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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 Sec. 1. 16 V.S.A. § 829 is amended to read:

11 § 829. PREKINDERGARTEN EDUCATION

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

13 (1) “Prekindergarten child” means a child who, as of the date
14 established by the district of residence for kindergarten eligibility, is three or
15 four years of age or is five years of age but is not yet enrolled in kindergarten.

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

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

4 (b) Access to publicly funded prekindergarten education.

5 (1) No fewer than ~~ten~~ 10 hours per week of publicly funded
6 prekindergarten education shall be available for 35 weeks annually to each
7 prekindergarten child whom a parent or guardian wishes to enroll in an
8 available, prequalified program operated by a public school or a private
9 provider.

10 (2) If a parent or guardian chooses to enroll a prekindergarten child in an
11 available, prequalified program, then, pursuant to the parent or guardian’s
12 choice, the school district of residence shall:

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

15 (i) a prequalified private provider; or

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

19 (B) enroll the child in the prekindergarten education program that it
20 operates.

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1 (3) A school district shall be responsible for ensuring resident
2 prekindergarten children have access to publicly funded prekindergarten
3 education pursuant to this section, either by operating a prekindergarten
4 program within the district or assisting a family to identify a prequalified
5 private provider located within the district or in another school district or a
6 prequalified public provider located in another school district, with capacity to
7 enroll new prekindergarten children. School districts are encouraged to
8 maintain a position or collaborate with other school districts to maintain a
9 shared position that serves as a prekindergarten education coordinator. If
10 requested by the parent or guardian of a prekindergarten child, the school
11 district of residence shall pay tuition to a prequalified program operated by a
12 private provider or a public school in another district even if the district of
13 residence operates a prekindergarten education program.

14 (4) If the supply of prequalified private and public providers is
15 insufficient to meet the demand for publicly funded prekindergarten education
16 in any region of the State, ~~nothing in this section shall be construed to require a~~
17 district to ~~shall~~ begin or expand a program to satisfy that demand; ~~but rather, in~~
18 and may work in collaboration with the Agencies of Education and of Human
19 Services; and the local Building Bright Futures Council shall to meet with
20 neighboring school districts and private providers in the region to develop a
21 regional plan to further expand capacity, including through the issuance of

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1 provisional and emergency licenses issued by the Standards Board for
2 Professional Educators pursuant to chapter 51 of this title.

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

13 (1) A program of prekindergarten education, whether provided by a
14 school district or a private provider, shall have received:

15 (A) National Association for the Education of Young Children
16 (NAEYC) accreditation;

17 (B) at least four stars in the Department for Children and Families'
18 STARS system; or

19 (C) three stars in the STARS system if the provider has developed a
20 plan, approved by the Commissioner for Children and Families and the
21 Secretary of Education, to achieve four or more stars.

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

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

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~~ 10 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; ~~provided,~~
20 ~~however, that the district shall pay tuition for weeks that are within the~~
21 ~~district's academic year.~~ Tuition paid under this section shall be at a statewide

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1 rate, which may be adjusted regionally, that is established annually through a
2 process jointly developed and implemented by the Agencies of Education and
3 of Human Services and approved by the General Assembly. A district shall
4 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. [Repealed.]~~

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. [Repealed.]~~

20 (4) ~~A prequalified private provider may receive additional payment~~
21 ~~directly from the parent or guardian only for prekindergarten education in~~

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

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

10 (1) To permit private providers that are not prequalified pursuant to
11 subsection (c) of this section to create new or continue existing partnerships
12 with school districts through which the school district provides supports that
13 enable the provider to fulfill the requirements of subdivision (c)(2) or (3) of
14 this section, and through which the district may or may not make in-kind
15 payments as a component of the statewide tuition established under this
16 section.

17 (2) To authorize a district to begin or expand a school-based
18 prekindergarten education program only upon prior approval obtained through
19 a process jointly overseen by the Secretaries of Education and of Human
20 Services, which shall be based upon analysis of the number of prekindergarten
21 children residing in the district and the availability of enrollment opportunities

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1 with prequalified private providers in the region. Where the data are not clear
2 or there are other complex considerations, the Secretaries may choose to
3 conduct a community needs assessment.

