

1 S.257

2 Introduced by Senator Baruth

3 Referred to Committee on Education

4 Date: January 3, 2018

5 Subject: Education; miscellaneous changes to education law; secondary
6 education; VSAC; portability

7 Statement of purpose of bill as introduced: This bill proposes to require that
8 the Vermont Student Assistance Corporation award grants and scholarships
9 solely for use at Vermont postsecondary schools or at educational institutions
10 in states that have executed a reciprocity agreement with Vermont.

11 An act relating to miscellaneous changes to education law

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

13 ~~Sec. 1. FINDINGS~~

14 ~~The General Assembly finds that:~~

15 ~~(1) While Vermont has one of the highest secondary school graduation~~
16 ~~rates in the United States, it persistently trails the rest of the nation in the~~
17 ~~percentage of Vermont high school graduates proceeding directly to college.~~

18 ~~(2) Vermont ranks second to last in the nation for affordable education,~~
19 ~~according to the Vermont Community Foundation. The rising costs of higher~~

1 education have been outpacing Vermont family income for years, and the
2 average student loan debt among Vermonters is one of the highest in the
3 nation.

4 (3) Vermont State appropriations to its public colleges and universities,
5 per capita, are well below the national average. Low levels of State support
6 mean higher levels of institutional costs covered by tuition, increasing the
7 financial burden on Vermont students and their families.

8 (4) Vermont is one of only two states that allows total portability of its
9 State grants and scholarships, so that Vermonters may currently use these
10 awards at any accredited U.S. postsecondary institution in any of the United
11 States. Other states, including most New England states, limit portability to
12 states with which they have reciprocity agreements. Some states do not permit
13 any portability of state grant funds.

14 (5) In 2008, according to the Vermont Student Assistance Corporation,
15 about 35 percent of grant recipients chose schools outside Vermont,
16 representing 28 percent of State grant dollars. Some of these schools are in
17 states that have a reciprocal grant policy.

18 Sec. 2. 16 V.S.A. § 2822 is amended to read:

19 § 2822. DEFINITIONS

20 As used in this chapter:

21

1 ~~(10) "Operate" means to establish, keep, or maintain any facility or~~
2 ~~location from or through which education or training is offered or given, or~~
3 ~~educational or training degrees are offered or granted. The term includes~~
4 ~~contracting with any person to perform any such act.~~

5 Sec. 3. 16 V.S.A. chapter 87, subchapter 3 is amended to read:

6 Subchapter 3. Incentive Grants

7 § 2841. ESTABLISHMENT; RULES

8 (a) A need-based grant program is hereby established to aid students who
9 need financial assistance and:

10 (1) are pursuing undergraduate studies and ~~give giving~~ promise of
11 completing satisfactorily a degree program, at an approved postsecondary
12 education institution that operates primarily or exclusively in Vermont, or an
13 institution in a state that has executed a reciprocity agreement with
14 Vermont; or ~~who~~

15 (2) have been accepted for admission to an approved postsecondary
16 education institution that operates primarily or exclusively in Vermont, or an
17 institution in a state that has executed a reciprocity agreement with Vermont
18 for undergraduate studies.

19 (b) The Board may establish rules, regulations, and standards for the
20 awards under this subchapter.

21 ~~§ 2842. ELIGIBILITY~~

1 ~~(a)(1) To qualify for an incentive grant for the first year of undergraduate~~
2 study, a student must:

3 (A) be in attendance at an approved postsecondary education
4 institution that operates primarily or exclusively in Vermont, or an institution
5 in a state that has executed a reciprocity agreement with Vermont; or

6 (B) be accepted for admission and be enrolled as a full-time or part-
7 time student at such an institution.

8 (2) For each year following the first year of undergraduate study, the
9 student must have been certified by the institution attended to be in good
10 standing and to give promise of satisfactory completion of a course of study
11 leading to a degree or diploma.

12 (b) Any qualified person may apply for an incentive grant in addition to
13 any other scholarship aid.

