

1 Introduced by Committee on Education

2 Date:

3 Subject: Education; human services; early childhood education;
4 prekindergarten

5 Statement of purpose of bill as introduced: This bill proposes to (i) realign
6 regulatory oversight by the Agency of Education and the Agency of Human
7 Services of prekindergarten education programs; (ii) require that school
8 districts that pay tuition for prekindergarten education use uniform forms and
9 processes developed by the Agency of Education unless compliance with these
10 uniform forms and processes would be unduly burdensome or costly to the
11 school district; (iii) simplify and clarify the program qualification criteria for
12 prekindergarten providers; (iv) require reports on the availability of qualified
13 teachers for prekindergarten programs, on how to ensure that students who
14 attend out-of-district prekindergarten programs continue to receive special
15 education services, and the future vision for prekindergarten delivery; and (v)
16 create a grant program to fund regional prekindergarten coordinators.

17 An act relating to prekindergarten education

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

19 Sec. 1. 16 V.S EDUCATION

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

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

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

5 (B) five years of age but is not yet enrolled in kindergarten if the
6 child is on an individualized education program and the child’s individualized
7 education program team recommends that the child receive prekindergarten
8 education services.

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~~ Private provider” means a private provider of
13 prekindergarten education that ~~is qualified pursuant to subsection~~ meets the
14 program quality requirements under subdivision (c)(1)(A) of this section and is
15 regulated as a center-based child care program or family child care home by
16 the Child Development Division of the Department for Children and Families.

17 (4) “Public provider” means a provider of prekindergarten education
18 that is a school district that meets the program quality requirements under
19 subdivision (c)(1)(B) of this section.

20 (b) Access to publicly funded prekindergarten education.

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

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

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

11 (i) a ~~prequalified~~ private provider; or

12 (ii) a public ~~school located outside the district that operates a~~
13 ~~prekindergarten program that has been prequalified pursuant to subsection (e)~~
14 ~~of this section~~ provider that is not the school district of residence; or

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

17 (3) If requested by the parent or guardian of a prekindergarten child, the
18 school district of residence shall pay tuition to a ~~prequalified~~ prekindergarten
19 education program operated by a private provider or a public ~~school in another~~
20 ~~district~~ provider that is not the school district of residence even if the district of
21 residence operates a prekindergarten education program.

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

9 (A) If the agenda for a school board meeting includes the expansion
10 of the school district's prekindergarten education program or development of a
11 new prekindergarten education program in the school district, the school board
12 shall notify, not later than one calendar days after posting the agenda:

13 (i) the public and private providers with which the school district
14 has contracted to provide prekindergarten education; and

15 (ii) the private providers within the geographical region of the
16 supervisory union of which the school district is a member.

17 (B) If a private provider plans to expand its prekindergarten
18 education program or begin a new prekindergarten education program, the
19 private provider shall notify, not later than 60 calendar days prior to expanding
20 or beginning its program:

1 (i) the public providers with which it has contracted to provide
2 prekindergarten education; and

3 (ii) the supervisory union in the region in which the private
4 provider operates or will operate.

5 (C) As used in this subdivision (4), the expansion of a
6 prekindergarten education program means an increase in the number of
7 children served in the program where the increase would require additional
8 teachers or classrooms.

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

18 (1) In order to be eligible for tuition payments:

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

1 ~~(A)(i) having National Association for the Education of Young~~
2 Children (NAEYC) accreditation; or

3 ~~(B) at least four stars in the Department for Children and Families’~~
4 STARS system ~~with a plan to get to at least two points in each of the five~~
5 ~~arenas; or and~~

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

11 (ii)(I) for a private provider that is regulated as a center-based
12 child care program, employing or contracting for the services of at least one
13 teacher who is licensed and endorsed in early childhood education or in early
14 childhood special education under chapter 51 of this title; or

15 (II) for a private provider that is regulated as a family child care
16 home that is not operated by a person who is licensed and endorsed in early
17 childhood education or early childhood special education, the provider shall
18 receive regular, active supervision and training from a teacher who is licensed
19 and endorsed in early childhood education or in early childhood special
20 education under chapter 51 of this title.

