

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) eliminate
6 joint regulatory oversight by the Agency of Education and the Agency of
7 Human Services of prekindergarten education programs; (ii) require that
8 school districts that pay tuition for prekindergarten education use uniform
9 forms and processes developed by the Agency of Education unless compliance
10 with these uniform forms and processes would be unduly burdensome or costly
11 to the school district; and (iii) simplify and clarify the quality criteria for
12 prekindergarten providers.

13 An act relating to prekindergarten education

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

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

16 § 829. PREKINDERGARTEN EDUCATION

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

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

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

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

8 (2) “Prekindergarten education” means services designed to provide to
9 prekindergarten children developmentally appropriate early development and
10 learning experiences based on Vermont’s early learning standards through the
11 implementation of high-quality, effective instruction by licensed educators
12 who use evidence-based practices within intentionally designed early learning
13 environments.

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

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

1 (b) Access to publicly funded prekindergarten education.

2 (1) ~~Not~~ Not fewer than ten hours per week of publicly funded
3 prekindergarten education shall be available for 35 weeks annually to each
4 prekindergarten child whom a parent or guardian wishes to enroll in an
5 available, ~~prequalified~~ prekindergarten education program operated by a public
6 ~~school provider~~ or a private provider.

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

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

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

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

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

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

1 ~~district~~ provider that is not the school district of residence even if the district of
2 residence operates a prekindergarten education program.

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

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

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

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

19 (B) If a private provider plans to expand its prekindergarten
20 education program or begin a new prekindergarten education program, the

1 private provider shall notify, not later than 60 calendar days prior to expanding
2 or beginning its program:

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

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

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

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

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

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

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

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

9 ~~(B)(ii)~~ employing or contracting for the services of at least one
10 teacher to provide direct instruction to prekindergarten students who is either
11 licensed and endorsed in early childhood education or early childhood special
12 education under chapter 51 of this title:

13 (I) for a private provider that is regulated as a center-based
14 child care program, during the hours in which prekindergarten education is
15 paid for with publicly funded tuition; or

16 (II) for a private provider that is regulated as a family child care
17 home, for at least three hours per week in which prekindergarten education is
18 paid for with publicly funded tuition.

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

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

3 ~~(A)~~(ii) employing or contracting for the services of at least one
4 teacher who is licensed and endorsed in early childhood education or in early
5 childhood special education under chapter 51 of this title to provide direct
6 instruction to prekindergarten students during the hours of operation of the
7 program; and

8 ~~(B)~~(iii) meeting safety and quality rules adopted by the State Board
9 of 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 shall post on the Bright Futures
4 Information System (BFIS) a link to the list of private providers that satisfy the
5 program quality requirements posted on the Agency of Human Services
6 website and a link to the list of public providers that satisfy the program
7 quality requirements posted on the Agency of Education website in a manner
8 that allows readily available access to the full list of qualified providers.
9 Building Bright Futures shall not be responsible for the accuracy of this
10 information posted on the Agency of Human Services and Agency of
11 Education websites.

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

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

18 (1) On behalf of a resident prekindergarten child, a district shall pay
19 tuition for prekindergarten education for ten hours per week for 35 weeks
20 annually to a ~~prequalified~~ private provider or to a public school ~~outside the~~
21 ~~district that is prequalified pursuant to subsection (c) of this section~~ provider

1 that is not the child's district of residence; provided, however, that the district
2 shall pay tuition for weeks that are within the district's academic year. Tuition
3 paid under this section shall be at a statewide rate, which may be adjusted
4 regionally, that is established annually through a process ~~jointly~~ developed and
5 implemented by the ~~Agencies~~ Agency of Education ~~and of Human Services~~. A
6 district shall pay tuition upon:

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

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

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

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

1 (4) A ~~prequalified~~ private provider, or a public provider that is not the
2 child’s district of residence, may receive additional payment directly from the
3 parent or guardian only for prekindergarten education in excess of the publicly
4 funded hours paid for by the district pursuant to this ~~section~~ subsection or for
5 child care services, or both. The provider is not bound by the statewide rate
6 established in this subsection when determining the rates it will charge the
7 parent or guardian for these excess hours. A private or public provider shall
8 not impose additional fees for the hours that are publicly funded under this
9 section.

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

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

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

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

17 (iv) tracking attendance of enrolled students.

18 (B) Notwithstanding subdivision (A) of this subdivision (d)(5), a
19 school district may adapt the uniform forms and processes developed by the
20 Agency of Education to its circumstances if compliance with these uniform

1 forms and processes would be unduly burdensome or costly to the school
2 district.

