

1 H.935

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; human services; early childhood education;

5 prekindergarten

6 Statement of purpose of bill as introduced: This bill proposes to (i) realign  
7 regulatory oversight by the Agency of Education and the Agency of Human  
8 Services of prekindergarten education programs; (ii) require that school  
9 districts that pay tuition for prekindergarten education use uniform forms and  
10 processes developed by the Agency of Education unless compliance with these  
11 uniform forms and processes would be unduly burdensome or costly to the  
12 school district; (iii) simplify and clarify the program qualification criteria for  
13 prekindergarten providers; (iv) require reports on the availability of qualified  
14 teachers for prekindergarten programs, on how to ensure that students who  
15 attend out-of-district prekindergarten programs continue to receive special  
16 education services, and the future vision for prekindergarten delivery; and (v)  
17 create a grant program to fund regional prekindergarten coordinators.

18 An act relating to prekindergarten education

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

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

3 § 829. PREKINDERGARTEN EDUCATION

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

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

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

9 (B) five years of age but is not yet enrolled in kindergarten if the  
10 child is on an individualized education program and the child’s individualized  
11 education program team recommends that the child receive prekindergarten  
12 education services.

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

16 (3) “~~Prequalified private~~ Private provider” means a private provider of  
17 prekindergarten education that ~~is qualified pursuant to subsection~~ meets the  
18 program quality requirements under subdivision (c)(1)(A) of this section and is  
19 regulated as a center-based child care program or family child care home by  
20 the Child Development Division of the Department for Children and Families.

1           (4) “Public provider” means a provider of prekindergarten education  
2           that is a school district that meets the program quality requirements under  
3           subdivision (c)(1)(B) of this section.

4           (b) Access to publicly funded prekindergarten education.

5           (1) ~~No~~ Not fewer than ten 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~~ prekindergarten education program operated by a public  
9           ~~school~~ provider or a private provider.

10          (2) If a parent or guardian chooses to enroll a prekindergarten child in an  
11          available, ~~prequalified~~ prekindergarten education program, then, pursuant to  
12          the parent or guardian’s 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 (e)~~  
18          ~~of this section~~ provider that is not the school district of residence; or

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

1           (3) If requested by the parent or guardian of a prekindergarten child, the  
2 school district of residence shall pay tuition to a ~~prequalified~~ prekindergarten  
3 education program operated by a private provider or a public school in another  
4 district provider that is not the school district of residence even if the district of  
5 residence operates a prekindergarten education program.

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

14           (A) If the agenda for a school board meeting includes the expansion  
15 of the school district's prekindergarten education program or development of a  
16 new prekindergarten education program in the school district, the school board  
17 shall notify, not later than one calendar days after posting the agenda:

18                   (i) the public and private providers with which the school district  
19 has contracted to provide prekindergarten education; and

20                   (ii) the private providers within the geographical region of the  
21 supervisory union of which the school district is a member.

1           (B) If a private provider plans to expand its prekindergarten  
2           education program or begin a new prekindergarten education program, the  
3           private provider shall notify, not later than 60 calendar days prior to expanding  
4           or beginning its program:

5                   (i) the public providers with which it has contracted to provide  
6                   prekindergarten education; and

7                   (ii) the supervisory union in the region in which the private  
8                   provider operates or will operate.

9           (C) As used in this subdivision (4), the expansion of a  
10           prekindergarten education program means an increase in the number of  
11           children served in the program where the increase would require additional  
12           teachers or classrooms.

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

1           (1) In order to be eligible for tuition payments:

2           ~~(A)~~ A program of prekindergarten education, whether provided by a  
3 school district or a private provider, shall have received private provider shall  
4 meet minimum program quality by:

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

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

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

15           ~~(ii)~~(I) for a private provider that is regulated as a center-based  
16 child care program, employing or contracting for the services of at least one  
17 teacher who is licensed and endorsed in early childhood education or in early  
18 childhood special education under chapter 51 of this title; or

19           ~~(II)~~ for a private provider that is regulated as a family child care  
20 home that is not operated by a person who is licensed and endorsed in early  
21 childhood education or early childhood special education, the provider shall

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

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

6 (i) having NAEYC accreditation or at least four stars in the  
7 Department for Children and Families' STARS system;

8 (ii) employing or contracting for the services of at least one  
9 teacher who is licensed and endorsed in early childhood education or in early  
10 childhood special education under chapter 51 of this title; and

11 (iii) meeting safety and quality rules adopted by the State Board of  
12 Education.