1 ~~(2)(B)~~ A licensed public provider shall ~~employ or contract~~ meet
2 minimum program quality by:

3 (i) having NAEYC accreditation or at least four stars in the
4 Department for Children and Families’ STARS system;

5 (ii) employing or contracting for the services of at least one
6 teacher who is licensed and endorsed in early childhood education or in early
7 childhood special education under chapter 51 of this title; and

8 (iii) meeting safety and quality rules adopted by the State Board of
9 Education.

10 (2)(A) The Agency of Human Services shall maintain and post on its
11 website a list of private providers that satisfy the program quality requirements
12 under subdivision (1)(A) of this subsection. A private provider that no longer
13 satisfies one or more of these requirements shall notify in writing the Agency
14 of Human Services and the public providers with which it has contracted to
15 provide prekindergarten education within five business days after the event
16 causing noncompliance with these requirements.

17 (B) The Agency of Education shall maintain and post on its website a
18 list of public providers that satisfy the program quality requirements under
19 subdivision (1)(B) of this subsection. A public provider that no longer satisfies
20 one or more of these requirements shall notify in writing the Agency of
21 Education and the public providers with which it has contracted to provide

1 prekindergarten education within five business days after the event causing
2 noncompliance with these requirements.

3 (C) Building Bright Futures, using the lists posted on the Agencies of
4 Human Services and Education websites pursuant to subdivisions (A) and (B)
5 of this subdivision (2), shall post on its website a list of both private and public
6 providers that satisfy the program requirements, which shall be searchable by
7 program type and geographic region. Building Bright Futures shall not be
8 responsible for the accuracy of this information posted on the Agency of
9 Human Services and Agency of Education websites.

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, a district shall pay
17 tuition for prekindergarten education for ten hours per week for 35 weeks
18 annually to a ~~prequalified~~ private provider or to a public school ~~outside the~~
19 ~~district that is prequalified pursuant to subsection (c) of this section~~ provider
20 that is not the child's district of residence; provided, however, that the district
21 shall pay tuition for weeks that are within the district's academic year. Tuition

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

5 (A) receiving notice from the child’s parent or guardian that the child
6 is or will be admitted to the prekindergarten education program operated by the
7 ~~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 ~~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 private or public provider shall
6 not impose additional fees for the hours that are publicly funded under this
7 section.

8 (5)(A) Subject to subdivision (B) of this subdivision (d)(5), a school
9 district that pays tuition for prekindergarten education under this section shall
10 use uniform forms and processes developed by the Agency of Education for:

11 (i) contracting with the private or public provider;

12 (ii) invoicing, payment schedules, and payment of tuition for the
13 hours that are publicly funded under this section;

14 (iii) enrolling students in the prekindergarten program; and

15 (iv) tracking attendance of enrolled students.

16 (B) Notwithstanding subdivision (A) of this subdivision (d)(5), a
17 school district may adapt the uniform forms and processes developed by the
18 Agency of Education to its circumstances if compliance with these uniform
19 forms and processes would be unduly burdensome or costly to the school
20 district.

1 (6) A school district that pays tuition for prekindergarten education
2 under this section shall be responsible for ensuring that the provider receiving
3 the tuition payment is on the list maintained by the Agency of Human Services
4 or the Agency of Education under subdivision (c)(2) of this section, but shall
5 have no responsibility to monitor the administration of prekindergarten
6 educational services on the part of the provider receiving the tuition payment,
7 except for services which the district contracts with the provider in order to
8 fulfill its obligations under the Individuals with Disabilities Education Act
9 (IDEA). A school district paying tuition under this section shall be immune
10 from civil and criminal liability for the acts or omissions of a public or private
11 provider to which the district pays tuition under this section, except for
12 services which the district contracts with the provider in order to fulfill its
13 obligations under the IDEA and except to the extent that it has actual
14 knowledge of a breach by the provider of health or safety rules that apply to
15 the provider’s prekindergarten education program.

16 (e) ~~Rules~~ Regulatory oversight and rules.

17 (1)(A) The Agency of Education shall have sole regulatory oversight of
18 a prekindergarten educational program offered by a public provider, with the
19 exceptions that:

20 (i) if the public provider participates in the Child Care Financial
21 Assistance Program pursuant to 33 V.S.A. § 3512, the Agency of Human

1 Services shall have regulatory oversight of the provider’s compliance with
2 Program requirements; and

3 (ii) if the public provider chooses to satisfy program quality
4 requirements under subdivision (c)(1)(B) of this section by having at least four
5 stars in the Department for Children and Families’ STARS system, then the
6 Department for Children and Families shall have regulatory oversight of the
7 provider’s compliance with the STARS system requirements.

