

1 Introduced by Committee on Human Services

2 Date:

3 Subject: Education; prekindergarten education; Agency of Education; Agency
4 of Human Services; education finance

5 Statement of purpose of bill as introduced: This bill proposes to make
6 miscellaneous changes to publicly funded prekindergarten education.

7 An act relating to the provision of publicly funded prekindergarten
8 education

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

10 * * * Legislative Intent * * *

11 Sec. 1. LEGISLATIVE INTENT

12 It is the intent of the General Assembly to ensure that prekindergarten
13 education is included as an integral part of Vermont’s education system. The
14 right to education is fundamental for the success of Vermont’s children in all
15 grades, prekindergarten through grade 12.

16 * * * Effective July 1, 2026 * * *

17 Sec. 2. 16 V.S.A. § 829 is amended to read:

18 § 829. PREKINDERGARTEN EDUCATION

19 * * *

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

11 * * *

12 (2)(A) A private provider shall employ or contract for the services of at
13 least one teacher who is licensed and endorsed in early childhood education or
14 in early childhood special education under chapter 51 of this title, including
15 through the issuance of provisional and emergency licenses.

16 (B) A Prekindergarten education provided by a licensed public
17 provider pursuant to this section shall employ or contract for the services of at
18 least one be provided by a teacher who is licensed and endorsed in early
19 childhood education or in early childhood special education under chapter 51
20 of this title.

21 (3) A registered home provider that is not licensed and endorsed in early
22 childhood education or early childhood special education shall receive regular,

1 active supervision and training from a teacher who is licensed and endorsed in
2 early childhood education or in early childhood special education under
3 chapter 51 of this title.

4 * * *

5 (i) Notwithstanding any provision of law to the contrary, the NEK Choice
6 School District may provide prekindergarten education to eligible
7 prekindergarten students by paying tuition pursuant to this section to one or
8 more prekindergarten programs operated by a public school in New Hampshire
9 that is located in a school district within 25 miles of the Vermont border. The
10 Essex North Supervisory Union shall be responsible for administering
11 enrollment procedures and managing prekindergarten tuition payments
12 pursuant to this section and State Board of Education rules. The
13 superintendent may apply for and receive a waiver from the Agency of
14 Education and Agency of Human Services of any rule provision that is
15 impractical for the NEK Choice School District or the New Hampshire
16 program by demonstrating that a substantially equivalent provision is offered.

17 * * * Effective July 1, 2033 * * *

18 Sec. 3. 16 V.S.A. § 829(c) is amended to read:

19 (c) Prequalification. Pursuant to rules jointly developed and overseen by
20 the Secretaries of Education and of Human Services and adopted by the State
21 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly shall determine
22 whether a private or public provider of prekindergarten education is qualified

1 for purposes of this section and shall include a qualified provider in a publicly
2 accessible database of prequalified providers available on the Agencies’
3 websites. At a minimum, the rules shall define the process by which a
4 provider applies for and maintains prequalification status, shall identify the
5 minimum quality standards for prequalification, and shall include the
6 following requirements:

7 * * *

8 ~~(2)(A) A private provider shall employ or contract for the services of at~~
9 ~~least one teacher who is licensed and endorsed in early childhood education or~~
10 ~~in early childhood special education under chapter 51 of this title, including~~
11 ~~through the issuance of provisional and emergency licenses.~~

12 ~~(B) Prekindergarten education provided by a licensed public provider~~
13 ~~pursuant to this section shall be provided by a teacher who is licensed and~~
14 ~~endorsed in early childhood education or in early childhood special education~~
15 ~~under chapter 51 of this title.~~

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

21 * * * Effective Upon Contingency * * *

22 Sec. 4. 16 V.S.A. § 829 is amended to read:

1 § 829. PREKINDERGARTEN EDUCATION

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

3 (1) “Prekindergarten child” means a child who, as of the date
4 established by the district of residence for kindergarten eligibility, is three or
5 four years of age or is five years of age but is not yet ~~enrolled~~ eligible for
6 enrollment in kindergarten; provided, however, that if a school district, in
7 consultation with a parent or guardian, determines that a child who is five
8 years of age who is eligible for enrollment in kindergarten is not yet
9 developmentally ready for enrollment, such child shall be eligible for
10 prekindergarten education funded pursuant to this section.

11 (2) “Prekindergarten education” means services that are publicly funded
12 pursuant to this section and designed to provide to prekindergarten children
13 developmentally appropriate early development and learning experiences
14 based on Vermont’s early learning standards.

15 (3) “Prequalified private provider” means a private provider of
16 prekindergarten education that is qualified pursuant to subsection (c) of this
17 section.

18 (b) Access to publicly funded prekindergarten education.

19 (1) ~~No~~ Not fewer than ~~ten~~ 10 hours per week of publicly funded
20 prekindergarten education shall be available for 35 weeks annually to each
21 prekindergarten child whom a parent or guardian wishes to enroll in an

1 available, prequalified program operated by a public school or a private
2 provider.