4 (3) To require that the school district provides opportunities for effective
5 parental participation in the prekindergarten education program.

6 (4) To establish a process by which:

7 (A) a parent or guardian notifies the district that the prekindergarten
8 child is or will be admitted to a prekindergarten education program not
9 operated by the district and concurrently enrolls the child in the district
10 pursuant to subdivision (d)(1) of this section;

11 (B) a district:

12 (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) enters into an agreement with any provider to which it will pay
17 tuition regarding quality assurance, transition, and any other matters; and

18 (C) a provider that has received tuition payments under this section
19 on behalf of a prekindergarten child notifies a district that the child is no longer
20 enrolled.

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1 (5) To establish a process to calculate an annual statewide tuition rate
2 that is based upon the actual cost of delivering ~~ten~~ 20 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) To require a district to include identifiable costs for prekindergarten
7 programs and essential early education services in its annual budgets and
8 reports to the community.

9 (8) 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) To provide an administrative process for:

14 (A) a parent, guardian, or provider to challenge an action of a school
15 district or the State when the complainant believes that the district or State is in
16 violation of State statute or rules regarding prekindergarten education; and

17 (B) a school district to challenge an action of a provider or the State
18 when the district believes that the provider or the State is in violation of State
19 statute or rules regarding prekindergarten education.

20 (10) To establish a system by which the Agency of Education and
21 Department for Children and Families shall jointly monitor and evaluate

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1 prekindergarten education programs to promote optimal results for children
2 that support the relevant population-level outcomes set forth in 3 V.S.A.
3 § 2311 and to collect data that will inform future decisions. The Agency and
4 Department shall be required to report annually to the General Assembly in
5 January. At a minimum, the system shall monitor and evaluate:

6 (A) programmatic details, including the number of children served,
7 the number of private and public programs operated, and the public financial
8 investment made to ensure access to quality prekindergarten education;

9 (B) the quality of public and private prekindergarten education
10 programs and efforts to ensure continuous quality improvements through
11 mentoring, training, technical assistance, and otherwise; and

12 (C) the results for children, including school readiness and
13 proficiency in numeracy and literacy.

14 (11) To establish a process for documenting the progress of children
15 enrolled in prekindergarten education programs and to require public and
16 private providers to use the process to:

17 (A) help individualize instruction and improve program practice; and

18 (B) collect and report child progress data to the Secretary of
19 Education on an annual basis.

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

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

5 (h) Geographic limitations.

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

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

19 (A) shall not be smaller than the geographic boundaries of the school
20 district;

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

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

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

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

16 Sec. 2. 16 V.S.A. § 829(c) is amended to read:

17 (c) Prequalification. Pursuant to rules jointly developed and overseen by
18 the Secretaries of Education and of Human Services and adopted by the State
19 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine
20 that a private or public provider of prekindergarten education is qualified for
21 purposes of this section and include the provider in a publicly accessible

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1 database of prequalified providers. At a minimum, the rules shall define the
2 process by which a provider applies for and maintains prequalification status,
3 shall identify the minimum quality standards for prequalification, and shall
4 include the following requirements:

5 * * *

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

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

14 Sec. 3. 16 V.S.A. § 4001(1) is amended to read:

15 (1) “Average daily membership” of a school district or, if needed in
16 order to calculate the appropriate homestead tax rate, of the municipality as
17 defined in 32 V.S.A. § 5401(9), in any year means:

18 * * *

19 (C) The full-time equivalent enrollment for each ~~prekindergarten~~
20 ~~child receiving essential early education~~ as follows: If a child ~~is enrolled in 10~~
21 ~~or more hours of prekindergarten education per week or receives 10 or more~~

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1 hours of essential early education services per week, the child shall be counted
2 as one full-time equivalent pupil. If a child is enrolled in six or more but fewer
3 than 10 hours of prekindergarten education per week or if a child receives
4 fewer than 10 hours of essential early education services per week, the child
5 shall be counted as a percentage of one full-time equivalent pupil, calculated as
6 one multiplied by the number of hours per week divided by ten 10. A child
7 enrolled in prekindergarten education for fewer than six hours per week shall
8 not be included in the district's average daily membership. There is no limit
9 on the total number of children who may be enrolled in prekindergarten
10 education or who receive essential early education services.

