

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) If requested by the parent or guardian of a prekindergarten child, the
15 school district of residence shall pay tuition to a prequalified program operated
16 by a private provider or a public school in another district even if the district of
17 residence operates a prekindergarten education program.

18 (4) If the supply of prequalified private and public providers is
19 insufficient to meet the demand for publicly funded prekindergarten education
20 in any region of the State, nothing in this section shall be construed to require a
21 district to begin or expand a program to satisfy that demand; but rather, in
22 collaboration with the Agencies of Education and of Human Services, the local

1 **Building Bright Futures Council shall meet with school districts and private**
2 **providers in the region to develop a regional plan to expand capacity.**

3 * * *

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

5 (1) On behalf of a resident prekindergarten child, a district shall pay
6 tuition for prekindergarten education for ~~ten~~ 10 hours per week for 35 weeks
7 annually to a prequalified private provider or to a public school outside the
8 district that is prequalified pursuant to subsection (c) of this section; provided,
9 however, that the district shall pay tuition for weeks that are within the
10 ~~district's~~ academic year. Tuition paid under this section shall be at a statewide
11 rate, which may be adjusted regionally, that is ~~established~~ proposed annually
12 through a process jointly developed and implemented by the Agencies of
13 Education and of Human Services. Annually, the Agencies shall present the
14 proposed statewide rate as part of their budget presentations for approval by
15 the General Assembly as part of the budget process. A district shall pay tuition
16 upon:

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

20 (B) concurrent enrollment of the prekindergarten child in the district
21 of residence for purposes of budgeting and determining average daily
22 membership.

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

1 (a) This section, Sec. 1 (legislative intent), Sec. 2 (16 V.S.A. § 829), Sec. 5
2 (status report; compliance readiness), and Sec. 6 (JFO; prekindergarten; report;
3 appropriations) shall take effect on July 1, 2026.

4 (b) Sec. 4 (16 V.S.A. § 829) shall take effect upon the occurrence of the
5 contingencies set forth in 2025 Acts and Resolves No. 73, Sec. 70(f).

6 (c) Sec. 3 (16 V.S.A. § 829(c)) shall take effect on July 1, 2033, if the
7 contingencies set forth in 2025 Acts and Resolves No. 73, Sec. 70(f) are met.