

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.A. § 829 is amended to read:

20 § 829. PREKINDERGARTEN EDUCATION

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

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

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

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

10 (2) “Prekindergarten education” has the same meaning as defined in  
11 section 11(31) of this section.

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~~ provider ~~located outside the district that~~  
13           ~~operates a prekindergarten program that has been prequalified pursuant to~~  
14           ~~subsection (e) of this section~~ 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           ~~(B)(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                     ~~(A)~~(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                     ~~(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, 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 is on the  
3           list maintained by the Agency of Human Services or the Agency of Education  
4           under subdivision (c)(2) of this section, but shall have no responsibility to  
5           monitor the administration of prekindergarten educational services provided by  
6           the public or private provider and shall be immune from civil and criminal  
7           liability for the acts or omissions of the public or private provider’s  
8           administration of prekindergarten educational services.

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

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

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

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

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

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

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

16           ~~(2) To authorize a district to begin or expand a school based~~  
17           ~~prekindergarten education program only upon prior approval obtained through~~  
18           ~~a process jointly overseen by the Secretaries of Education and of Human~~  
19           ~~Services, which shall be based upon analysis of the number of prekindergarten~~  
20           ~~children residing in the district and the availability of enrollment opportunities~~  
21           ~~with prequalified private providers in the region. Where the data are not clear~~

1 ~~or there are other complex considerations, the Secretaries may choose to~~  
2 ~~conduct a community needs assessment.~~

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

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

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

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

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

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

1           ~~(5)~~(D) To establish a process to calculate an annual statewide tuition  
2 rate 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)~~(E) To require a district to include identifiable costs for  
7 prekindergarten programs and essential early education services in its annual  
8 budgets and reports to the community.

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

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

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

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

5                   (I) the Agency of Education and Department for Children and  
6           Families shall jointly monitor and evaluate the implementation of publicly  
7           funded prekindergarten education programs offered by private programs; and

8                   (II) the Agency of Education shall solely monitor and evaluate  
9           the implementation of publicly funded prekindergarten education programs  
10          offered by public programs to promote optimal results for children that support  
11          the relevant population level outcomes set forth in 3 V.S.A. § 2311 and to  
12          collect data that will inform future decisions.

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

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

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

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

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

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

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

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

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

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



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

4           (3) In proposing and adopting rules under this subsection (e), the  
5           Agency or Education, the State Board of Education, and the Department for  
6           Children and Families shall seek to ensure that the rules that apply to public  
7           and private providers are aligned, except to the extent that there are compelling  
8           reasons that are unique to the public or private provider environment that  
9           justify applying different requirements.

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

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

16          (h) Geographic limitations.

17                 (1) Notwithstanding the requirement that a district pay tuition to any  
18          ~~prequalified~~ public or private provider in the State, a school board may choose  
19          to limit the geographic boundaries within which the district shall pay tuition by  
20          paying tuition solely to those ~~prequalified~~ providers in which parents and  
21          guardians choose to enroll resident prekindergarten children that are located

1 within the district’s “prekindergarten region” as determined in subdivision (2)  
2 of this subsection.

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

9 (A) shall not be smaller than the geographic boundaries of the school  
10 district;

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

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

17 (3) If a school board chooses to pay tuition to providers solely within its  
18 prekindergarten region, and if a resident prekindergarten child is unable to  
19 access publicly funded prekindergarten education within that region, then the  
20 child’s parent or guardian may request and in its discretion the district may pay

1 tuition at the statewide rate for a prekindergarten education program operated  
2 by a ~~prequalified~~ provider located outside the prekindergarten region.

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

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

7 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC  
8 SCHOOLS; 21ST CENTURY FUND

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

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

14 \* \* \*

15 (5) an after-school program that serves students in one or more grades  
16 from kindergarten through secondary school, that receives funding through the  
17 21st Century Community Learning Centers program, and that is overseen by  
18 the Agency of Education, unless the after-school program asks to participate in  
19 the child care subsidy program; and



1 the State, and the Vermont Association of School Business Officials shall  
2 develop and post on its website uniform forms and processes under 16 V.S.A.  
3 § 829 as amended by this act for:

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

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

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

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

11 Sec. 5. HEALTH AND SAFETY RULES

12 The Agencies of Education and of Human Services shall compare their  
13 respective health and safety rules and identify where the Agency of Education  
14 has gaps related specifically to prekindergarten children as defined in 16  
15 V.S.A. § 829. The Agency of Education shall adopt rules in accordance with 3  
16 V.S.A. chapter 25 addressing any gaps identified pursuant to this section.