11 Sec. 4. 16 V.S.A. § 4001(1) is amended to read:

12 (1) “Average daily membership” of a school district in any year means:

13 * * *

14 (C) The full-time equivalent enrollment for each prekindergarten
15 child receiving essential early education as follows: If a child is enrolled in 10
16 or more hours of prekindergarten education per week or receives 10 or more
17 hours of essential early education services per week, the child shall be counted
18 as one full-time equivalent pupil. If a child is enrolled in six or more but fewer
19 than 10 hours of prekindergarten education per week or if a child receives
20 fewer than 10 hours of essential early education services per week, the child
21 shall be counted as a percentage of one full-time equivalent pupil, calculated as

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1 one multiplied by the number of hours per week divided by ~~ten~~ 10. ~~A child~~
2 ~~enrolled in prekindergarten education for fewer than six hours per week shall~~
3 ~~not be included in the district's average daily membership.~~ There is no limit
4 on the total number of children who ~~may be enrolled in prekindergarten~~
5 ~~education or~~ who receive essential early education services.

6 Sec. 5. 16 V.S.A. § 4001(15) is amended to read:

7 (15) ~~“Prekindergarten child~~ “Child receiving essential early education”
8 means a ~~three or four year old child who is enrolled in a prekindergarten~~
9 ~~program offered by or through a school district pursuant to rules adopted under~~
10 ~~section 829 of this title or~~ who is three or four years of age and who is
11 receiving essential early education services offered pursuant to section 2956 of
12 this title. ~~Prekindergarten child~~ “Child receiving essential early education”
13 also means a ~~five year old~~ child who is five years of age and who otherwise
14 meets the terms of this definition if that child is not yet eligible for or enrolled
15 in kindergarten.

16 Sec. 6. 16 V.S.A. § 4020 is added to read:

17 § 4020. PREKINDERGARTEN EDUCATION GRANTS

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

19 (1) “Enrollment” means the number of prekindergarten children who are
20 enrolled in a prequalified public prekindergarten program and prequalified
21 prekindergarten private provider, as that term is defined in subdivision

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1 829(a)(3) of this title, and on whose behalf the school district pays tuition
2 pursuant to subsection 829(d) of this title on October 1.

3 (2) “Prekindergarten child” means a child who is three or four years of
4 age or is five years of age but is not yet eligible to enroll in kindergarten who is
5 enrolled in a prekindergarten program offered by or through a school district
6 pursuant to rules adopted under section 829 of this title.

7 (3) “Two-year average enrollment of prekindergarten children” means
8 the average enrollment of prekindergarten children of the two most recently
9 completed school years.

10 (b) Prekindergarten education grants. Annually, from State funds
11 appropriated to the Agency from the Education Fund for prekindergarten
12 education grants, the Agency shall pay a prekindergarten education grant to
13 each school district in an amount determined by multiplying the district’s two-
14 year average enrollment of prekindergarten children by the statewide rate,
15 which may be adjusted regionally, that is established annually through a
16 process jointly developed and implemented by the Agencies of Education and
17 of Human Services pursuant to subdivision 829(d)(1) of this title. In addition,
18 the Secretary shall pay an amount of X to each school district to cover
19 administrative costs associated with ensuring resident families have access to
20 publicly funded prekindergarten education.

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1 (c) With the funds received pursuant to subsection (b) of this section, a
2 school district shall pay tuition on behalf of a resident prekindergarten child
3 pursuant to subsection 829(d) of this title in an amount equal to the statewide
4 rate established pursuant to subdivision 829(d)(1) of this title.

5 Sec. 7. EFFECTIVE DATES

6 This act shall take effect upon the occurrence of the contingencies set forth
7 in 2025 Acts and Resolves No. 73, Sec. 70(f), except that Sec. 2 (16 V.S.A.
8 § 829(c)) shall take effect on July 1, 2029, if the contingencies set forth in
9 2025 Acts and Resolves No. 73, Sec. 70(f), are met.