program
13 operated by a private provider that has received five stars in the Department for
14 Children and Families’ Step Ahead Recognition System (STARS) program.

15 (2) A public school that offers prekindergarten education shall be
16 subject to the oversight by the State Board of Education and the Agency of
17 Education, and rules adopted by the State Board.

18 (3) A private provider of a high-quality child development program
19 shall be subject to the oversight and rules adopted by the Department for
20 Children and Families.

21 (b) Definitions. As used in this section:

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

4 (2) “Prekindergarten education” means services designed to provide to
5 an eligible child developmentally appropriate early development and learning
6 experiences based on Vermont’s early learning standards.

7 (c) Prekindergarten education programs.

8 (1) A public school may offer a prekindergarten education program in
9 accordance with this section. A public school is not required to offer a
10 prekindergarten education program.

11 (2) If a public school offers a prekindergarten education program, the
12 following provisions shall apply:

13 (A) the public school shall:

14 (i) comply with applicable rules adopted by the State Board of
15 Education; and

16 (ii) enroll nonresident eligible children in its prekindergarten
17 education program on a space-available basis, and shall:

18 (I) define and announce its capacity to accept nonresident
19 eligible children under this section; and

1 (II) devise a nondiscriminatory lottery system for determining
2 which nonresident eligible children may enroll if more than the number of
3 nonresident eligible children for whom the school has capacity wish to enroll;

4 (B) the school district in which the public school operates shall:

5 (i) comply with applicable rules adopted by the State Board of
6 Education;

7 (ii) include any prekindergarten education-related costs in its
8 annual budget presented to the voters; and

9 (iii) pursuant to subdivision 4001(1)(C) of this title, include within
10 its average daily membership any eligible child who is a legal resident of the
11 school district for whom it has provided prekindergarten education.

12 (d) The Secretary of Education shall oversee the operation of
13 prekindergarten programs in conformity with this section, and the Board of
14 Education shall adopt corresponding rules under 3 V.S.A. chapter 25, which
15 shall include rules:

16 (1) To require that a school district in which a public school operates a
17 prekindergarten education program provides opportunities for effective
18 parental participation in the program.

19 (2) To establish processes and requirements to facilitate the ability of a
20 parent or guardian to enroll a nonresident eligible child in a public school that

1 offers prekindergarten education on a space-available basis under subdivision
2 (c)(2)(A)(ii) of this section, including rules concerning:

3 (A) how to define capacity;

4 (B) the establishment of a lottery system;

5 (C) the application process and any required notifications;

6 (D) continued enrollment for nonresident eligible children who have
7 been previously enrolled by the school; and

8 (E) the provision of special education services.

9 (3) To require a school district in which a public school operates a
10 prekindergarten education program to include identifiable costs for
11 prekindergarten education programs and essential early education services in
12 its annual budgets and reports to the community.

13 (4) To require a school district in which a public school operates a
14 prekindergarten education program to report to the Agency of Education
15 annual expenditures made in support of prekindergarten education.

16 (5) To establish a system by which the Agency of Education shall
17 monitor and evaluate prekindergarten education programs to promote optimal
18 results for children that support the relevant population-level outcomes set
19 forth in 3 V.S.A. § 2311 and to collect data that will inform future decisions.
20 The Agency shall be required to report annually to the General Assembly in
21 January. At a minimum, the system shall monitor and evaluate:

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

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

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

9 (6) To establish a process for documenting the progress of children
10 enrolled in prekindergarten education programs and to require a school district
11 in which a public school operates a prekindergarten education program to use
12 the process to:

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

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

16 Sec. 2. 16 V.S.A. § 11 is amended to read:

17 § 11. CLASSIFICATIONS AND DEFINITIONS

18 (a) As used in this title, unless the context otherwise clearly requires:

19 * * *

1 (3) “Elementary education” means a program of public school education
2 adapted to the needs of students in ~~prekindergarten~~, kindergarten, and the first
3 six grades.

