

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 257
3 entitled “An act relating to miscellaneous changes to education law”
4 respectfully reports that it has considered the same and recommends that the
5 bill be amended by striking out all after the enacting clause and inserting in
6 lieu thereof the following:

7 * * * Out-of-state Independent Schools * * *

8 Sec. 1. 16 V.S.A. § 822 is amended to read:

9 § 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
10 PAY TUITION

11 (a) Each school district shall maintain one or more approved high schools
12 in which high school education is provided for its resident students unless:

13 (1) the electorate authorizes the school board to close an existing high
14 school and to provide for the high school education of its students by paying
15 tuition to a public high school, an approved independent high school, or an
16 independent school meeting education quality standards, to be selected by the
17 parents or guardians of the student, ~~within or outside the State~~; or

18 * * *

19 Sec. 2. 16 V.S.A. § 828 is amended to read:

20 § 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

21 (a) A school district shall not pay the tuition of a student except to:

- 1 (1) a public school;
- 2 (2) an approved independent school, in Vermont;
- 3 (3) an independent school in Vermont meeting education quality
- 4 standards;
- 5 (4) a tutorial program approved by the State Board;
- 6 (5) an approved education program, ~~or~~;
- 7 (6) an independent school in another state ~~or country~~ approved under the
- 8 laws of that state ~~or country~~, ~~nor shall payment~~ that is either:
- 9 (A) contiguous to Vermont; or
- 10 (B) in a state that pays publicly funded tuition for its resident students
- 11 to attend a public or approved independent school in Vermont; or
- 12 (7) a school to which a student on an individualized education plan has
- 13 been referred or placed by the student’s individualized education plan team or
- 14 local education agency.
- 15 (b) Payment of tuition on behalf of a person shall not be denied on account
- 16 of age.
- 17 (c) Unless otherwise provided, a person who is aggrieved by a decision of a
- 18 school board relating to eligibility for tuition payments, the amount of tuition
- 19 payable, or the school he or she may attend, may appeal to the State Board and
- 20 its decision shall be final.

1 Sec. 3. TRANSITION

2 Notwithstanding Sec. 2 of this act, a school district may pay tuition on
3 behalf of a student to an approved independent school that is located in a state
4 that is not contiguous to Vermont or in a state that does not pay publicly
5 funded tuition for its resident students to attend a public or approved
6 independent school in Vermont if, during the 2017-2018 school year, the
7 student attended that school; provided that tuition shall be paid for no more
8 than four years after enactment of this act.

9 * * * Dual Enrollment; Parochial Schools * * *

10 Sec. 4. 16 V.S.A. § 944 is amended to read:

11 § 944. DUAL ENROLLMENT PROGRAM

12 (a) Program creation. There is created a the statewide Dual Enrollment
13 Program to be a potential component of a student’s flexible pathway. The
14 Program shall include college courses offered on the campus of an accredited
15 postsecondary institution and college courses offered by an accredited
16 postsecondary institution on the campus of a secondary school. The Program
17 may include online college courses or components.

18 (b) Students.

19 (1) A Vermont resident who has completed grade 10 but has not
20 received a high school diploma is eligible to participate in the Program if:

21 (A) the student:

1 (i) is enrolled in:

2 (I) a Vermont public school, including a Vermont career
3 technical center;

4 (II) a public school in another state or an approved independent
5 school that is designated as the public secondary school for the student's
6 district of residence; or

7 (III) an approved independent school in Vermont ~~to which the~~
8 ~~student's district of residence pays publicly funded tuition on behalf of the~~
9 ~~student;~~

10 (ii) is assigned to a public school through the High School
11 Completion Program; or

12 (iii) is a home study student;

13 * * *

14 * * * Child Abuse and Neglect Hotline * * *

15 Sec. 5. 16 V.S.A. § 914 is added to read:

16 § 914. CHILD ABUSE AND NEGLECT HOTLINE

17 Each public school and each independent school shall post, in a place
18 clearly visible to students and on its website, the toll-free telephone number
19 operated by the Department for Children and Families to receive reports of
20 child abuse and neglect and directions for accessing the office of the

1 Department for Children and Families. The postings shall be in English and
2 Spanish.

3 * * * Postsecondary Educational Institutions; Closing * * *

4 Sec. 6. 16 V.S.A. § 175 is amended to read:

5 § 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

6 (a) When an institution of higher education, whether or not chartered in this
7 State, proposes to discontinue the regular course of instruction, either
8 permanently or for a temporary period other than a customary vacation period,
9 the institution shall:

10 (1) promptly inform the State Board;

11 (2) prepare the academic record of each current and former student in a
12 form satisfactory to the State Board and including interpretive information
13 required by the Board; and

14 (3) deliver the records to a person designated by the State Board to act
15 as permanent repository for the institution's records, together with the
16 reasonable cost of entering and maintaining the records.