14 * * *

15 § 2844. AMOUNT RECEIVED; PRORATION

16 (a) Each undergraduate student who qualifies for an incentive grant shall
17 apply on forms provided by the Corporation. The Corporation may consider
18 the student for an incentive grant if the student meets the need-based eligibility
19 standards established by the Board. These standards shall give due
20 consideration to all relevant factors affecting the student's need, including the
21 ~~adjusted gross income and other sources of income of the student's parents, the~~

1 ~~adjusted gross income and other sources of income of a nondependent student;~~
2 the assets of parents and students; the number of a parent's or nondependent
3 student's children who are students enrolled in approved postsecondary
4 education institutions at the same time; and any unusual circumstances that
5 affect the family financial strength. Incentive grants shall be awarded on a
6 rolling basis to eligible applicants based upon established need, and in total
7 amount shall not exceed the funds made available from legislative
8 appropriation or other sources. In no case shall a student's award be larger
9 than that needed to attend the ~~approved postsecondary education~~ institution of
10 the student's choice.

11 (b) The Corporation may prorate incentive grants on the basis of semesters,
12 other recognized portions of a school year, or course load.

13 (c) Vermont resident students enrolled at the Medical College of the
14 University of Vermont or enrolled in a program in Vermont or in a state that
15 has executed a reciprocity agreement with Vermont leading to the degree of
16 Doctor of Veterinary Medicine shall be eligible to apply for an incentive grant
17 and shall be subject to the provisions of subsection (b) of this section. In
18 addition, veterinary students shall be eligible for grants not to exceed twice the
19 amount of the average grant award made to full-time undergraduate students in
20 the previous year under subsection (a) of this section.

21

1 § 2846. NONDEGREE GRANTS

2 (a) The Corporation may establish grant programs for residents pursuing
3 nondegree education and training opportunities in Vermont or in a state that
4 has executed a reciprocity agreement with Vermont who do not meet the
5 definition of student in subdivision 2822(3) of this title, and who may not meet
6 the requirements of this subchapter. Nondegree grants may be used at
7 institutions that are not approved postsecondary education institutions,
8 provided these institutions operate primarily or exclusively in Vermont or
9 operate in a state that has executed a reciprocity agreement with Vermont.

10 (b) The Corporation may adopt rules or establish policies, procedures,
11 standards, and forms for nondegree grants, including the requirements for
12 applying for and using the grants and the eligibility requirements for the
13 institutions where the grants may be used.

14 Sec. 4. 16 V.S.A. chapter 87, subchapter 4 is amended to read:

15 Subchapter 4. Honor Scholarships

16 § 2851. ESTABLISHMENT

17 Vermont Honor Scholarships are hereby established for secondary school
18 seniors who plan to attend an approved postsecondary education institution
19 that operates primarily or exclusively in Vermont, or an institution in a state
20 that has executed a reciprocity agreement with Vermont.

~~§ 2854. AMOUNT, NUMBER, DISBURSEMENT~~

~~(a) Each Vermont Honor Scholarship shall be an equal amount and ~~no~~ not less than \$1,000.00 as determined by the Board.~~

~~(b) Each secondary school, or a border school serving Vermont secondary school students, may nominate a senior for a Vermont Honor Scholarship.~~

~~(c) The Scholarship shall be disbursed to the approved postsecondary education institution that operates primarily or exclusively in Vermont or to an institution in a state that has executed a reciprocity agreement with Vermont at which the recipient enrolls.~~

Sec. 5. TRANSITION

Notwithstanding Secs. 3 and 4 of this act:

(1) A student may qualify for an incentive grant under 16 V.S.A. chapter 87, subchapter 3 if, on or before July 1, 2018, he or she is currently enrolled at and attending an approved postsecondary education institution outside Vermont or has accepted an offer of admission as a full-time or part-time student outside Vermont, even though that state has not executed a reciprocity agreement with Vermont, provided that the student meets all other requirements in 16 V.S.A. chapter 87, subchapter 3.

(2) A resident may qualify for a nondegree grant under 16 V.S.A. § 2846 in order to pursue a nondegree education and training opportunity outside Vermont if he or she began pursuing that opportunity on or before

1 ~~July 1, 2018, even though that state has not executed a reciprocity agreement~~
2 with Vermont, provided that the resident meets all other requirements in
3 16 V.S.A. § 2846.