4 * * *

5 * * * Child Development Programs * * *

6 Sec. 3. 33 V.S.A. chapter 35, subchapter 5 is added to read:

7 Subchapter 5. Child Development Programs

8 § 3541. POLICY

9 It is the policy of the State of Vermont that the regulation and oversight of
10 prekindergarten education fall within the jurisdiction of the State Board of
11 Education and Agency of Education under 16 V.S.A. § 829. An eligible child
12 may enroll in a prekindergarten education program operated by a public school
13 or may enroll in a child development program operated by a center-based child
14 care program that maintains a five-star rating in the STARS program pursuant
15 to this subchapter and corresponding rules.

16 § 3542. DEFINITIONS

17 As used in this subchapter:

18 (1) “Center-based child care program” means a program and facility
19 approved to provide developmentally appropriate care, education, protection,
20 and supervision of children and is designed to ensure wholesome growth and

1 educational experiences for children outside of their home for periods of less
2 than 24 hours per day.

3 (2) “Child development program” means a developmentally-appropriate
4 early learning program for eligible children operated by a center-based child
5 care program that maintains a five-star rating in the STARS program.

6 (3) “Eligible child” has the same meaning as defined under 16 V.S.A.
7 § 829.

8 (4) “Prekindergarten education” has the same meaning as defined under
9 16 V.S.A. § 829.

10 (5) “STARS” means the Step Ahead Recognition System administered
11 by the Department for Children and Families.

12 § 3543. CHILD DEVELOPMENT PROGRAM

13 (a) A child development program is established to provide high-quality
14 developmentally appropriate early learning opportunities to eligible children.

15 A parent or guardian may choose to enroll an eligible child in a child
16 development program under this subchapter or prekindergarten education
17 program offered by a public school under 16 V.S.A. § 829, or neither.

18 (b) A child development program shall be operated by a center-based child
19 care program that maintains a five-star rating in the STARS program. The
20 Department’s Child Development Division shall regulate and oversee the

1 operation of a child development program in conformity with this subchapter
2 and corresponding rules.

3 (c) Notwithstanding section 3512 of this chapter and to the extent funds
4 permit, an eligible child enrolled in a child development program may qualify
5 for a subsidy at market rate on a sliding scale basis. The scale shall be
6 established by the Commissioner by rule, and shall bear a reasonable
7 relationship to household income and family size. The lower limit of the fee
8 scale shall include families whose gross income is up to and including 200
9 percent of the federal poverty guidelines. The upper income limit of the fee
10 scale shall be four times Vermont’s median household income, as published by
11 the U.S. Census Bureau under American Community Survey 5-Year Estimates.

12 Sec. 4. RULEMAKING; DEPARTMENT FOR CHILDREN AND
13 FAMILIES

14 The Commissioner for Children and Families shall amend the Department’s
15 rules on center-based child care and preschool programs pursuant to 3 V.S.A.
16 chapter 25. The amended rules shall establish the requirements for child
17 development programs in conformity with 33 V.S.A. chapter 35, subchapter 5,
18 including curriculum and teaching qualifications that that are substantially
19 similar to those required by prekindergarten education programs. The
20 amended rules shall not include oversight or regulation of prekindergarten
21 education programs by the Department. The amended rules shall:

1 (1) Require a child development program to report to the Department
2 annual expenditures made in support of providing child development services.

3 (2) Establish a system by which the Department shall monitor and
4 evaluate child development programs to promote optimal results for children
5 that support the relevant population-level outcomes set forth in 3 V.S.A.
6 § 2311 and to collect data that will inform future decisions. The Department
7 shall be required to report annually to the General Assembly in January. At a
8 minimum, the system shall monitor and evaluate:

9 (A) programmatic details, including the number of children served,
10 the number child development programs operated, and the public financial
11 investment made to ensure access to child development programs;

12 (B) the quality of child development programs and efforts to ensure
13 continuous quality improvements through mentoring, training, technical
14 assistance, and otherwise; and

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

17 (3) Establish a process for documenting the progress of children
18 enrolled in child development programs and to require child development
19 programs to use the process to:

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

1 (B) collect and report child progress data to the Department on an
2 annual basis.

3 * * * Effective Date * * *

4 Sec. 5. EFFECTIVE DATE

5 This act shall take effect on passage.