8 (B) The Department for Children and Families’ Child Development
9 Division and the Agency of Education shall have joint regulatory oversight of
10 a prekindergarten educational program offered by a private provider.

11 (2) In order to ensure the consistent application of rules to public and
12 private providers, the Secretary of Education and the Commissioner for
13 Children and Families shall jointly develop and agree to rules and present them
14 to the State Board for adoption under 3 V.S.A. chapter 25 as follows:

15 ~~(1)(A)~~ To permit private providers that are not prequalified pursuant to
16 subsection (e) would otherwise be qualified as private providers but for
17 noncompliance with subdivision (c)(1)(A)(ii) of this section, to create new or
18 continue existing partnerships with school districts through which the school
19 district provides teacher supports that enable the provider to fulfill the
20 requirements of that subdivision (e), and through which the district may or may

1 not make in-kind payments as a component of the statewide tuition established
2 under this section.

3 ~~(2) To authorize a district to begin or expand a school based~~
4 ~~prekindergarten education program only upon prior approval obtained through~~
5 ~~a process jointly overseen by the Secretaries of Education and of Human~~
6 ~~Services, which shall be based upon analysis of the number of prekindergarten~~
7 ~~children residing in the district and the availability of enrollment opportunities~~
8 ~~with prequalified private providers in the region. Where the data are not clear~~
9 ~~or there are other complex considerations, the Secretaries may choose to~~
10 ~~conduct a community needs assessment.~~

11 ~~(3)(B)~~ To require that ~~the school district provides~~ public and private
12 providers provide opportunities for effective parental participation in the
13 prekindergarten education program.

14 ~~(4)(C)~~ To establish a process by which:

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

19 ~~(B)(ii)~~ a district:

20 ~~(i)(I)~~ pays tuition pursuant to a schedule that does not inhibit the
21 ability of a parent or guardian to enroll a prekindergarten child in a

1 prekindergarten education program or the ability of a ~~prequalified~~ private
2 provider to maintain financial stability; and

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

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

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

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

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

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

20 ~~(9)~~(G) To provide an administrative process for:

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

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

8 ~~(40)~~(H)(i) To establish a system comparable monitoring systems, that
9 are designed to promote optimal results for children that support the relevant
10 population-level outcomes set forth in 3 V.S.A. § 2311 and to collect data that
11 will inform future decisions, by which;

12 (I) the Agency of Education and Department for Children and
13 Families shall jointly monitor and evaluate the implementation of publicly
14 funded prekindergarten education programs to promote optimal results for
15 children that support the relevant population-level outcomes set forth in
16 3 V.S.A. § 2311 and to collect data that will inform future decisions offered by
17 private programs; and

18 (II) the Agency of Education shall solely monitor and evaluate
19 the implementation of publicly funded prekindergarten education programs
20 offered by public programs.

1 (ii) The Agency and Department shall be required to jointly report
2 the results of their monitoring and evaluation annually to the General
3 Assembly in January for the prior school year.

4 (iii) At a minimum, the system shall monitor and evaluate:

5 (A)(I) programmatic details, including the number of
6 children served, the number of private and public programs operated, and the
7 public financial investment made to ensure access to quality prekindergarten
8 education;

9 (B)(II) the quality of public and private prekindergarten
10 education programs and efforts to ensure continuous quality improvements
11 through mentoring, training, and technical assistance, ~~and otherwise~~; and

12 (C)(III) the results for children, including school readiness,
13 and proficiency in numeracy and literacy, and social and emotional
14 development.

15 (11)(I) To establish a process for documenting the progress of children
16 enrolled in prekindergarten education programs and to require public and
17 private providers to use the process to:

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

20 (B)(ii) collect and report child progress data to the Secretary of
21 Education and the Commissioner for Children and Families on an annual basis.

1 (J) To establish health and safety requirements for public and private
2 providers.

3 (K) To establish a process for remedial action and, at the discretion
4 of the Secretary of Education and the Commissioner for Children and Families,
5 rules for the imposition of sanctions and penalties, if a public or private
6 provider fails to comply with the program quality requirements under
7 subdivision (c)(1) of this section.

8 (L) To establish a process to verify that public and private providers
9 satisfy and continue to satisfy the program quality requirements under
10 subdivision (c)(1) of this section.