3 (6) A school district that pays tuition for prekindergarten education
4 under this section shall be responsible for ensuring that the provider is on the
5 list maintained by the Agency of Human Services or the Agency of Education
6 under subdivision (c)(2) of this section, but shall have no responsibility to
7 monitor the administration of prekindergarten educational services provided by
8 the public or private provider and shall be immune from civil and criminal
9 liability and penalties for the acts or omissions of the public or private
10 provider’s administration of prekindergarten educational services.

11 (e) Rules Regulatory oversight and rules.

12 (1)(A) The Agency of Education shall have sole regulatory oversight of
13 a prekindergarten educational program offered by a public provider, provided
14 that:

15 (i) if the public provider participates in the Child Care Financial
16 Assistance Program pursuant to 33 V.S.A. § 3512, the Agency of Human
17 Services shall have regulatory oversight of the provider’s compliance with
18 Program requirements; and

19 (ii) if the public provider chooses to satisfy program quality
20 requirements under subdivision (c)(1)(B) of this section by having at least four
21 stars in the Department for Children and Families’ STARS system, the

1 Department for Children and Families shall have regulatory oversight of the
2 provider's compliance with the STARS system requirements.

3 (B) The Department for Children and Families' Child Development
4 Division shall have sole regulatory oversight of a prekindergarten educational
5 program offered by a private provider.

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

10 ~~(1)(A)~~ To permit private providers that are not prequalified pursuant to
11 subsection (e) would otherwise be qualified as private providers but for
12 noncompliance with subdivision (c)(1)(A)(ii) of this section, to create new or
13 continue existing partnerships with school districts through which the school
14 district provides teacher supports that enable the provider to fulfill the
15 requirements of that subdivision (e), and through which the district may or may
16 not make in-kind payments as a component of the statewide tuition established
17 under this section.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

4 ~~(10)~~(H) To establish ~~a system~~ comparable systems by which the Agency
5 of Education and Department for Children and Families shall ~~jointly~~ monitor
6 and evaluate the implementation of publicly funded prekindergarten education
7 programs under their respective jurisdictions to promote optimal results for
8 children that support the relevant population-level outcomes set forth in
9 3 V.S.A. § 2311 and to collect data that will inform future decisions. Pursuant
10 to subdivision (d)(6) of this section, the required monitoring system adopted by
11 the Agency of Education shall include a requirement that a prekindergarten
12 monitoring policy be implemented by the board of those supervisory unions
13 that have a member district that is a public provider. The Agency and
14 Department shall be required to jointly report the results of their monitoring
15 and evaluation annually to the General Assembly in January for the prior
16 school year. At a minimum, the system shall monitor and evaluate:

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

1 ~~(B)~~(ii) the quality of public and private prekindergarten education
2 programs and efforts to ensure continuous quality improvements through
3 mentoring, training, and technical assistance, ~~and otherwise~~; and

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

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

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

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

13 (J) To establish health and safety requirements for public and private
14 providers.

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

20 (3) In proposing and adopting rules under this subsection (e), the
21 Agency or Education, the State Board of Education, and the Department for

1 Children and Families shall seek to ensure that the rules that apply to public
2 and private providers are aligned, except to the extent that there are compelling
3 reasons that are unique to the public or private provider environment that
4 justify applying different requirements.

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

7 (g) Limitations. Nothing in this section shall be construed to permit or
8 require payment of public funds to a private provider of prekindergarten
9 education in violation of Chapter I, Article 3 of the Vermont Constitution or in
10 violation of the Establishment Clause of the U.S. Constitution.

11 (h) Geographic limitations.

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

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

1 board, private providers of prekindergarten education, parents and guardians of
2 prekindergarten children, and other interested parties pursuant to a process
3 adopted by rule under subsection (e) of this section. A prekindergarten region:

4 (A) shall not be smaller than the geographic boundaries of the school
5 district;

6 (B) shall be based in part upon the estimated number of
7 prekindergarten children residing in the district and in surrounding districts, the
8 availability of ~~prequalified~~ private and public providers of prekindergarten
9 education, commuting patterns, and other region-specific criteria; and

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

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

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

1 Sec. 2. 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 or a license from the Department.

7 (b) The following persons are exempted from the provisions of
8 subsection (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 Financial Assistance Program pursuant to section 3512 of this title.