17 * * *

18 (d) When an institution of higher education is unable or unwilling to
19 comply substantially with the record preparation and delivery requirements of
20 subsection (a) of this section, the State Board shall bring an action in Superior

1 Court to compel compliance with this section, and may in a proper case obtain
2 temporary custody of the records.

3 (e) When an institution of higher education is unable or unwilling to
4 comply with the requirements of subsection (a) of this section, the State Board
5 may expend State funds necessary to ensure the proper storage and availability
6 of the institution's records. The Attorney General shall then seek recovery
7 under this subsection, in the name of the State, of all of the State's incurred
8 costs and expenses, including attorney's fees, arising from the failure to
9 comply. Claims under this subsection shall be a lien on all the property of a
10 defaulting institution, until all claims under this subsection are satisfied. The
11 lien shall take effect from the date of filing notice thereof in the records of the
12 town or towns where property of the defaulting institution is located.

13 * * *

14 ~~(g)(1) The Association of Vermont Independent Colleges (AVIC) shall~~
15 ~~maintain a memorandum of understanding with each of its member colleges~~
16 ~~under which each member college agrees to:~~

17 ~~(1) upon the request of AVIC, properly administer the student records of~~
18 ~~a member college that fails to comply with the requirements of subsection (a)~~
19 ~~of this section; and~~

20 ~~(2) contribute on an equitable basis and in a manner determined in the~~
21 ~~sole discretion of AVIC to the costs of another AVIC member or other entity~~

1 ~~selected by AVIC maintaining the records of a member college that fails to~~
2 ~~comply with the requirements of subsection (a) of this section.~~ If an institution
3 of higher education is placed on probation for financial reasons by its
4 accrediting agency, the institution shall, not later than two days after learning
5 that it has been placed on probation, inform the State Board of Education of its
6 status, and not later than 90 days after being place on probation, shall submit a
7 student record plan to the State Board for approval.

8 (2) The student record plan shall include an agreement with an
9 institution of higher education or other entity to act as a repository for the
10 institution’s records with funds set aside, if necessary, for the permanent
11 maintenance of the student records.

12 (3) If the State Board does not approve the plan, the State may take
13 action under subsections (d) and (e) of this section.

14 * * * Interstate School District * * *

15 Sec. 7. INTERSTATE SCHOOL DISTRICT

16 In order to increase educational opportunities for students in the Stamford
17 school district, and given the geographic and other challenges involved in
18 merging the Stamford school district with another Vermont school district, the
19 General Assembly supports the creation of an interstate school district that
20 would combine the Stamford school district with the Clarksburg,
21 Massachusetts, school district.

1 * * * Elections to Unified Union School District Board * * *

2 Sec. 8. ELECTIONS TO UNIFIED UNION SCHOOL DISTRICT BOARD

3 (a) Notwithstanding any provision to the contrary, the election of a director
4 on the board of a unified union school district who is to serve on the board
5 after expiration of the term for an initial director shall be held at the unified
6 union school district’s annual meeting in accordance with the district’s articles
7 of agreement.

8 (b) Notwithstanding any provision to the contrary, if a vacancy occurs on
9 the board of a unified union school district and the vacancy is in a seat that is
10 allocated to a specific town, the clerk shall immediately notify the selectboard
11 of the town. Within 30 days after the receipt of that notice, the unified union
12 school district board, in consultation with the selectboard, shall appoint a
13 person who is otherwise eligible to serve as a member of the unified union
14 school district board to fill the vacancy until an election is held in accordance
15 with the unified union school district’s articles of agreement.

16 (c) This section is repealed on July 1, 2019.

