

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: (1) facilitate
6 the ability of families to enroll a child, who is three or four years of age or is
7 five years of age but is not yet enrolled in kindergarten, in a public
8 prekindergarten education program or a private high-quality child development
9 program; and (2) clearly establish the responsibility for regulatory oversight of
10 public prekindergarten education programs and private high-quality child
11 development programs.

12 An act relating to prekindergarten education and child development
13 programs

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

15 * * * Prekindergarten Education * * *

16 Sec. 1. REPEAL

17 16 V.S.A. § 829 (prekindergarten education) is repealed.

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

19 § 829. PREKINDERGARTEN EDUCATION

20 (a) Policy.

1 (1) It is the policy of the State of Vermont to facilitate the ability of
2 families to enroll a child, who is three or four years of age or is five years of
3 age but is not yet enrolled in kindergarten (eligible child), in a prekindergarten
4 education program or a high-quality child development program. Accordingly,
5 under the provisions of this section, a parent or guardian may choose to enroll
6 an eligible child at no cost in a public school of residence if the public school
7 offers a prekindergarten education program, or may choose to enroll an eligible
8 child in a public school in another school district that offers a prekindergarten
9 education program if space is available in that program. A parent may also,
10 under the provisions of 33 V.S.A. chapter 35, subchapter 5, choose to enroll an
11 eligible child in a high-quality child development program operated by a
12 private provider that is licensed or registered by the Department for Children
13 and Families, and depending on the family’s income level, may be eligible for
14 a subsidy to cover part or all of the cost of the program. A high-quality child
15 development program is a program operated by a private provider that has
16 received five stars in the Department for Children and Families’ Step Ahead
17 Recognition System (STARS) or four stars in the STARS system if the
18 program has developed a plan, approved by the Commissioner for Children
19 and Families, to achieve five stars in no more than two years with at least two
20 points in each of the five arenas, and the program has met intermediate
21 milestones.

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

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

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

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

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

14 (c) Prekindergarten education programs.

15 (1) A public school may offer a prekindergarten education program in
16 accordance with this section. A public school is not required to offer a
17 prekindergarten education program.

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

20 (A) the public school shall:

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

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

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

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

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

11 (i) comply with applicable rules adopted by the State Board of
12 Education;

13 (ii) include any costs of prekindergarten education in its annual
14 budget presented to the voters, including all costs incurred by the school
15 district from prekindergarten education services provided under contract to the
16 school district; and

17 (iii) pursuant to subdivision 4001(1) of this title, include within its
18 average daily membership any eligible child for whom it has provided
19 prekindergarten education.

20 (d) The Secretary of Education shall oversee the operation of
21 prekindergarten programs in conformity with this section, and the Board of

1 Education shall adopt corresponding rules under 3 V.S.A. chapter 25, which
2 shall include rules:

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

6 (2) To establish processes and requirements to facilitate the ability of a
7 parent or guardian to enroll a nonresident eligible child in a public school that
8 offers prekindergarten education on a space-available basis under subdivision
9 (c)(2)(A)(ii) of this section, including rules concerning:

10 (A) how to define capacity;

11 (B) the establishment of a lottery system;

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

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

15 (E) the provision of special education services.

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

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

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

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

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

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

18 (6) To establish a process for documenting the progress of children
19 enrolled in prekindergarten education programs and to require a school district
20 in which a public school operates a prekindergarten education program to use
21 the process to:

1 (1) “Average daily membership” of a school district, or if needed in
2 order to calculate the appropriate homestead tax rate, of the municipality as
3 defined in 32 V.S.A. § 5401(9), in any year means:

4 (A)(i) The full-time equivalent enrollment of students, as defined by
5 the State Board by rule, who are legal residents of the district or municipality
6 attending a school owned and operated by the district, attending a public
7 school outside the district under section 822a of this title, or for whom the
8 district pays tuition to one or more approved independent schools or public
9 schools outside the district during the annual census period.

10 (ii) The full-time equivalent enrollment of a prekindergarten
11 student who, during the annual census period, is a legal resident of one school
12 district but attends a prekindergarten program in another school district under
13 section 829 of this title, with the district of residence and the district that is
14 providing the prekindergarten program to the student each receiving credit for
15 one-half of the full-time equivalent enrollment of the student.

16 (iii) ~~The~~ As used in subdivisions (A)(i) and (ii) of this section, the
17 census period consists of the 11th day through the 30th day of the school year
18 in which school is actually in session.

19 * * *

20 (C) The full-time equivalent enrollment for each prekindergarten
21 child as follows: If a child is enrolled in 10 or more hours of prekindergarten

1 education per week or receives 10 or more hours of essential early education
2 services per week, the child shall be counted as one full-time equivalent pupil.
3 If a child is enrolled in six or more but fewer than 10 hours of prekindergarten
4 education per week or if a child receives fewer than 10 hours of essential early
5 education services per week, the child shall be counted as a percentage of one
6 full-time equivalent pupil, calculated as one multiplied by the number of hours
7 per week divided by ten. A child enrolled in prekindergarten education for
8 fewer than six hours per week shall not be included in the district's average
9 daily membership. There is no limit on the total number of children who may
10 be enrolled in prekindergarten education or who receive essential early
11 education services.

12 * * *

13 Sec. 5. 16 V.S.A. § 4010 is amended to read:

14 § 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

15 (a) On or before the first day of December during each school year, the
16 Secretary shall determine the average daily membership of each school district
17 for the current school year. The determination shall list separately:

18 (1) ~~resident~~ prekindergarten children;

19 (2) resident students being provided elementary or kindergarten
20 education; and

21 (3) resident students being provided secondary education.

1 (b) The Secretary shall determine the long-term membership for each
2 school district for each student group described in subsection (a) of this
3 section. The Secretary shall use the actual average daily membership over two
4 consecutive years, the latter of which is the current school year.