11 (3) In proposing and adopting rules under this subsection (e), the
12 Agency or Education, the State Board of Education, and the Department for
13 Children and Families shall seek to ensure that the rules that apply to public
14 and private providers are aligned to the extent practicable after taking into
15 account factors that are unique to the public or private provider environment
16 that justify applying different requirements.

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

19 (g) Limitations. Nothing in this section shall be construed to permit or
20 require payment of public funds to a private provider of prekindergarten

1 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
2 violation of the Establishment Clause of the U.S. Constitution.

3 (h) Geographic limitations.

4 (1) Notwithstanding the requirement that a district pay tuition to any
5 ~~prequalified~~ public or private provider in the State, a school board may choose
6 to limit the geographic boundaries within which the district shall pay tuition by
7 paying tuition solely to those ~~prequalified~~ providers in which parents and
8 guardians choose to enroll resident prekindergarten children that are located
9 within the district’s “prekindergarten region” as determined in subdivision (2)
10 of this subsection.

11 (2) For purposes of this subsection, upon application from the school
12 board, a district’s prekindergarten region shall be determined jointly by the
13 Agencies of Education and of Human Services in consultation with the school
14 board, private providers of prekindergarten education, parents and guardians of
15 prekindergarten children, and other interested parties pursuant to a process
16 adopted by rule under subsection (e) of this section. A prekindergarten region:

17 (A) shall not be smaller than the geographic boundaries of the school
18 district;

19 (B) shall be based in part upon the estimated number of
20 prekindergarten children residing in the district and in surrounding districts, the

1 availability of ~~prequalified~~ private and public providers of prekindergarten
2 education, commuting patterns, and other region-specific criteria; and

3 (C) shall be designed to support existing partnerships between the
4 school district and private providers of prekindergarten education.

5 (3) If a school board chooses to pay tuition to providers solely within its
6 prekindergarten region, and if a resident prekindergarten child is unable to
7 access publicly funded prekindergarten education within that region, then the
8 child's parent or guardian may request and in its discretion the district may pay
9 tuition at the statewide rate for a prekindergarten education program operated
10 by a ~~prequalified~~ provider located outside the prekindergarten region.

11 (4) Except for the narrow exception permitting a school board to limit
12 geographic boundaries under subdivision (1) of this subsection, all other
13 provisions of this section and related rules shall continue to apply.

14 Sec. 2. 33 V.S.A. § 3502 is amended to read:

15 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC

16 SCHOOLS; 21ST CENTURY FUND

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

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

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

(6) a public provider of prekindergarten education, as defined under 16 V.S.A. § 829(a)(4), unless the public provider participates in the Child Care Financial Assistance Program pursuant to section 3512 of this title.

* * *

Sec. 3. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

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

* * *

(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 are three to four years of age and to five-year-old children who are not eligible for or enrolled in kindergarten~~ prekindergarten children as defined in section 829(a)(1) of this section.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21

* * *

Sec. 4. DEVELOPMENT OF UNIFORM FORMS AND PROCESSES

On or before March 15, 2021, the Secretary of Education, in collaboration with private prekindergarten education providers and prekindergarten coordinators, where representatives of each of these groups are selected by the Secretary and where each group represents different geographic regions within the State, and the Vermont Association of School Business Officials shall develop and post on its website uniform forms and processes under 16 V.S.A. § 829 as amended by this act for:

- (1) a school district to contract with a private or public prekindergarten education provider;
- (2) invoicing, payment schedules, and payment of tuition for the hours that are publicly funded under that section;
- (3) enrolling students in a prekindergarten education program; and
- (4) tracking attendance of students enrolled in a prekindergarten education program.

Sec. 5. HEALTH AND SAFETY RULES

The Agencies of Education and of Human Services shall compare their respective health and safety rules and identify where the Agency of Education has gaps related specifically to prekindergarten children as defined in 16 V.S.A. § 829. The Agency of Education shall adopt rules in accordance

1 with 3 V.S.A. chapter 25 addressing any gaps identified pursuant to this
2 section.

3 Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED
4 PREKINDERGARTEN TEACHERS

5 (a) Findings and purpose.

6 (1) Prekindergarten education is provided in Vermont through a mixed
7 delivery system by a combination of private providers, which are regulated
8 either as a center-based child care program or family child care program, and
9 by public schools.