4 (3) A student may be awarded a Vermont Honor Scholarship under
5 16 V.S.A. chapter 87, subchapter 4 if, on or before July 1, 2018, he or she has
6 enrolled in an approved postsecondary education institution in a state that has
7 not executed a reciprocity agreement with Vermont, provided that the student
8 meets all other requirements in 16 V.S.A. chapter 87, subchapter 4.

9 Sec. 6. EFFECTIVE DATE

10 ~~This act shall take effect on July 1, 2018.~~

** * * Out-of-state Independent Schools * * **

Sec. 1. 16 V.S.A. § 822 is amended to read:

*§ 822. SCHOOL DISTRICT TO MAINTAIN PUBLIC HIGH SCHOOLS OR
PAY TUITION*

*(a) Each school district shall maintain one or more approved high schools
in which high school education is provided for its resident students unless:*

*(1) the electorate authorizes the school board to close an existing high
school and to provide for the high school education of its students by paying
tuition to a public high school, an approved independent high school, or an
independent school meeting education quality standards, to be selected by the
parents or guardians of the student, ~~within or outside the State;~~ or*

** * **

Sec. 2. 16 V.S.A. § 828 is amended to read:

§ 828. TUITION TO APPROVED SCHOOLS; AGE; APPEAL

(a) A school district shall not pay the tuition of a student except to:

(1) a public school;

(2) an approved independent school, in Vermont;

(3) an independent school in Vermont meeting education quality standards;

(4) a tutorial program approved by the State Board;

(5) an approved education program;

(6) an independent school in another state or country approved under the laws of that state or country; nor shall payment that is either:

(A) contiguous to Vermont; or

(B) in a state that pays publicly funded tuition for its resident students to attend a public or approved independent school in Vermont;

(7) a public or independent school in the Province of Quebec approved under the laws of Canada; or

(8) a school to which a student on an individualized education plan has been referred or placed by the student's individualized education plan team or local education agency.

(b) Payment of tuition on behalf of a person shall not be denied on account of age.

(c) Unless otherwise provided, a person who is aggrieved by a decision of a school board relating to eligibility for tuition payments, the amount of tuition payable, or the school he or she may attend, may appeal to the State Board and its decision shall be final.

Sec. 3. TRANSITION

Notwithstanding any provision to the contrary in Sec. 2 of this act, a school district may pay tuition on behalf of a student to a school located in another country or to an approved independent school that is located in a state that is not contiguous to Vermont or in a state that does not pay publicly funded tuition for its resident students to attend a public or approved independent school in Vermont if, during the 2017-2018 school year, the student attended that school; provided, however, that tuition shall be paid for not more than four years after enactment of this act.

** * * Dual Enrollment; Parochial Schools * * **

Sec. 4. 16 V.S.A. § 944 is amended to read:

§ 944. DUAL ENROLLMENT PROGRAM

(a) Program creation. There is created a the statewide Dual Enrollment Program to be a potential component of a student's flexible pathway. The Program shall include college courses offered on the campus of an accredited postsecondary institution and college courses offered by an accredited

postsecondary institution on the campus of a secondary school. The Program may include online college courses or components.

(b) Students.

(1) A Vermont resident who has completed grade 10 but has not received a high school diploma is eligible to participate in the Program if:

(A) the student:

(i) is enrolled in:

(I) a Vermont public school, including a Vermont career technical center;

(II) a public school in another state or an approved independent school that is designated as the public secondary school for the student's district of residence; or

(III) an approved independent school in Vermont ~~to which the student's district of residence pays publicly funded tuition on behalf of the student;~~

(ii) is assigned to a public school through the High School Completion Program; or

(iii) is a home study student;

** * **

** * * Child Abuse and Neglect Hotline * * **

Sec. 5. 16 V.S.A. § 914 is added to read:

§ 914. CHILD ABUSE AND NEGLECT HOTLINE

Each public school and each independent school shall post, in a place clearly visible to students and on its website, the toll-free telephone number operated by the Department for Children and Families to receive reports of child abuse and neglect and directions for accessing the office of the Department for Children and Families. The postings shall be in English, Spanish and French.