5 (c) The Secretary shall determine the weighted long-term membership for
6 each school district using the long-term membership from subsection (b) of
7 this section and the following weights for each class:

8 Prekindergarten 0.46

9 Elementary or kindergarten 1.0

10 Secondary 1.13

11 * * *

12 * * * Child Development Programs * * *

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

14 Subchapter 5. Child Development Programs

15 § 3541. POLICY

16 It is the policy of the State of Vermont that the regulation and oversight of
17 prekindergarten education fall within the jurisdiction of the State Board of
18 Education and Agency of Education under 16 V.S.A. § 829. An eligible child
19 may enroll in a prekindergarten education program operated by a public school
20 or may enroll in a high-quality child development program operated by a

1 center-based child care program pursuant to this subchapter and corresponding
2 rules.

3 § 3542. DEFINITIONS

4 As used in this subchapter:

5 (1) “Center-based child care program” means a program and facility
6 approved to provide developmentally appropriate care, education, protection,
7 and supervision of children and is designed to ensure wholesome growth and
8 educational experiences for children outside of their home for periods of less
9 than 24 hours per day.

10 (2) “Child development program” means a developmentally appropriate
11 early learning program for eligible children operated by a center-based child
12 care program that maintains a five-star rating in the STARS system or four
13 stars in the STARS system if the program has developed a plan, approved by
14 the Commissioner for Children and Families, to achieve five stars in no more
15 than two years, with at least two points in each of the five arenas, and the
16 program has met intermediate milestones.

17 (3) “Eligible child” has the same meaning as defined under 16 V.S.A.
18 § 829.

19 (4) “Prekindergarten education” has the same meaning as defined under
20 16 V.S.A. § 829.

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

3 § 3543. CHILD DEVELOPMENT PROGRAM

4 (a) Creation of child development program. A child development program
5 is established to provide high-quality, developmentally appropriate early
6 learning opportunities to eligible children. A parent or guardian may choose to
7 enroll an eligible child in a child development program under this subchapter
8 or a prekindergarten education program offered by a public school under
9 16 V.S.A. § 829, or neither.

10 (b) Operation and oversight of child development program. A center-based
11 child care program may operate a child development program. The
12 Department’s Child Development Division shall regulate and oversee the
13 operation of a child development program in conformity with this subchapter
14 and corresponding rules.

15 (c) Child development program subsidy. Notwithstanding section 3512 of
16 this chapter and to the extent funds permit, an eligible child enrolled in a child
17 development program may qualify for a subsidy at market rate on a sliding
18 scale basis. The scale shall be established by the Commissioner by rule, and
19 shall bear a reasonable relationship to household income and family size. The
20 lower limit of the fee scale shall include families whose gross income is up to
21 and including 200 percent of the federal poverty guidelines. The upper income

1 limit of the fee scale shall be four times Vermont’s median household income,
2 as published by the U.S. Census Bureau under American Community Survey
3 5-Year Estimates.

4 (d) Funding for child development program subsidy. The sum of
5 [\$_____] is appropriated from the General Fund for fiscal year 2018 to the
6 Department for Children and Families for the purpose of providing funding for
7 the child development program subsidy under subsection (c) of this section,
8 which the Department shall administer in accordance with this section, and any
9 unused funds shall revert to the General Fund.

10 Sec. 7. RULEMAKING; DEPARTMENT FOR CHILDREN AND
11 FAMILIES

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

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

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

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

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

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

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

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

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

21 Sec. 8. 16 V.S.A. § 4025 is amended to read:

1 § 4025. EDUCATION FUND

2 (a) An Education Fund is established to comprise the following:

3 (1) All revenue paid to the State from the statewide education tax on
4 nonresidential and homestead property under 32 V.S.A. chapter 135.

5 (2) For each fiscal year, the amount of the general funds appropriated
6 and transferred to the Education Fund shall be \$305,900,000.00, to be
7 increased annually beginning for fiscal year 2018 by the consensus Joint Fiscal
8 Office and Administration determination of the National Income and Product
9 Accounts (NIPA) Implicit Price Deflator for State and Local Government
10 Consumption Expenditures and Gross Investment as reported by the U.S.
11 Department of Commerce, Bureau of Economic Analysis through the fiscal
12 year for which the payment is being determined, plus an additional one-tenth
13 of one percent.

14 (3) ~~Revenues from State lotteries under 31 V.S.A. chapter 14, and from~~
15 ~~any multijurisdictional lottery game authorized under that chapter. [Repealed.]~~

16 * * *

17 Sec. 9. 31 V.S.A. § 654 is amended to read:

18 § 654. POWERS AND DUTIES

19 The Commission shall adopt rules pursuant to 3 V.S.A. chapter 25,
20 governing the establishment and operation of the State Lottery. The rules may
21 include the following:

1 * * *

2 (11) Apportionment of total revenues, within limits hereinafter
3 specified, accruing to the State Lottery Fund among:

4 (A) the payment of prizes to winning ticket holders;

5 (B) the payment of all costs incurred in the creation, operation, and
6 administration of the lottery, including compensation of the Commission,
7 Director, employees, consultants, contractors, and other necessary expenses;

8 (C) the repayment of monies advanced to the State Lottery Fund for
9 initial funding of the lottery;

10 (D) the transfer of monies to the ~~Education~~ General Fund established
11 ~~by 16 V.S.A. § 4025~~, to be used solely for the purposes of ~~State and local~~
12 ~~funding of public education~~ funding the child development subsidy under
13 33 V.S.A. chapter 35, subchapter 5.

14 * * * Effective Date * * *

15 Sec. 10. EFFECTIVE DATE

16 This act shall take effect on July 1, 2017.