10 (2) A private center-based provider is required to employ or contract
11 with a teacher with a valid Vermont educator license with an endorsement in
12 either early childhood education or early childhood special education (qualified
13 teacher). A family child care home is also required to employ or contract with
14 a qualified teacher, unless the operator of the family child care home is a
15 qualified teacher.

16 (3) While public schools retain qualified teachers to provide direct
17 instruction to prekindergarten students, under current law, private providers
18 retain qualified teachers to either provide direct instruction to prekindergarten
19 students or training and supervision to the provider’s staff, or both.

20 (4) The General Assembly finds that it is best practice for
21 prekindergarten education to be delivered through the implementation of high-

1 quality, effective direct instruction by qualified educators who use evidence-
2 based practices within intentionally designed early learning environments.

3 (5) However, the General Assembly recognizes that there may be
4 challenges to requiring private programs to retain qualified teachers to solely
5 provide direct instruction, which may include a lack of qualified teachers in
6 Vermont and the financial impact this requirement may have on private
7 providers and families.

8 (6) Therefore, the General Assembly is commissioning the study under
9 subsection (b) of this section in order to better understand the issues and
10 concerns that may arise if private providers were required to retain qualified
11 teachers to solely provide direct instruction for all or a portion of the
12 prekindergarten education hours that are publicly funded.

13 (b) On or before December 15, 2020, the Agency of Human Services and
14 the Agency of Education shall study and report to the House Committees on
15 Education and on Human Services and the Senate Committees on Education
16 and on Health and Welfare:

17 (1) the number of teachers in the State who are licensed and endorsed in
18 early childhood education or early childhood special education under 16
19 V.S.A. chapter 51 (qualified teachers);

1 (2) the number of private prekindergarten education programs in the
2 State and the number of qualified teachers employed by or contracted with
3 those programs;

4 (3) the average number and range of direct instruction hours
5 prekindergarten children receive from qualified teachers employed by or
6 contracted with center-based child care programs and family child care homes
7 qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act,
8 respectively;

9 (4) the number of public prekindergarten education programs in the
10 State and the number of qualified teachers employed by or contracted with
11 those programs;

12 (5) an estimate of the additional number of qualified teachers that
13 private prekindergarten education programs would need to employ or contract
14 with if those programs were required to use the services of teachers for direct
15 instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as amended by this
16 act;

17 (6) the budgetary implications to private prekindergarten education
18 programs and the fiscal impact to families of requiring these programs to
19 employ or contract with teachers for direct instruction as required under 16
20 V.S.A. § 829(c)(1)(A)(ii), as amended by this act; and

1 (7) taking into account the General Assembly’s goal to have
2 prekindergarten education be delivered through the implementation of high-
3 quality, effective direct instruction by qualified educators who use evidence-
4 based practices within intentionally designed early learning environments,
5 recommendations on how many hours of direct instruction by qualified
6 teachers should be required in:

7 (A) a public school that offers prekindergarten education;

8 (B) a regulated center-based child care program qualified pursuant to
9 16 V.S.A. § 829(c)(1)(A) as amended by this act;

10 (C) a regulated family child care home qualified pursuant to 16
11 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home
12 is a qualified teacher; and

13 (D) a regulated family child care home qualified pursuant to 16
14 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home
15 is not a qualified teacher.

16 **Sec. 7. PREKINDERGARTEN REPORT; VISION AND CAPACITY**

17 On or before December 15, 2020, the Agency of Human Services and the
18 Agency of Education, in collaboration with private prekindergarten education
19 providers, prekindergarten coordinators, and prekindergarten teachers, where
20 representatives of each of these three groups are selected jointly by the
21 Agencies and where each group represents different geographic regions within

1 the State, shall jointly study and report to the House Committees on Education
2 and on Human Services and the Senate Committees on Education and on
3 Health and Welfare on:

4 (1) their five- and ten-year vision for prekindergarten;

5 (2) the capacity to expand public kindergarten programs to include
6 children four years of age; and

7 (3) bridging the gap between child care, early education, needs of
8 working families, and parent engagement.

