

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 and on how to ensure that students who**
14 **attend out-of-district prekindergarten programs continue to receive special**
15 **education services; and (v) create a grant program to fund regional**
16 **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 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 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)(aa) 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)~~(bb) 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)~~(ccc) 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 health and safety requirements that are required under this act to be
13 adopted for public providers of prekindergarten education shall be aligned with
14 the rules that the Department for Children and Families applies to private
15 providers of prekindergarten education, unless there are compelling reasons
16 that are unique to the public environment that justify applying different
17 requirements.

18 **Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED**

19 **PREKINDERGARTEN TEACHERS**

20 (a) Findings and purpose.

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

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

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

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

19 (5) However, the General Assembly recognizes that there may be
20 challenges to requiring private programs to retain qualified teachers to solely
21 provide direct instruction, which may include a lack of qualified teachers in

1 Vermont and the financial impact this requirement may have on private
2 providers and families.

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

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

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

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

18 (3) the average number and range of direct instruction hours
19 prekindergarten children receive from qualified teachers employed by or
20 contracted with center-based child care programs and family child care homes

1 qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act,

2 respectively;

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

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

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

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

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

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

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

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

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

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

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

21 **(1) their five-and ten-year vision for kindergarten;**

- 1 (2) the capacity of public prekindergarten for children four years of age;
2 (3) bridging the gap between child care, early education, work supports,
3 and parent education.

4 Sec. 8. SPECIAL EDUCATION REPORT; PREKINDERGARTEN

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

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

19 (2) how to ensure that the State will not be duplicating State aid for
20 prekindergarten students, given that under 16 V.S.A. § 2944, State aid is paid
21 for essential early education services, which are services to educate children

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

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

9 **Sec. 9. PREKINDERGARTEN COORDINATORS' GRANT PROGRAM**

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

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 \$[150,000.00] per application to successful
10 applicants. The amount of this funding shall be based on applicant’s proposed
11 budget and total availability of funds. [should there be a second year of
12 funding?]

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

17 (e) Notwithstanding any provision of law to the contrary, \$[] is
18 appropriated from the Education Fund to the Agency of Education for fiscal
19 year 2021 designated for program grants under this section. [The Agency shall
20 include in its budget request to the General Assembly for fiscal year 2022 the

1 amount of \$[] for program grants under this section.] The Agency of

2 Education may set aside:

3 (1) not more than two percent of funds for informational and technical

4 assistance for eligible program applicants; and

5 (2) not more than two percent of funds for the report required under

6 subsection (d) of this section.

7 Sec. 10. EFFECTIVE DATES

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

9 section shall take effect on passage.