** * * Postsecondary Educational Institutions; Closing * * **

Sec. 6. 16 V.S.A. § 175 is amended to read:

§ 175. POSTSECONDARY EDUCATIONAL INSTITUTIONS; CLOSING

(a) When an institution of higher education, whether or not chartered in this State, proposes to discontinue the regular course of instruction, either permanently or for a temporary period other than a customary vacation

period, the institution shall:

(1) promptly inform the State Board;

(2) prepare the academic record of each current and former student in a form satisfactory to the State Board and including interpretive information required by the Board; and

(3) deliver the records to a person designated by the State Board to act as permanent repository for the institution's records, together with the reasonable cost of entering and maintaining the records.

** * **

(d) When an institution of higher education is unable or unwilling to comply substantially with the record preparation and delivery requirements of subsection (a) of this section, the State Board shall bring an action in Superior Court to compel compliance with this section, and may in a proper case obtain temporary custody of the records.

(e) When an institution of higher education is unable or unwilling to comply with the requirements of subsection (a) of this section, the State Board may expend State funds necessary to ensure the proper storage and availability of the institution's records. The Attorney General shall then seek recovery under this subsection, in the name of the State, of all of the State's incurred costs and expenses, including attorney's fees, arising from the failure to comply. Claims under this subsection shall be a lien on all the property of a defaulting institution, until all claims under this subsection are satisfied. The lien shall take effect from the date of filing notice thereof in the records of the town or towns where property of the defaulting institution is located.

** * **

~~*(g)(1) The Association of Vermont Independent Colleges (AVIC) shall maintain a memorandum of understanding with each of its member colleges under which each member college agrees to:*~~

~~*(1) upon the request of AVIC, properly administer the student records of a member college that fails to comply with the requirements of subsection (a) of this section; and*~~

~~*(2) contribute on an equitable basis and in a manner determined in the sole discretion of AVIC to the costs of another AVIC member or other entity selected by AVIC maintaining the records of a member college that fails to comply with the requirements of subsection (a) of this section. If an institution of higher education is placed on probation for financial reasons by its accrediting agency, the institution shall, not later than two days after learning that it has been placed on probation, inform the State Board of Education of its*~~

status, and not later than 90 days after being place on probation, shall submit a student record plan to the State Board for approval.

(2) The student record plan shall include an agreement with an institution of higher education or other entity to act as a repository for the institution's records with funds set aside, if necessary, for the permanent maintenance of the student records.

(3) If the State Board does not approve the plan, the State may take action under subsections (d) and (e) of this section.

* * * Interstate School District * * *

Sec. 7. INTERSTATE SCHOOL DISTRICT

In order to increase educational opportunities for students in the Stamford school district, and given the geographic and other challenges involved in merging the Stamford school district with another Vermont school district, the General Assembly supports the creation of an interstate school district that would combine the Stamford school district with the Clarksburg, Massachusetts, school district.

* * * Elections to Unified Union School District Board * * *

Sec. 8. ELECTIONS TO UNIFIED UNION SCHOOL DISTRICT BOARD

(a) Notwithstanding any provision to the contrary, the election of a director on the board of a unified union school district who is to serve on the board after expiration of the term for an initial director shall be held at the unified union school district's annual meeting in accordance with the district's articles of agreement.

(b) Notwithstanding any provision to the contrary, if a vacancy occurs on the board of a unified union school district and the vacancy is in a seat that is allocated to a specific town, the clerk shall immediately notify the selectboard of the town. Within 30 days after the receipt of that notice, the unified union school district board, in consultation with the selectboard, shall appoint a person who is otherwise eligible to serve as a member of the unified union school district board to fill the vacancy until an election is held in accordance with the unified union school district's articles of agreement.

(c) This section is repealed on July 1, 2019.

* * * Technical Correction * * *

Sec. 9. 16 V.S.A. § 4015 is amended to read:

§ 4015. SMALL SCHOOL SUPPORT

(a) In this section:

* * *

(2) *“Enrollment” means the number of students who are enrolled in a school operated by the district on October 1. A student shall be counted as one whether the student is enrolled as a full-time or part-time student. Students enrolled in prekindergarten programs shall not be counted.*

* * *

** * * Prekindergarten Education * * **

Sec. 10. 16 V.S.A. § 829 is amended to read:

§ 829. PREKINDERGARTEN EDUCATION

(a) Definitions. As used in this section:

(1) “Prekindergarten child” means a child who, as of the date established by the district of residence for kindergarten eligibility, is:

(A) three or four years of age or is five years of age but is not yet eligible to be enrolled in kindergarten; or

(B) five years of age but is not yet enrolled in kindergarten if the child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child’s individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

(2) “Prekindergarten education” means services designed to provide to prekindergarten children developmentally appropriate early development and learning experiences based on Vermont’s early learning standards.