17 * * * Technical Correction * * *

18 Sec. 9. 16 V.S.A. § 4015 is amended to read:

19 § 4015. SMALL SCHOOL SUPPORT

20 (a) In this section:

21 * * *

1 (2) “Enrollment” means the number of students who are enrolled in a
2 school operated by the district on October 1. A student shall be counted as one
3 whether the student is enrolled as a full-time or part-time student. Students
4 enrolled in prekindergarten programs shall not be counted.

5 * * *

6 * * * Prekindergarten Education * * *

7 Sec. 10. 16 V.S.A. § 829 is amended to read:

8 § 829. PREKINDERGARTEN EDUCATION

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

10 (1) “Prekindergarten child” means a child who, as of the date
11 established by the district of residence for kindergarten eligibility, is:

12 (A) three or four years of age or is five years of age but is not yet
13 eligible to be enrolled in kindergarten; or

14 (B) five years of age but is not yet enrolled in kindergarten if the
15 child is on an individualized education program or a plan under Section 504 of
16 the Rehabilitation Act of 1973 and the child’s individualized education
17 program team or evaluation and planning team recommends that the child
18 receive prekindergarten education services.

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

1 (3) “~~Prequalified private~~ Private provider” means a private provider of
2 prekindergarten education that is ~~qualified pursuant to subsection (e) of this~~
3 ~~section~~ regulated as a center-based child care program or family child care
4 home to provide child care by the Child Development Division of the
5 Department for Children and Families.

6 (4) “Public provider” means a provider of prekindergarten education
7 that is a school district.

8 (b) Access to publicly funded prekindergarten education.

9 (1) ~~No~~ Not fewer than ten hours per week of publicly funded
10 prekindergarten education shall be available for 35 weeks annually to each
11 prekindergarten child whom a parent or guardian wishes to enroll in an
12 available, ~~prequalified~~ prekindergarten education program ~~operated by a public~~
13 ~~school or a private provider.~~

14 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
15 available, ~~prequalified~~ prekindergarten education program, then, pursuant to
16 the parent or guardian’s choice, the ~~school district of residence~~ Secretary shall:

17 ~~(A)~~ pay tuition pursuant to ~~subsections (d) and (h)~~ subsection (d) of
18 this section upon the request of the parent or guardian to:

19 ~~(i)~~(A) a ~~prequalified~~ private provider located in Vermont; or

20 ~~(ii)~~(B) a Vermont public school that operates a prekindergarten
21 education program whether located inside or outside the district that operates a

1 ~~prekindergarten program that has been prequalified pursuant to subsection (c)~~
2 ~~of this section; or~~

3 ~~(B) enroll the child in the prekindergarten education program that it~~
4 ~~operates in which the child resides.~~

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

9 ~~(4) If the supply of prequalified private and public providers is~~
10 ~~insufficient to meet the demand for publicly funded prekindergarten education~~
11 ~~in any region of the State, nothing Nothing in this section shall be construed to~~
12 ~~require the State or a district to begin or expand a prekindergarten education~~
13 ~~program to satisfy that demand; but rather, in collaboration with the Agencies~~
14 ~~of Education and of Human Services, the local Building Bright Futures~~
15 ~~Council shall meet with school districts and private providers in the region to~~
16 ~~develop a regional plan to expand capacity for prekindergarten education.~~

17 (c) ~~Prequalification. Pursuant to rules jointly developed and overseen by~~
18 ~~the Secretaries of Education and of Human Services and adopted by the State~~
19 ~~Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine~~
20 ~~that a private or public provider of prekindergarten education is qualified for~~
21 ~~purposes of this section and include the provider in a publicly accessible~~

1 ~~database of prequalified providers. At a minimum, the rules shall define the~~
2 ~~process by which a provider applies for and maintains prequalification status,~~
3 ~~shall identify the minimum quality standards for prequalification, and shall~~
4 ~~include the following requirements~~ Provider qualification. In order to be
5 eligible for tuition payments:

6 (1) ~~A program of prekindergarten education, whether provided by a~~
7 ~~school district or a private provider, shall have received~~ private provider shall
8 meet minimum program quality by:

9 (A) having National Association for the Education of Young
10 Children (NAEYC) accreditation; or

11 ~~(B)~~ at least four stars in the Department for Children and Families'
12 STARS system ~~with a plan to get to at least two points in each of the five~~
13 ~~arenas; or~~ and