9 Sec. 8. PREKINDERGARTEN SPECIAL EDUCATION WORKING

10 GROUP; REPORT

11 (a) On or before August 1, 2020, Building Bright Futures shall convene
12 a Prekindergarten Special Education Working Group comprised of the
13 following members:

14 (1) the Secretary of Education or designee;

15 (2) the Secretary of Human Services or designee;

16 (3) a representative appointed by the Vermont Council of Special
17 Education Administrators;

18 (4) a representative appointed by the Vermont Principals' Association;

19 (5) a representative appointed by the Vermont Superintendents
20 Association;

1 (6) a representative of appointed by the Vermont School Board

2 Association;

3 (7) a representative appointed by the Vermont NEA;

4 (8) one or more prekindergarten coordinators;

5 (9) a representative of a qualified prekindergarten provider that is

6 licensed as a center-based child care program appointed by the Commissioner

7 for Families and Children; and

8 (10) a representative of a qualified prekindergarten provider that is

9 regulated as a family child care home appointed by the Commissioner for

10 Families and Children.

11 (b) On or before December 15, 2020, the Working Group shall study and

12 submit a report to the House Committees on Education and on Human Services

13 and to the Senate Committees on Education and on Health and Welfare

14 addressing:

15 (1) how to ensure that a prekindergarten student who attends a

16 prekindergarten education program outside of the student’s district of residence

17 receives special education services at no cost to the student’s parent or

18 guardian in accordance with the student’s individualized education program

19 and how those services should be funded; and

20 (2) how to ensure that the State will not be duplicating State aid for

21 prekindergarten students, given that, under 16 V.S.A. § 2944, State aid is paid

1 for essential early education services, which are services to educate children
2 with disabilities prior to legal school age, and the census grant under Act 173,
3 which takes effect beginning with the 2021–2022 school year, also provides
4 census grant funding for prekindergarten students.

5 (c) Members of the Working Group shall be entitled to per diem
6 compensation and reimbursement of expenses as permitted under 32 V.S.A. §
7 1010 for not more than 12 meetings. These payments shall be made from
8 monies appropriated to the Agency of Education.

9 (d) The Working Group shall cease to exist on February 1, 2021.

10 Sec. 9. PREKINDERGARTEN COORDINATORS' GRANT PROGRAM

11 (a) Creation. The Prekindergarten Coordinators' Grant Program (Program)
12 is created to enable supervisory unions to work together in a sustained and
13 targeted manner to hire prekindergarten coordinators on a regional basis. In
14 recognition that supervisory unions or regions within the State that have
15 prekindergarten coordinators deliver prekindergarten educational services in a
16 more effective and coordinated manner than those supervisory unions or
17 regions that do not have this resource, this program is designed to assist
18 supervisory unions to work in collaboration by providing seed funding to
19 create prekindergarten coordinator positions in regions that do not currently
20 have such a position.

1 (b) Administration. The Agency of Education shall administer the grant
2 program and shall determine the application and award criteria, provided that
3 applicants shall represent not less than three supervisory unions that agree to
4 work in collaboration to coordinate prekindergarten educational services
5 through a prekindergarten coordinator who serves the region represented by
6 these supervisory unions. The Agency of Education shall inform supervisory
7 unions of the availability of grants under this section and provide technical
8 assistance to eligible applicants in applying for these funds. The Agency of
9 Education shall also advise supervisory unions of other sources of funding that
10 may be available to advance the purpose of this section.

11 (c) Program funding. The Agency of Education shall award grant funding
12 under the program of up to \$120,000.00 per application to successful
13 applicants over a two-year period. The amount of this funding shall be based
14 on applicant’s proposed budget and total availability of funds. In the first year,
15 up to \$90,000.00 shall be available to a successful applicant. In the second
16 year, up to \$30,000.00 shall be available to a successful applicant.

17 (d) On or before December 15, 2021, the Agency of Education shall report
18 to the General Assembly and the Governor on the impact of the grant program.
19 The report shall be made publicly available on the Agency of Education’s
20 website.

1 (e) Notwithstanding any provision of law to the contrary, \$480,000.00 is
2 appropriated from the Education Fund to the Agency of Education for fiscal
3 year 2021 designated for program grants under this section. The Agency of
4 Education may set aside:

5 (1) not more than two percent of funds for informational and technical
6 assistance for eligible program applicants; and

7 (2) not more than two percent of funds for the report required under
8 subsection (d) of this section.

9 Sec. 10. EFFECTIVE DATES

10 Secs. 1–3 and 5 shall take effect on July 1, 2021, and Secs. 4, 6–9 and this
11 section shall take effect on passage.