(3) ~~“Prequalified private Private provider”~~ means a private provider of prekindergarten education that is ~~qualified pursuant to subsection (c) of this section~~ regulated as a center-based child care program or family child care home to provide child care by the Child Development Division of the Department for Children and Families.

(4) “Public provider” means a provider of prekindergarten education that is a school district.

(b) Access to publicly funded prekindergarten education.

(1) ~~No~~ Not fewer than ten hours per week of publicly funded prekindergarten education shall be available for 35 weeks annually to each prekindergarten child whom a parent or guardian wishes to enroll in an available, ~~prequalified prekindergarten education program operated by a public school or a private provider.~~

(2) If a parent or guardian chooses to enroll a prekindergarten child in

~~an available, prequalified prekindergarten education program, then, pursuant to the parent or guardian's choice, the school district of residence shall:~~

~~(A) the child shall be enrolled in a prekindergarten education program operated by a private provider located in Vermont or a Vermont public school located outside the district in which the child resides and the Secretary shall pay tuition pursuant to subsections (d) and (h) subsection (d) of this section upon the request of the parent or guardian to:~~

~~(i) a prequalified private provider; or~~

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

~~(B) enroll the child shall be enrolled in the prekindergarten education program that it operates operated by the public school district of residence, if such a program is offered, and the school district shall be eligible to count that child in its average daily membership pursuant to subsection (d) of this section.~~

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

~~(4) If the supply of prequalified private and public providers is insufficient to meet the demand for publicly funded prekindergarten education in any region of the State, nothing Nothing in this section shall be construed to require the State or a district to begin or expand a prekindergarten education program to satisfy that demand; but rather, in collaboration with the Agencies of Education and of Human Services, the local Building Bright Futures Council shall meet with school districts and private providers in the region to develop a regional plan to expand capacity for prekindergarten education.~~

~~(c) Prequalification. Pursuant to rules jointly developed and overseen by the Secretaries of Education and of Human Services and adopted by the State Board pursuant to 3 V.S.A. chapter 25, the Agencies jointly may determine that a private or public provider of prekindergarten education is qualified for purposes of this section and include the provider in a publicly accessible database of prequalified providers. At a minimum, the rules shall define the process by which a provider applies for and maintains prequalification status, shall identify the minimum quality standards for prequalification, and shall include the following requirements Provider qualification. In order to be eligible for tuition payments:~~

~~(1) A program of prekindergarten education, whether provided by a~~

~~school district or a private provider, shall have received~~ private provider shall meet minimum program quality by:

~~(A) having National Association for the Education of Young Children (NAEYC) accreditation; or~~

~~(B) at least four stars in the Department for Children and Families' STARS system with a plan to get to at least two points in each of the five arenas; or and~~

~~(C) three stars in the STARS system if the provider has developed a plan, approved by the Commissioner for Children and Families and the Secretary of Education, to achieve four or more stars with at least two points in each of the five arenas in no more than three years, and the provider has met intermediate milestones.~~

~~(B)(i) for a private provider that is regulated as a center-based child care program, employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title who is present at the private provider's program site during the hours that are publicly funded; or~~

~~(ii) for a private provider that is regulated as a family child care home that is not licensed and endorsed in early childhood education or early childhood special education, employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title for at least three hours per week during each of the 35 weeks per year in which prekindergarten education is paid for with publicly funded tuition to provide regular, active supervision and training of the private provider's staff.~~

~~(2) A licensed public provider shall employ or contract meet minimum program quality by:~~

~~(A) employing or contracting for the services of at least one teacher who is licensed and endorsed in early childhood education or in early childhood special education under chapter 51 of this title to provide direct instruction during the hours that are publicly funded; and~~

~~(B) meeting safety and quality rules adopted by the State Board of Education.~~

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

(d) Tuition, ~~budgets payments,~~ and average daily membership.