14 ~~(C) three stars in the STARS system if the provider has developed a~~
15 ~~plan, approved by the Commissioner for Children and Families and the~~
16 ~~Secretary of Education, to achieve four or more stars with at least two points in~~
17 ~~each of the five arenas in no more than three years, and the provider has met~~
18 ~~intermediate milestones.~~

19 (B)(i) for a private provider that is regulated as a center-based child
20 care program, employing or contracting for the services of at least one teacher
21 who is licensed and endorsed in early childhood education or in early

1 childhood special education under chapter 51 of this title who is present at the
2 private provider’s program site during the hours that are publicly funded; or

3 (ii) for a private provider that is regulated as a family child care home
4 that is not licensed and endorsed in early childhood education or early
5 childhood special education, employing or contracting for the services of at
6 least one teacher who is licensed and endorsed in early childhood education or
7 in early childhood special education under chapter 51 of this title for at least
8 three hours per week during each of the 35 weeks per year in which
9 prekindergarten education is paid for with publicly funded tuition to provide
10 regular, active supervision and training of the private provider’s staff.

11 (2) A licensed public provider shall employ or contract meet minimum
12 program quality by:

13 (A) employing or contracting for the services of at least one teacher
14 who is licensed and endorsed in early childhood education or in early
15 childhood special education under chapter 51 of this title to provide direct
16 instruction during the hours that are publicly funded; and

17 (B) meeting safety and quality rules adopted by the State Board of
18 Education.

19 ~~(3) A registered home provider that is not licensed and endorsed in early~~
20 ~~childhood education or early childhood special education shall receive regular,~~
21 ~~active supervision and training from a teacher who is licensed and endorsed in~~

1 ~~early childhood education or in early childhood special education under~~
2 ~~chapter 51 of this title.~~

3 (d) Tuition, ~~budgets~~ payments, and average daily membership.

4 (1) On behalf of a ~~resident~~ prekindergarten child, ~~a district~~ the Secretary
5 shall pay tuition for prekindergarten education for ten hours per week for
6 35 weeks annually to a ~~prequalified~~ private provider or to a public school
7 ~~outside the district that is prequalified pursuant to subsection (c) of this~~
8 ~~section; provided, however, that the district shall pay tuition for weeks that are~~
9 ~~within the district's academic year~~ provider. Tuition Notwithstanding
10 subsection 4025(d) of this title, tuition paid under this section shall be paid
11 from the Education Fund at a statewide rate, which may be adjusted regionally,
12 that is established annually through a process ~~jointly~~ developed and
13 implemented by the ~~Agencies~~ Agency of Education and of Human Services. A
14 ~~district shall pay tuition upon~~ The Secretary shall establish procedures for
15 payment of tuition to public and private providers that require, at a minimum,
16 receiving:

17 (A) ~~receiving~~ annual notice from the child's parent or guardian that
18 the child ~~is or will be admitted to the~~ chooses to participate in a publicly
19 funded prekindergarten education program operated by the ~~prequalified~~ public
20 or private provider ~~or the other district; and~~

1 (B) ~~concurrent enrollment of the prekindergarten child in the district~~
2 ~~of residence for purposes of budgeting and determining average daily~~
3 ~~membership notice from the public or private provider that the child is enrolled~~
4 ~~in its program; and~~

5 (C) a request for reimbursement from the public or private provider
6 that reports enrollment for the period covered by the request and certifies that
7 the provider is eligible for public funding under subsection (c) of this section
8 for the period covered by the request.

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

14 (3) Pursuant to subdivision 4001(1)(C) of this title, ~~the district of~~
15 ~~residence~~ a district in which the child resides may include within its average
16 daily membership any prekindergarten child for whom it has provided
17 prekindergarten education ~~or on whose behalf it has paid tuition pursuant to~~
18 ~~this section~~ in excess of ten hours per week for 35 weeks annually and the
19 district shall not charge tuition for these educational services.

20 (4)(3) ~~A prequalified private provider, or a public provider that is not the~~
21 ~~child's district of residence,~~ may receive additional payment directly from the

1 parent or guardian only for prekindergarten education in excess of the publicly
2 funded hours paid for ~~by the district~~ pursuant to this ~~section~~ subsection or for
3 child care services, or both. The provider is not bound by the statewide rate
4 established in this subsection when determining the rates it will charge the
5 parent or guardian for these excess hours. A provider shall not impose
6 additional fees for the publicly funded hours.

