

1 TO THE HOUSE OF REPRESENTATIVES:

2 The Committee on Education to which was referred Senate Bill No. 56
3 entitled “An act relating to child care and early childhood education”
4 respectfully reports that it has considered the same and recommends that the
5 House propose to the Senate that the report of the Committee on Human
6 Services be amended as follows:

7 **First:** In Sec. 1, legislative intent, in subdivision (2), by striking out the
8 words “for children four years of age”

9 **Second:** In Sec. 1, legislative intent, in subdivision (7), by striking out the
10 words “prekindergarten access for children who are four years of age on the
11 date by which the child’s school district requires kindergarten students to have
12 attained five years of age or who are five years of age and not yet enrolled in
13 kindergarten” and inserting in lieu thereof the words “access to
14 prekindergarten education”

15 **Third:** In Sec. 2, Prekindergarten Education Implementation Committee,
16 plan, in subsection (a), by striking out “As used in this section, “child” or
17 “children” means a child or children who are four years of age on the date by
18 which the child’s school district requires kindergarten students to have attained
19 five years of age or who are five years of age and not yet enrolled in
20 kindergarten, unless otherwise specified.”

1 **Fourth:** In Sec. 2, Prekindergarten Education Implementation Committee;
2 plan, by striking out subdivision (b)(1) in its entirety and inserting in lieu
3 thereof a new subdivision (b)(1) to read as follows:

4 (b)(1) Membership. The Committee shall be composed of the following
5 members:

6 (A) the Secretary of Education or designee, who shall serve as co-
7 chair;

8 (B) the Secretary of Human Services or designee, who shall serve as
9 co-chair;

10 (C) the Executive Director of the Vermont Principals' Association or
11 designee;

12 (D) the Executive Director of the Vermont Superintendents
13 Association or designee;

14 (E) the Executive Director of the Vermont School Board Association
15 or designee;

16 (F) the Executive Director of the Vermont National Education
17 Association or designee;

18 (G) the Chair of the Vermont Council of Special Education
19 Administrators or designee;

20 (H) an early education coordinator for a school district which
21 provides prekindergarten education through a mixed-delivery system;

1 (I) the Executive Director of Building Bright Futures or designee;

2 (J) a representative of a prequalified private provider as defined in 16
3 V.S.A. § 829, operating a licensed center-based child care and preschool
4 program, appointed by the Speaker of the House;

5 (K) a representative of a prequalified private provider as defined in
6 16 V.S.A. § 829, providing prekindergarten education at a regulated family
7 child care home, appointed by the Committee on Committees; and

8 (L) a representative, appointed by Vermont Afterschool, Inc.

9 **Fifth:** In Sec. 2, Prekindergarten Education Implementation Committee;
10 plan, in subsection (c), by striking out “, including transitioning children who
11 are three years of age from the 10-hour prekindergarten benefit to child care
12 and early education” and inserting in lieu thereof “, The Committee’s analysis
13 may yield distinct recommendations for different ages”

14 **Sixth:** In Sec. 2, Prekindergarten Education Implementation Committee;
15 plan, in subsection (c), following “the needs of both the State and local
16 education agencies.” by inserting “The Committee shall also make
17 recommendations for the minimum number of hours that shall constitute a full
18 school day for both prekindergarten education and kindergarten as well as
19 analyze whether there are areas of the State where prekindergarten education
20 can be more effectively and conveniently furnished in an adjacent state due to
21 geographic considerations.”

1 **Seventh**: By adding a new section to be Sec. 2a. to read as follows:

2 Sec. 2a. PREKINDERGARTEN EDUCATION MODEL CONTRACT

3 On or before December 1, 2024, the Agency of Education shall develop a
4 model contract for school districts to use for contracting with private providers
5 for prekindergarten education services. The model contract shall include an
6 antidiscrimination provision that requires compliance with the Vermont Public
7 Accommodations Act, 9 V.S.A. chapter 139, and the Vermont Fair
8 Employment Practices Act, 21 V.S.A. chapter 5, subchapter 6. In order to
9 ensure that publicly funded prekindergarten education is provided by a
10 Vermont-licensed teacher, the model contract shall also include staff teaching
11 licensure requirements.

12 **Eighth**: By striking out Sec. 3, 16 V.S.A. § 4010, in its entirety and
13 inserting in lieu thereof a new Sec. 3 to read as follows:

14 Sec. 3. 16 V.S.A. § 4010 is amended to read:

15 § 4010. DETERMINATION OF WEIGHTED LONG-TERM MEMBERSHIP

16 AND PER PUPIL EDUCATION SPENDING

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

18 (1) “EL pupils” means pupils described under section 4013 of this title.