18 * * *

19 Sec. 3. 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.

* * *

Sec. 4. DEVELOPMENT OF UNIFORM FORMS AND PROCESSES

On or before October 31, 2020, 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

1 develop and post on its website uniform forms and processes under 16 V.S.A.

2 § 829 as amended by this act for:

3 (1) a school district to contract with a private or public prekindergarten
4 education provider;

5 (2) invoicing, payment schedules, and payment of tuition for the hours
6 that are publicly funded under that section;

7 (3) enrolling students in a prekindergarten education program; and

8 (4) tracking attendance of students enrolled in a prekindergarten
9 education program.

10 Sec. 5. HEALTH AND SAFETY RULES

11 The health and safety requirements that are required under this act to be
12 adopted for public providers of prekindergarten education shall be aligned with
13 the rules that the Department for Children and Families applies to private
14 providers of prekindergarten education, unless there are compelling reasons
15 that are unique to the public environment that justify applying different
16 requirements.

17 Sec. 6. INTERIM REQUIREMENT FOR TEACHERS IN PRIVATE

18 PREKINDERGARTEN SETTINGS; REPORT

19 Notwithstanding the requirement under 16 V.S.A. § 829(c)(1)(A)(ii), as
20 amended by this act, that a private prekindergarten provider employ or contract
21 for the services of at least one teacher licensed and endorsed in early childhood

1 education or early childhood special education under 16 V.S.A. chapter 51
2 (qualified teachers) to provide direct educational instruction, a private
3 prekindergarten provider may use the services of a qualified teacher to provide
4 either direct instruction to prekindergarten students or coaching to the
5 provider’s staff, or both, until the start of the 2023–2024 school year. For the
6 2023–2024 school year and thereafter, a private prekindergarten provider shall
7 comply with the teacher requirements of 16 V.S.A. § 829(c)(1)(A)(ii), as
8 amended by this act. A private prekindergarten provider that uses the services
9 of a qualified teacher to provide instructional coaching to the provider’s staff
10 shall use for this purpose the guidelines for implementing effective coaching
11 systems issued by the Agency of Education in March 2016.

12 **Sec. 7. REPORT ON AVAILABILITY OF QUALIFIED**

13 **PREKINDERGARTEN TEACHERS**

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

18 (1) the number of teachers in the State who are licensed and endorsed in
19 early childhood education or early childhood special education under 16
20 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 number of public prekindergarten education programs in the
5 State and the number of qualified teachers employed by or contracted with
6 those programs;

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

12 (5) the financial impact to private prekindergarten education programs
13 and families of requiring these programs to employ or contract with teachers
14 for direct instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as
15 amended by this act; and

16 (6) if the supply of qualified teachers to staff private prekindergarten
17 education programs is less than those needed under 16 V.S.A.
18 § 829(c)(1)(A)(ii), as amended by this act, or the financial impact of this
19 requirement poses a significant burden on those programs or families,
20 recommendations on how to achieve the goal of having those programs

1 provide direct instruction to students by qualified teachers in a cost-effective
2 manner.

3 **Sec. 8. SPECIAL EDUCATION REPORT; PREKINDERGARTEN**

4 (a) On or before December 15, 2020, the Census-based Funding
5 Advisory Group (Advisory Group) created by 2018 Acts and Resolves No.
6 173, Sec. 9 shall study and report to the House Committees on Education and
7 on Human Services and the Senate Committees on Education and on Health
8 and Welfare:

9 (1) how to ensure that a prekindergarten student who attends a
10 prekindergarten education program outside of the student's district of residence
11 receives special education services at no cost to the student's parent or
12 guardian in accordance with the student's individualized education program
13 and how those services should be funded; and

14 (2) how to ensure that the State will not be duplicating State aid for
15 prekindergarten students, given that under 16 V.S.A. § 2944, State aid is paid
16 for essential early education services, which are services to educate children
17 with disabilities prior to legal school age, and the census grant under Act 173,
18 which takes effect beginning with the 2021–2022 school year, also provides
19 census grant funding for prekindergarten students.

20 (b) Notwithstanding Sec. 9 of Act 173, the Advisory Group may meet not
21 more than 12 times in calendar year 2020. The sum of \$9,018.00 is

1 appropriated for fiscal year 2021 from the General Fund to the Agency of
2 Education to provide funding for per diem compensation and reimbursement
3 under subsection (g) of that section.

4 Sec. 9. EFFECTIVE DATES

5 Secs. 1–3, 5, and 6 shall take effect on July 1, 2021, and Secs. 4, 7, 8 and
6 this section shall take effect on passage.