(1) On behalf of a resident prekindergarten child, ~~a district~~ the Secretary shall pay tuition for prekindergarten education for ten hours per week for 35 weeks annually to a prequalified private provider or to a public school outside the district that is prequalified pursuant to subsection (c) of this section; provided, however, that the district shall pay tuition for weeks that are within the district's academic year provider that is not the child's district of residence. Tuition Notwithstanding subsection 4025(d) of this title, tuition paid under this section shall be paid from the Education Fund at a statewide rate, which may be adjusted regionally, that is established annually through a process jointly developed and implemented by the Agencies Agency of Education and of Human Services. A district shall pay tuition upon The Secretary shall establish procedures for payment of tuition to a public provider that is not the child's district of residence and a private provider that require, at a minimum, receiving:

(A) ~~receiving~~ annual notice from the child's parent or guardian that the child is or will be admitted to the chooses to participate in a publicly funded prekindergarten education program operated by the prequalified public provider that is not the child's district of residence or private provider or the other district; and

(B) ~~concurrent enrollment of the prekindergarten child in the district of residence for purposes of budgeting and determining average daily membership~~ notice from the public provider that is not the child's district of residence or private provider that the child is enrolled in its program; and

(C) a request for reimbursement from the public provider that is not the child's district of residence or the private provider that reports enrollment for the period covered by the request and certifies that the provider is eligible for public funding under subsection (c) of this section for the period covered by the request.

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

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

(4) A prequalified private provider, or a public provider that is not the

~~child's district of residence, may receive additional payment directly from the parent or guardian only for prekindergarten education in excess of the publicly funded hours paid for by the district pursuant to this section subsection or for child care services, or both. The provider is not bound by the statewide rate established in this subsection when determining the rates it will charge the parent or guardian for these excess hours. A provider shall not impose additional fees for the publicly funded hours.~~

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

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

~~(2) To authorize a district to begin or expand a school-based prekindergarten education program only upon prior approval obtained through a process jointly overseen by the Secretaries of Education and of Human Services, which shall be based upon analysis of the number of prekindergarten children residing in the district and the availability of enrollment opportunities with prequalified private providers in the region. Where the data are not clear or there are other complex considerations, the Secretaries may choose to conduct a community needs assessment.~~

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

~~(4) To establish a process by which:~~

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

~~(B) a district:~~

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

~~(ii) enters into an agreement with any provider to which it will pay~~

~~tuition regarding quality assurance, transition, and any other matters; and~~

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

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

~~(6) [Repealed.]~~

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

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

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

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

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

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

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

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

~~(C) the results for children, including school readiness and~~

~~proficiency in numeracy and literacy.~~

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

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

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

~~(1) To require that the Secretary provide opportunities for effective parental participation in the prekindergarten education program.~~

~~(2) To establish a process by which tuition payments are requested and made that includes the conditions in subdivisions (d)(1)(A)–(C) of this section.~~

~~(3) To establish a process to calculate an annual statewide tuition rate that is based upon the actual cost of delivering ten hours per week of prekindergarten education meeting all established quality standards and to allow for regional adjustments to the rate.~~

~~(4) To provide an administrative process for:~~

~~(A) a parent or guardian to challenge a provider's action or inaction with respect to enrollment or billing; and~~

~~(B) a provider to appeal a decision of the Secretary not to pay a request for reimbursement.~~

~~(5) To establish a system by which the Secretary shall evaluate implementation of publicly funded prekindergarten education programs to promote optimal results for children that support the relevant population-level outcomes set forth in 3 V.S.A. § 2311 and collect data that will inform future decisions. The Secretary shall report annually to the General Assembly in January on the prior year. At a minimum, the system shall evaluate:~~

~~(A) programmatic details, including the total number of children enrolled and the number of children enrolled in private programs and in public programs, the number of private and public programs operated, and the public financial investment made to ensure access to quality prekindergarten education;~~

~~(B) the quality criteria of public and private kindergarten education programs, training, and technical assistance; and~~

~~(C) the results for children, including school readiness, proficiency in numeracy and literacy, and social and emotional development.~~

~~(6) To establish a process for documenting the progress of children~~

enrolled in publicly funded prekindergarten education programs and to require public and private providers to use the process to:

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

(B) collect and report child progress data as required by the Secretary on an annual basis.