7 (e) Rules. The Secretary of Education ~~and the Commissioner for Children~~
8 ~~and Families shall jointly develop and agree to rules and present them~~ shall
9 propose rules to the State Board for adoption under 3 V.S.A. chapter 25 as
10 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 of Education and of Human~~
20 ~~Services, which shall be based upon analysis of the number of prekindergarten~~
21 ~~children residing in the district and the availability of enrollment opportunities~~

1 with prequalified private providers in the region. Where the data are not clear
2 or there are other complex considerations, the Secretaries may choose to
3 conduct a community needs assessment.

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

6 ~~(4) To establish a process by which:~~

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

11 ~~(B) a district:~~

12 ~~(i) pays tuition pursuant to a schedule that does not inhibit the~~
13 ~~ability of a parent or guardian to enroll a prekindergarten child in a~~
14 ~~prekindergarten education program or the ability of a prequalified private~~
15 ~~provider to maintain financial stability; and~~

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

18 ~~(C) a provider that has received tuition payments under this section~~
19 ~~on behalf of a prekindergarten child notifies a district that the child is no longer~~
20 ~~enrolled.~~

1 ~~(5) To establish a process to calculate an annual statewide tuition rate~~
2 ~~that is based upon the actual cost of delivering ten hours per week of~~
3 ~~prekindergarten education that meets all established quality standards and to~~
4 ~~allow for regional adjustments to the rate.~~

5 ~~(6) [Repealed.]~~

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

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

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

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

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

20 ~~(10) To establish a system by which the Agency of Education and~~
21 ~~Department for Children and Families shall jointly monitor and evaluate~~

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

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 results 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 Secretary of~~
19 ~~Education on an annual basis.~~

20 (1) To require that the Secretary provide opportunities for effective
21 parental participation in the prekindergarten education program.

1 (2) To establish a process by which tuition payments are requested and
2 made that includes the conditions in subdivisions (d)(1)(A)–(C) of this section.

3 (3) To establish a process to calculate an annual statewide tuition rate
4 that is based upon the actual cost of delivering ten hours per week of
5 prekindergarten education meeting all established quality standards and to
6 allow for regional adjustments to the rate.

7 (4) To provide an administrative process for:

8 (A) a parent or guardian to challenge a provider’s action or inaction
9 with respect to enrollment or billing; and

10 (B) a provider to appeal a decision of the Secretary not to pay a
11 request for reimbursement.

12 (5) To establish a system by which the Secretary shall evaluate
13 implementation of publicly funded prekindergarten education programs to
14 promote optimal results for children that support the relevant population-level
15 outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future
16 decisions. The Secretary shall report annually to the General Assembly in
17 January on the prior year. At a minimum, the system shall evaluate:

18 (A) programmatic details, including the total number of children
19 enrolled and the number of children enrolled in private programs and in public
20 programs, the number of private and public programs operated, and the public

1 financial investment made to ensure access to quality prekindergarten
2 education;

3 (B) the quality criteria of public and private kindergarten education
4 programs, training, and technical assistance; and

5 (C) the results for children, including school readiness, proficiency in
6 numeracy and literacy, and social and emotional development.

7 (6) To establish a process for documenting the progress of children
8 enrolled in publicly funded prekindergarten education programs and to require
9 public and private providers to use the process to:

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

11 (B) collect and report child progress data as required by the Secretary
12 on an annual basis.

13 (7) To establish safety and quality requirements for public providers. In
14 establishing these safety and quality requirements, the Secretary shall consult
15 with the Agency of Human Services and recommend to the State Board safety
16 and quality requirements that align with the requirements for private providers,
17 except to the extent that the Secretary determines that there are compelling
18 reasons that are unique to the public school environment that justify applying
19 different requirements.