17 Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED

18 PREKINDERGARTEN TEACHERS

19 (a) Findings and purpose.

20 (1) Prekindergarten education is provided in Vermont through a mixed  
21 delivery system by a combination of private providers, which are regulated

1 either as a center-based child care program or family child care program, and  
2 by public schools.

3 (2) A private center-based provider is required to employ or contract  
4 with a teacher with a valid Vermont educator license with an endorsement in  
5 either early childhood education or early childhood special education (qualified  
6 teacher). A family child care home is also required to employ or contract with  
7 a qualified teacher, unless the operator of the family child care home is a  
8 qualified teacher.

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

13 (4) The General Assembly finds that it is best practice for  
14 prekindergarten education to be delivered through the implementation of high-  
15 quality, effective direct instruction by qualified educators who use evidence-  
16 based practices within intentionally designed early learning environments.

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

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

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

10           (1) the number of teachers in the State who are licensed and endorsed in  
11           early childhood education or early childhood special education under 16  
12           V.S.A. chapter 51 (qualified teachers):

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

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

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

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

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

13           (7) if the supply of qualified teachers to staff private prekindergarten  
14           education programs is less than those needed under 16 V.S.A.  
15           § 829(c)(1)(A)(ii), as amended by this act, or the financial impact of this  
16           requirement poses a significant burden on those programs or families,  
17           recommendations on how to achieve the goal of having those programs  
18           provide direct instruction to students by qualified teachers in a cost-effective  
19           manner; and

20           (8) taking into account the General Assembly’s goal to have  
21           prekindergarten education 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 recommendations on how many hours of direct instruction by qualified  
4 teachers should be required in:

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

6 (B) a regulated center-based child care program qualified pursuant to  
7 16 V.S.A. § 829(c)(1)(A) as amended by this act;

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

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

14 Sec. 7. PREKINDERGARTEN REPORT; VISION AND CAPACITY

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

1 and on Human Services and the Senate Committees on Education and on  
2 Health and Welfare on:

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

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

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

8 Sec. 8. **PREKINDERGARTEN SPECIAL EDUCATION WORKING**  
9 **GROUP; REPORT**

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

13 (1) the Secretary of Education or designee;

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

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

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

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

20 (6) a representative of appointed by the Vermont School Board  
21 Association;

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

2 (8) one or more prekindergarten coordinators;

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

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

5 for Families and Children; and

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

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

8 Families and Children.

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

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

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

12 addressing:

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

14 prekindergarten education program outside of the student's district of residence

15 receives special education services at no cost to the student's parent or

16 guardian in accordance with the student's individualized education program

17 and how those services should be funded; and

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

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

20 for essential early education services, which are services to educate children

21 with disabilities prior to legal school age, and the census grant under Act 173,

1 which takes effect beginning with the 2021–2022 school year, also provides  
2 census grant funding for prekindergarten students.

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

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

8 Sec. 9. PREKINDERGARTEN COORDINATORS' GRANT PROGRAM

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

19 (b) Administration. The Agency of Education shall administer the grant  
20 program and shall determine the application and award criteria, provided that  
21 applicants shall represent not less than three supervisory unions that agree to

1 work in collaboration to coordinate prekindergarten educational services  
2 through a prekindergarten coordinator who serves the region represented by  
3 these supervisory unions. The Agency of Education shall inform supervisory  
4 unions of the availability of grants under this section and provide technical  
5 assistance to eligible applicants in applying for these funds. The Agency of  
6 Education shall also advise supervisory unions of other sources of funding that  
7 may be available to advance the purpose of this section.

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

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

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

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

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

5           Sec. 10. EFFECTIVE DATES

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