

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.

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

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

19 (b) Access to publicly funded prekindergarten education.

20 (1) ~~No~~ Not fewer than ten hours per week of publicly funded
21 prekindergarten education shall be available for 35 weeks annually to each

1 prekindergarten child whom a parent or guardian wishes to enroll in an
2 available, ~~prequalified~~ prekindergarten education program operated by a public
3 ~~school~~ provider or a private provider.

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

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

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

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

13 (B) enroll the child in the prekindergarten education program that it
14 operates.

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

20 (4) ~~If the supply of prequalified private and public providers is~~
21 ~~insufficient to meet the demand for publicly funded prekindergarten education~~

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

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

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

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

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

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

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

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

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

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

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; and

6 ~~(B)~~(iii) meeting safety and quality rules adopted by the State Board
7 of Education.

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

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

1 (C) Building Bright Futures shall post on the Bright Futures
2 Information System (BFIS) a link to the list of private providers that satisfy the
3 program quality requirements posted on the Agency of Human Services
4 website and a link to the list of public providers that satisfy the program
5 quality requirements posted on the Agency of Education website in a manner
6 that allows readily available access to the full list of qualified providers.
7 Building Bright Futures shall not be responsible for the accuracy of this
8 information posted on the Agency of Human Services and Agency of
9 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~~ Agency of Education and of Human Services. A
4 district 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 and penalties for the acts or omissions of the public or private
8 provider’s 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 shall have sole regulatory oversight of a prekindergarten educational
3 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) To establish ~~a system~~ comparable systems by which the Agency
2 of Education and Department for Children and Families shall ~~jointly~~ monitor
3 and evaluate the implementation of publicly funded prekindergarten education
4 programs under their respective jurisdictions to promote optimal results for
5 children that support the relevant population-level outcomes set forth in
6 3 V.S.A. § 2311 and to collect data that will inform future decisions. The
7 Agency and Department shall be required to jointly report the results of their
8 monitoring and evaluation annually to the General Assembly in January for the
9 prior school year. At a minimum, the system shall monitor and evaluate:

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

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

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

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

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

2 and

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

5 (J) To establish health and safety requirements for public and private
6 providers.

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

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

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

20 (g) Limitations. Nothing in this section shall be construed to permit or
21 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 (5) an after-school program that serves students in one or more grades
3 from kindergarten through secondary school, that receives funding through the
4 21st Century Community Learning Centers program, and that is overseen by
5 the Agency of Education, unless the after-school program asks to participate in
6 the child care subsidy program; and

7 (6) a public provider of prekindergarten education, as defined under
8 16 V.S.A. § 829(a)(4), unless the public provider participates in the Child Care
9 Financial Assistance Program pursuant to section 3512 of this title.

10 * * *

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

12 § 11. CLASSIFICATIONS AND DEFINITIONS

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

14 * * *

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

1 (4) tracking attendance of students enrolled in a prekindergarten
2 education program.

3 Sec. 5. HEALTH AND SAFETY RULES

4 The health and safety requirements that are required under this act to be
5 adopted for public providers of prekindergarten education shall be aligned with
6 the rules that the Department for Children and Families applies to private
7 providers of prekindergarten education, unless there are compelling reasons
8 that are unique to the public environment that justify applying different
9 requirements.

10 Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED
11 PREKINDERGARTEN TEACHERS

12 (a) Findings and purpose.

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

17 (2) A private center-based provider is required to employ or contract
18 with a teacher with a valid Vermont educator license with an endorsement in
19 either early childhood education or early childhood special education (qualified
20 teacher). A family child care home is also required to employ or contract with

1 a qualified teacher, unless the operator of the family child care home is a
2 qualified teacher.

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

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

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

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

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

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

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

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

16 (4) the number of public prekindergarten education programs in the
17 State and the number of qualified teachers employed by or contracted with
18 those programs;

19 (5) an estimate of the additional number of qualified teachers that
20 private prekindergarten education programs would need to employ or contract
21 with if those programs were required to use the services of teachers for direct

1 instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as amended by this
2 act;

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

7 (7) if the supply of qualified teachers to staff private prekindergarten
8 education programs is less than those needed under 16 V.S.A.
9 § 829(c)(1)(A)(ii), as amended by this act, or the financial impact of this
10 requirement poses a significant burden on those programs or families,
11 recommendations on how to achieve the goal of having those programs
12 provide direct instruction to students by qualified teachers in a cost-effective
13 manner; and

14 (8) recommendations on how many hours of direct instruction by
15 qualified teachers should be required in center-based child care programs and
16 family child care homes qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as
17 amended by this act, taking into account the General Assembly’s goal to have
18 prekindergarten education be delivered through the implementation of high-
19 quality, effective direct instruction by qualified educators who use evidence-
20 based practices within intentionally designed early learning environments.

21 Sec. 7. SPECIAL EDUCATION REPORT; PREKINDERGARTEN

1 (a) On or before December 15, 2020, the Census-based Funding
2 Advisory Group (Advisory Group) created by 2018 Acts and Resolves No.
3 173, Sec. 9, in collaboration with private prekindergarten education providers,
4 prekindergarten coordinators, and prekindergarten teachers, where
5 representatives of each of these three groups are selected by the Advisory
6 Group and where each group represents different geographic regions within the
7 State, shall study and report to the House Committees on Education and on
8 Human Services and the Senate Committees on Education and on Health and
9 Welfare:

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

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

1 (b) Notwithstanding Sec. 9 of Act 173, the Advisory Group may meet not
2 more than 12 times in calendar year 2020. The sum of \$9,018.00 is
3 appropriated for fiscal year 2021 from the General Fund to the Agency of
4 Education to provide funding for per diem compensation and reimbursement
5 under subsection (g) of that section.

6 **Sec. 8. PREKINDERGARTEN COORDINATORS' GRANT PROGRAM**

7 **[TO COME]**

8 **Sec. 9. EFFECTIVE DATES**

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