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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 \* \* \* 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 \* \* \*

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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.

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1 (3) A registered home provider that is not licensed and endorsed in early  
2 childhood education or early childhood special education shall receive regular,  
3 active supervision and training from a teacher who is licensed and endorsed in  
4 early childhood education or in early childhood special education under  
5 chapter 51 of this title.

6 \* \* \*

7 (i) Background checks. If the employees of a prekindergarten education  
8 program operated by a school district have completed a background check  
9 pursuant to section 255 of this title, the Department for Children and Families  
10 shall deem any requirement for a separate background check for the purpose of  
11 prequalification pursuant to this section to have been met.

12 \* \* \* Effective July 1, 2033 \* \* \*

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

14 (c) Prequalification. Pursuant to rules jointly developed and overseen by  
15 the Secretaries of Education and of Human Services and adopted by the State  
16 Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly shall determine  
17 whether a private or public provider of prekindergarten education is qualified  
18 for purposes of this section and shall include a qualified provider in a publicly  
19 accessible database of prequalified providers available on the Agencies’  
20 websites. At a minimum, the rules shall define the process by which a  
21 provider applies for and maintains prequalification status, shall identify the

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1 minimum quality standards for prequalification, and shall include the  
2 following requirements:

3 \* \* \*

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

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

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

17 \* \* \* Effective Upon Contingency \* \* \*

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

19 § 829. PREKINDERGARTEN EDUCATION

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

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

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

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

16           (b) Access to publicly funded prekindergarten education.

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

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

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

6 (i) a prequalified private provider; or

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

10 (B) enroll the child in the prekindergarten education program that it  
11 operates.

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

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

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

14 \* \* \*

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~~ proposed annually  
2 through a process jointly developed and implemented by the Agencies of  
3 Education and of Human Services. Annually, the Agencies shall present the  
4 proposed statewide rate as part of their budget presentations for approval by  
5 the General Assembly as part of the budget process. A district shall pay tuition  
6 upon:

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

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

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

18 (3) Pursuant to subdivision 4001(1)(C) of this title, the district of  
19 residence may include within its average daily membership any  
20 prekindergarten child for whom it has provided prekindergarten education or  
21 on whose behalf it has paid tuition pursuant to this section.

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

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

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

19           (2) To authorize a district to begin or expand a school-based  
20 prekindergarten education program only upon prior approval obtained through  
21 a process jointly overseen by the Secretaries of Education and of Human

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1 Services, which shall be based upon analysis of the number of prekindergarten  
2 children residing in the district and the availability of enrollment opportunities  
3 with prequalified private providers in the region. Where the data are not clear  
4 or there are other complex considerations, the Secretaries may choose to  
5 conduct a community needs assessment.

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

8 (4) To establish a process by which:

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

13 (B) a district:

14 (i) pays tuition pursuant to a schedule that does not inhibit the  
15 ability of a parent or guardian to enroll a prekindergarten child in a  
16 prekindergarten education program or the ability of a prequalified private  
17 provider to maintain financial stability; and

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

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

4 (5) To establish a process to calculate an annual statewide tuition rate  
5 that is based upon the actual cost of delivering ~~ten~~ 10 hours per week of  
6 prekindergarten education that meets all established quality standards and to  
7 allow for regional adjustments to the rate.

8 (6) [Repealed.]

9 (7) To require a district to include identifiable costs for prekindergarten  
10 programs and essential early education services in its annual budgets and  
11 reports to the community.

12 (8) To require a district to report to the Agency of Education annual  
13 expenditures made in support of prekindergarten education, with distinct  
14 figures provided for expenditures made from the General Fund, from the  
15 Education Fund, and from all other sources, which shall be specified.

16 (9) To provide an administrative process for:

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

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

4 (10) To establish a system by which the Agency of Education and  
5 Department for Children and Families shall jointly monitor and evaluate  
6 prekindergarten education programs to promote optimal results for children  
7 that support the relevant population-level outcomes set forth in 3 V.S.A.  
8 § 2311 and to collect data that will inform future decisions. The Agency and  
9 Department shall be required to report annually to the General Assembly in  
10 January. At a minimum, the system shall monitor and evaluate:

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

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

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

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

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

2 (B) collect and report child progress data to the Secretary of

3 Education on an annual basis.

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

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

10 (h) ~~Geographic limitations.~~

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

18 ~~(2) For purposes of this subsection, upon application from the school~~  
19 ~~board, a district's prekindergarten region shall be determined jointly by the~~  
20 ~~Agencies of Education and of Human Services in consultation with the school~~  
21 ~~board, private providers of prekindergarten education, parents and guardians of~~

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1 ~~prekindergarten children, and other interested parties pursuant to a process~~  
2 ~~adopted by rule under subsection (e) of this section. A prekindergarten region;~~

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

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

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

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

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

20 \* \* \*

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\* \* \* Reporting and Contracting \* \* \*

**Sec. 5. STATUS REPORT; COMPLIANCE READINESS**

On or before January 1, 2030, the Department for Children and Families’  
Child Development Division shall submit a status report to the House  
Committee on Human Services and to the Senate Committee on Health and  
Welfare assessing private prekindergarten providers’ readiness to comply with  
Sec. 3 of this act on July 1, 2033.

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

(a) The Joint Fiscal Office shall contract with a contractor with expertise in  
Vermont’s education funding system to make recommendations regarding how  
to account for the provision of prekindergarten education within Vermont’s  
foundation formula. The recommendations shall, to the extent possible, align  
with the recommendations of the report required pursuant to 2025 Acts and  
Resolves No. 73, Sec. 45a. The contractor shall submit a written report with  
the contractor’s recommendations to the House Committees on Education, on  
Human Services, and on Ways and Means and the Senate Committees on  
Education, on Finance, and on Health and Welfare on or before January 15,  
2027.

(b) The sum of \$50,000.00 is appropriated to the Joint Fiscal Office from  
the General Fund in fiscal year 2027 to hire a contractor to make  
recommendations in accordance with subsection (a) of this section.