(7) To establish safety and quality requirements for public providers. In establishing these safety and quality requirements, the Secretary shall consult with the Agency of Human Services and recommend to the State Board safety and quality requirements that align with the requirements for private providers, except to the extent that the Secretary determines that there are compelling reasons that are unique to the public school environment that justify applying different requirements.

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

~~(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:~~

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

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

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

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

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

Sec. 11. 33 V.S.A. § 3502 is amended to read:

§ 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC SCHOOLS; 21ST CENTURY FUND

(a) Unless exempted under subsection (b) of this section, a person shall not operate a child care facility without a license, or operate a family child care home without registration from the Department.

(b) The following persons are exempted from the provisions of subsection (a) of this section:

* * *

(5) an after-school program that serves students in one or more grades from kindergarten through secondary school, that receives funding through the 21st Century Community Learning Centers program, and that is overseen by the Agency of Education, unless the after-school program asks to participate in the child care subsidy program; and

(6) a public provider of prekindergarten education, as defined under 16 V.S.A. § 829(a)(4), unless the public provider participates in the child care subsidy program.

* * *

Sec. 12. 16 V.S.A. § 11 is amended to read:

§ 11. CLASSIFICATIONS AND DEFINITIONS

(a) As used in this title, unless the context otherwise clearly requires:

* * *

(31) “Early childhood education,” “early education,” or “prekindergarten education” means services designed to provide developmentally appropriate early development and learning experiences based on Vermont’s early learning standards to ~~children~~ a child who are three to four years of age and to five-year-old children who are not eligible for or enrolled in kindergarten is:

(A) three or four years of age or is five years of age but is not yet eligible to be enrolled in kindergarten; or

(B) five years of age but is not yet enrolled in kindergarten if the child is on an individualized education program or a plan under Section 504 of the Rehabilitation Act of 1973 and the child’s individualized education program team or evaluation and planning team recommends that the child receive prekindergarten education services.

* * *

** * * School Radon Mitigation Study Committee * * **

Sec. 13. SCHOOL RADON MITIGATION STUDY COMMITTEE

(a) Creation. There is created the School Radon Mitigation Study Committee to explore funding opportunities for the mitigation of elevated radon concentrations in schools and contingency plans for the loss of related federal funding.

(b) Membership. The Committee shall be composed of the following six members:

(1) the Secretary of Education or designee;

(2) the Commissioner of Health or designee;

(3) a member appointed by the State School Boards Association;

(4) a member appointed by the Vermont Superintendents Association;

(5) a member appointed by the Vermont Independent Schools Association; and

(6) a radon mitigation professional certified for testing and mitigation by the National Radon Proficiency Program, appointed by the Director of the Department of Labor’s Workers’ Compensation and Safety Division.

(c) Assistance. The Committee shall have the administrative, technical, and legal assistance of the Agency of Education.

(d) Report. On or before December 15, 2018, the Committee shall submit a

written report to the House and Senate Committees on Education containing viable options for funding the mitigation of elevated radon concentrations in schools.

(e) Meetings.

(1) The Secretary of Education or designee shall call the first meeting of the Committee to occur on or before October 1, 2018.

(2) The Committee shall select a chair from among its members at the first meeting.

(3) The Committee shall cease to exist on December 31, 2018.

(f) Compensation and reimbursement. Members of the Committee who are not employees of the State of Vermont and who are not otherwise compensated or reimbursed for their attendance shall be entitled to per diem compensation and reimbursement of expenses pursuant to 32 V.S.A. § 1010 for not more than four meetings. These payments shall be made from monies appropriated to the Agency of Education.

(g) Appropriation. The sum of \$800.00 is appropriated from the General Fund to the Agency of Education to provide funding for the purposes set forth in this section.

* * * Effective Dates * * *

Sec. 14. EFFECTIVE DATES

(a) Secs. 9-12 shall take effect on July 1, 2019.

(b) This section and the remaining sections shall take effect on July 1, 2018.