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

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;~~

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. 11. 16 V.S.A. § 4001 is amended to read:

17 § 4001. DEFINITIONS

18 As used in this chapter:

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

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(C) The full-time equivalent enrollment for each prekindergarten child as follows: ~~If a child is enrolled in 10 or more hours of prekindergarten education per week or receives 10 or more hours of essential early education services per week, the child shall be counted as one full-time equivalent pupil. If a child is enrolled in six or more but fewer than 10 hours of prekindergarten education per week or if a child receives fewer than 10 hours of essential early education services per week, the child shall be counted as a percentage of one full-time equivalent pupil, calculated as one multiplied by the number of hours per week divided by ten. A child enrolled in prekindergarten education for fewer than six hours per week shall not be included in the district's average daily membership~~ enrolled in excess of ten hours in a public school in the district in which the child resides prorated to reflect the hours of education provided by the school up to an additional ten hours. There is no limit on the total number of children who may be enrolled in prekindergarten education or who receive essential early education services.

* * *

1 Sec. 12. 33 V.S.A. § 3502 is amended to read:

2 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC
3 SCHOOLS; 21ST CENTURY FUND

4 (a) Unless exempted under subsection (b) of this section, a person shall not
5 operate a child care facility without a license, or operate a family child care
6 home without registration from the Department.

7 (b) The following persons are exempted from the provisions of subsection
8 (a) of this section:

9 * * *

10 (5) an after-school program that serves students in one or more grades
11 from kindergarten through secondary school, that receives funding through the
12 21st Century Community Learning Centers program, and that is overseen by
13 the Agency of Education, unless the after-school program asks to participate in
14 the child care subsidy program; and

15 (6) a public provider of prekindergarten education, as defined under
16 16 V.S.A. § 829(a)(4), unless the public provider participates in the child care
17 subsidy program.

18 * * *

19 Sec. 13. 16 V.S.A. § 11 is amended to read:

20 § 11. CLASSIFICATIONS AND DEFINITIONS

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

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(31) “Early childhood education,” “early education,” or “prekindergarten education” means services designed to provide developmentally appropriate early development and learning experiences based on Vermont’s early learning standards to ~~children~~ a child who ~~are three to four years of age and to five year old children who are not eligible for or enrolled in kindergarten~~ is:

(A) three or four years of age or is five years of age but is not yet eligible to be enrolled in kindergarten; or

(B) five years of age but is not yet enrolled in kindergarten if the child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child’s individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

* * *

* * * School Radon Mitigation Study Committee * * *

Sec. 14. SCHOOL RADON MITIGATION STUDY COMMITTEE

(a) Creation. There is created the School Radon Mitigation Study Committee to explore funding opportunities for the mitigation of elevated radon concentrations in schools and contingency plans for the loss of related federal funding.

1 (b) Membership. The Committee shall be composed of the following seven
2 members:

3 (1) the State Treasurer or designee;

4 (2) the Secretary of Education or designee;

5 (3) the Commissioner of Health or designee;

6 (4) a member appointed by the State School Boards Association;

7 (5) a member appointed by the Vermont Superintendents Association;

8 (6) a member appointed by the Vermont Independent Schools

9 Association; and

10 (7) a radon mitigation professional certified for testing and mitigation by
11 the National Radon Proficiency Program, appointed by the Director of the
12 Department of Labor’s Workers’ Compensation and Safety Division.

13 (c) Assistance. The Committee shall have the administrative, technical, and
14 legal assistance of the Agency of Education.

15 (d) Report. On or before December 15, 2018, the Committee shall submit a
16 written report to the House and Senate Committees on Education containing
17 viable options for funding the mitigation of elevated radon concentrations in
18 schools.

19 (e) Meetings.

20 (1) The State Treasurer or designee shall call the first meeting of the
21 Committee to occur on or before October 1, 2018.

1 (2) The Committee shall select a chair from among its members at the
2 first meeting.

3 (3) The Committee shall cease to exist on December 31, 2018.

4 (f) Compensation and reimbursement. Members of the Committee who are
5 not employees of the State of Vermont and who are not otherwise compensated
6 or reimbursed for their attendance shall be entitled to per diem compensation
7 and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than
8 four meetings. These payments shall be made from monies appropriated to the
9 Agency of Education.

10 * * * Effective Dates * * *

11 Sec. 15. EFFECTIVE DATES

12 (a) Secs. 9-13 shall take effect on July 1, 2019.

13 (b) The remaining sections shall take effect on July 1, 2018.

14
15 (Committee vote: _____)

16 _____

17 Senator _____

18 FOR THE COMMITTEE