19 (2) “FPL” means the Federal Poverty Level.

20 (3) “Weighting categories” means the categories listed under
21 subsection (b) of this section.

1 (4) “Full day prekindergarten education in a public school setting”
2 means prekindergarten education provided in a public school that is equal in
3 length to the day of education provided to all kindergarten through grade 5
4 students enrolled in the same school district.

5 (b) Determination of average daily membership and weighting categories.
6 On or before the first day of December during each school year, the Secretary
7 shall determine the average daily membership, as defined in subdivision
8 4001(1) of this title, of each school district for the current school year and shall
9 perform the following tasks-;

10 (1) Using average daily membership, list for each school district the
11 number of:

12 (A) pupils in prekindergarten receiving full day prekindergarten
13 education in a public school setting;

14 (B) pupils in kindergarten through grade five;

15 (C) pupils in grades six through eight;

16 (D) pupils in grades nine through 12;

17 (E) pupils whose families are at or below 185 percent of FPL, using
18 the highest number of pupils in the district:

19 (i) that meet this definition under the universal income declaration
20 form; or

1 (ii) who are directly certified for free and reduced-priced meals;

2 ~~and~~

3 (F) EL pupils; and

4 (G) all other pupils in prekindergarten.

5 * * *

6 (d) Determination of weighted long-term membership. For each weighting
7 category except the small schools weighting category under subdivision (b)(3)
8 of this section, the Secretary shall compute the weighting count by using the
9 long-term membership, as defined in subdivision 4001(7) of this title, in that
10 category.

11 (1) The Secretary shall first apply grade level weights. Each pupil
12 included in long-term membership shall count as one, multiplied by the
13 following amounts:

14 (A) all other pupils in prekindergarten—negative 0.54;

15 (B) grades six through eight—0.36; and

16 (C) grades nine through 12—0.39.

17 * * *

18 **Ninth**: In Sec. 4, plan; Agency of Education leadership, by striking out the
19 words “implement a second deputy secretary or commissioner” and inserting
20 in lieu thereof the words “create a senior level”

1 **Tenth:** By striking out Sec. 17, 33 V.S.A. chapter 38, in its entirety and
2 inserting in lieu thereof a new Sec. 17 to read as follows:

3 Sec. 17. 16 V.S.A. chapter 1, subchapter 3 is added to read:

4 Subchapter 3. Afterschool and Summer Care

5 § 51. AFTERSCHOOL AND SUMMER CARE

6 (a) Agency of Education regulation. Pursuant to rules adopted by the
7 Secretary of Education in accordance with 3 V.S.A. chapter 25, school-based
8 afterschool and summer learning programs for students in prekindergarten
9 through grade 12 shall be regulated by the Agency of Education if no Child
10 Care Financial Assistance Program funds provided under 33 V.S.A. § 3512 or
11 3513 are used to fund the afterschool or summer learning program.

12 (b) Agency of Human Services regulation. Pursuant to rules adopted by
13 the Agency of Human Services in accordance with 3 V.S.A. chapter 25, if a
14 school-based afterschool or summer learning program for students in
15 prekindergarten through grade 12 does not subsidize access for students that
16 qualify for free or reduced-price meals under the federal food programs,
17 pursuant to 16 V.S.A., chapter 27, the afterschool and summer learning
18 program shall be regulated by the Agency of Human Services.

19 § 52. UNIVERSAL AFTERSCHOOL AND SUMMER CARE GRANT

20 PROGRAM

1 (a) Creation. There is created the Afterschool and Summer Care Grant
2 Program to support the expansion of summer and afterschool programs, with
3 an emphasis on increasing access in underserved areas of the State. The
4 Secretary of Education shall manage and use the assets in the Afterschool and
5 Summer Care Special Fund created pursuant to section 53 of this title to set up
6 inclusive programs to support the expansion of universal afterschool and
7 summer programs with a focus on capacity in underserved areas of the State
8 and for underserved populations, including students with disabilities and
9 economically disadvantaged and historically marginalized students.