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

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

8 (i) a prequalified private provider; or

9 (ii) a public school located outside the district that operates a
10 prekindergarten program that has been prequalified pursuant to subsection (c)
11 of this section; or

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

14 (3) A school district shall be responsible for ensuring resident
15 prekindergarten children have access to publicly funded prekindergarten
16 education pursuant to this section, either by operating a prekindergarten
17 program within the district or assisting a family to identify a prequalified
18 private provider located within the district or in another school district or a
19 prequalified public provider located in another school district, with capacity to
20 enroll new prekindergarten children. School districts are encouraged to
21 maintain a position or collaborate with other school districts to maintain a
22 shared position that serves as a prekindergarten education coordinator. If

1 requested by the parent or guardian of a prekindergarten child, the school
2 district of residence shall pay tuition to a prequalified program operated by a
3 private provider or a public school in another district even if the district of
4 residence operates a prekindergarten education program.

5 (4) If the supply of prequalified private and public providers is
6 insufficient to meet the demand for publicly funded prekindergarten education
7 in any region of the State, ~~nothing in this section shall be construed to require a~~
8 ~~district to begin or expand a program to satisfy that demand; but rather, in the~~
9 relevant school districts in the region shall work in collaboration with their
10 prekindergarten coordinators, if any, the Agencies of Education and of Human
11 Services, and the local Building Bright Futures Council shall to meet with
12 neighboring school districts and private providers in the region to develop a
13 regional plan to further expand capacity, including through the issuance of
14 provisional and emergency licenses issued by the Standards Board for
15 Professional Educators pursuant to chapter 51 of this title. If necessary, a
16 school district shall begin or expand a program to meet that demand.

17 * * *

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

19 (1) On behalf of a resident prekindergarten child, a district shall pay
20 tuition for prekindergarten education for ~~ten~~ 10 hours per week for 35 weeks
21 annually to a prequalified private provider or to a public school outside the
22 district that is prequalified pursuant to subsection (c) of this section; provided,

1 however, that the district shall pay tuition for weeks that are within the
2 ~~district's~~ academic year. Tuition paid under this section shall be at a statewide
3 rate, which may be adjusted regionally, that is ~~established~~ proposed annually
4 through a process jointly developed and implemented by the Agencies of
5 Education and of Human Services. Annually, the Agencies shall present the
6 proposed statewide rate as part of their budget presentations for approval by
7 the General Assembly as part of the budget process. A district shall pay tuition
8 upon:

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

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

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

20 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of
21 residence may include within its average daily membership any

1 prekindergarten child for whom it has provided prekindergarten education or
2 on whose behalf it has paid tuition pursuant to this section.

3 (4) ~~A prequalified private provider may receive additional payment~~
4 ~~directly from the parent or guardian only for prekindergarten education in~~
5 ~~excess of the hours paid for by the district pursuant to this section or for child~~
6 ~~care services, or both~~ In addition to the hours paid for by the district pursuant
7 to this section, a prequalified public or private provider may receive additional
8 payment directly from the parent or guardian for child care services. The
9 provider is not bound by the statewide rate established in this subsection when
10 determining the rates it will charge the parent or guardian.

11 (e) Rules. The Secretary of Education and the Commissioner for Children
12 and Families shall jointly develop and agree to rules and present them to the
13 State Board for adoption under 3 V.S.A. chapter 25 as follows:

14 * * *

15 (10) To establish a system by which the Agency of Education ~~and,~~
16 ~~Department for Children and Families,~~ and Building Bright Futures shall
17 jointly monitor and evaluate prekindergarten education programs to promote
18 optimal results for children that support the relevant population-level outcomes
19 set forth in 3 V.S.A. § 2311 and to collect data that will inform future
20 decisions. The Agency and Department shall be required to report annually to
21 the General Assembly in January. At a minimum, the system shall monitor
22 and evaluate:

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

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

~~(h) Geographic limitations.~~

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

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

1 ~~(A) shall not be smaller than the geographic boundaries of the school~~
2 ~~district;~~

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

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

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

15 ~~(4) Except for the narrow exception permitting a school board to limit~~
16 ~~geographic boundaries under subdivision (1) of this subsection, all other~~
17 ~~provisions of this section and related rules shall continue to apply. [Repealed.]~~

18 * * * Reporting and Contracting * * *

19 Sec. 5. STATUS REPORT; COMPLIANCE READINESS

20 On or before January 1, 2030, the Department for Children and Families'
21 Child Development Division shall submit a status report to the House
22 Committees on Education and on Human Services and to the Senate

1 Committees on Education and on Health and Welfare assessing private
2 prekindergarten providers' readiness to comply with Sec. 3 of this act on July
3 1, 2033.

4 Sec. 6. JOINT FISCAL OFFICE; PREKINDERGARTEN; REPORT;

5 APPROPRIATION

6 (a)(1) The Joint Fiscal Office shall contract with a contractor with expertise
7 in Vermont's education funding system to make recommendations regarding
8 how to account for the provision of prekindergarten education within
9 Vermont's education finance system, including the consideration of use of
10 categorical aid or the inclusion of prekindergarten education within a
11 foundation formula through the use of a prekindergarten weight. The
12 contractor's recommendations shall be designed to provide funding for
13 prekindergarten education that:

14 (A) supports achieving access for all prekindergarten children, as that
15 term is defined in 16 V.S.A. § 829, with equal payments and equal educational
16 standards for public and private providers;

17 (B) ensures the cost of prekindergarten education is included in the
18 full cost of education;

19 (C) increases access and participation in areas of the State where
20 access or participation is limited; and

21 (D) continues to support a mixed delivery system.