10 (b) Grants. The Afterschool and Summer Care Grant Program shall be
11 used to support a mixed delivery system for afterschool and summer
12 programing, consistent with the requirements of 21C funding authorized under
13 Title IV, part B of the Every Student Succeeds Act, 20 U.S.C. § 7171 et al.
14 Eligible recipients may be public or private nonprofit organizations. Grants
15 may be used for technical assistance, program implementation, program
16 sustainability, and related costs. Grants shall be used to directly target
17 communities with:

18 (1) low existing capacity to serve youth in afterschool and summer
19 settings;

20 (2) populations that are currently underserved; and

1 (3) populations that do not fall under subdivisions (1) and (2) of this
2 subsection as funds are available.

3 (c) Administration. The Agency may use up to \$500,000.00 for
4 administrative costs, including personal services for program staff, to allow for
5 the support of the grant program and technical assistance to communities. The
6 Agency may contract for administration of the grant program.

7 (d) Advice. The Governor may advise the Secretary of Education to
8 consult with other members of the Governor’s cabinet and administration on
9 the design of the program.

10 (e) Report and plan. Notwithstanding 2 V.S.A. § 20(d), on or before
11 November 15 of each year, the Agency of Education shall submit to the
12 General Assembly a plan to fund grants made pursuant to this section. The
13 report shall be inclusive of afterschool and summer learning programming
14 supported by federal funds, State grants and contracts, the Child Care Financial
15 Assistance Program pursuant to 33 V.S.A. § 3512 or 3513, and any matching
16 philanthropic funding. The grants shall be in an amount equal to the official
17 forecasted revenues to be raised from the sales and use tax imposed by 32
18 V.S.A. chapter 233 on cannabis or cannabis products in this State. The
19 Agency shall also report outcomes data on grants awarded pursuant to this
20 section during the previous year, including:

1 (1) the number of afterschool and summer care operators receiving a
2 grant under this section;

3 (2) the number of children and youth served and hours of care provided
4 by afterschool and summer care operators receiving a grant under this section;

5 (3) the geographic distribution of afterschool and summer care operators
6 receiving a grant under this section; and

7 (4) the extent to which family costs are reduced for the care of children
8 and youth served by afterschool and summer care operators receiving a grant
9 under this section.

10 § 53. AFTERSCHOOL AND SUMMER CARE SPECIAL FUND

11 (a) There is established a special fund to be known as the Afterschool and
12 Summer Care Special Fund, which shall be used for the purpose of funding the
13 Afterschool and Summer Care Grant Program established pursuant to section
14 52 of this title.

15 (b) The Fund shall be established and held separate and apart from any
16 other funds or monies of the State and shall be used and administered
17 exclusively for the purpose of this section. The money in the Fund shall be
18 invested in the same manner as permitted for the investment of funds
19 belonging to the State or held in the Treasury. The Fund shall consist of any
20 combination of the following:

21 (1) cannabis sales tax revenue pursuant to 32 V.S.A. § 7910;

1 (2) such sums as may be appropriated or transferred thereto from time to
2 time by the General Assembly, the State Emergency Board, or the Joint Fiscal
3 Committee during such times as the General Assembly is not in session;

4 (3) interest earned from the investment of Fund balances; and

5 (4) any other money from any other source accepted for the benefit of
6 the Fund.

7 (c) The Fund shall be administered by the Agency of Education pursuant to
8 section 52 of this title.

9 (d) The Agency shall administer awards in such a way as to comply with
10 the requirements of Section 108(f) of the Internal Revenue Code.

11 **Eleventh:** By adding a new section to be Sec. 17a to read as follows:

12 Sec. 17a. AGENCY OF EDUCATION; POSITIONS; APPROPRIATION

13 (a) Establishment of the following new permanent classified positions is
14 authorized in the Agency of Education in fiscal year 2024:

15 (1) one full-time, permanent classified Afterschool and Summer Care
16 data analyst; and

17 (2) one full-time, permanent classified Afterschool and Summer Care
18 Grant program coordinator.

19 (b) There is appropriated to the Agency of Education from the Afterschool
20 and Summer Care Special Fund in fiscal year 2024 the sum of \$250,000.00 for
21 the purpose of creating the two new positions created in this section.

1 **Twelfth:** By adding a new section to be Sec. 18a to read as follows:

2 Sec. 18a. REPEALS

3 2020 Acts and Resolves No. 164, Secs. 17c (dedicated use of sales and use
4 tax on cannabis) and 17d (annual budgeting of sales and use tax revenue) are
5 repealed.

6 **Thirteenth:** In Sec. 23, effective dates, in subdivision (b)(1), by striking out
7 “July 1, 2026” and inserting in lieu thereof “July 1, 2024”

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11 (Committee vote: _____)

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Representative _____

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FOR THE COMMITTEE