13 (2)(A) The Agency of Human Services shall maintain and post on its  
14 website a list of private providers that satisfy the program quality requirements  
15 under subdivision (1)(A) of this subsection. A private provider that no longer  
16 satisfies one or more of these requirements shall notify in writing the Agency  
17 of Human Services and the public providers with which it has contracted to  
18 provide prekindergarten education within five business days after the event  
19 causing noncompliance with these requirements.

20 (B) The Agency of Education shall maintain and post on its website a  
21 list of public providers that satisfy the program quality requirements under

1 subdivision (1)(B) of this subsection. A public provider that no longer satisfies  
2 one or more of these requirements shall notify in writing the Agency of  
3 Education and the public providers with which it has contracted to provide  
4 prekindergarten education within five business days after the event causing  
5 noncompliance with these requirements.

6 (C) Building Bright Futures, using the lists posted on the Agencies of  
7 Human Services and Education websites pursuant to subdivisions (A) and (B)  
8 of this subdivision (2), shall post on its website a list of both private and public  
9 providers that satisfy the program requirements, which shall be searchable by  
10 program type and geographic region. Building Bright Futures shall not be  
11 responsible for the accuracy of this information posted on the Agency of  
12 Human Services and Agency of Education websites.

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

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

19 (1) On behalf of a resident prekindergarten child, a district shall pay  
20 tuition for prekindergarten education for ten hours per week for 35 weeks  
21 annually to a ~~prequalified~~ private provider or to a public school outside the



1 ~~district that is prequalified pursuant to subsection (c) of this section~~ provider  
2 that is not the child's district of residence; provided, however, that the district  
3 shall pay tuition for weeks that are within the district's academic year. Tuition  
4 paid under this section shall be at a statewide rate, which may be adjusted  
5 regionally, that is established annually through a process jointly developed and  
6 implemented by the Agencies of Education and of Human Services. A district  
7 shall pay tuition upon:

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

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

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

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

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

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

12 (5)(A) Subject to subdivision (B) of this subdivision (d)(5), a school  
13 district that pays tuition for prekindergarten education under this section shall  
14 use uniform forms and processes developed by the Agency of Education for:

15 (i) contracting with the private or public provider;

16 (ii) invoicing, payment schedules, and payment of tuition for the  
17 hours that are publicly funded under this section;

18 (iii) enrolling students in the prekindergarten program; and

19 (iv) tracking attendance of enrolled students.

20 (B) Notwithstanding subdivision (A) of this subdivision (d)(5), a  
21 school district may adapt the uniform forms and processes developed by the

1 Agency of Education to its circumstances if compliance with these uniform  
2 forms and processes would be unduly burdensome or costly to the school  
3 district.

4 (6) A school district that pays tuition for prekindergarten education  
5 under this section shall be responsible for ensuring that the provider receiving  
6 the tuition payment is on the list maintained by the Agency of Human Services  
7 or the Agency of Education under subdivision (c)(2) of this section, but shall  
8 have no responsibility to monitor the administration of prekindergarten  
9 educational services on the part of the provider receiving the tuition payment,  
10 except for services that the district contracts with the provider in order to fulfill  
11 its obligations under the Individuals with Disabilities Education Act (IDEA).

12 A school district paying tuition under this section shall be immune from civil  
13 and criminal liability for the acts or omissions of a public or private provider to  
14 which the district pays tuition under this section, except for services which the  
15 district contracts with the provider in order to fulfill its obligations under the  
16 IDEA and except to the extent that it has actual knowledge of a breach by the  
17 provider of health or safety rules that apply to the provider's prekindergarten  
18 education program.

19 (e) ~~Rules~~ Regulatory oversight and rules.

1           (1)(A) The Agency of Education shall have sole regulatory oversight of  
2           a prekindergarten educational program offered by a public provider, with the  
3           exceptions that:

4                     (i) if the public provider participates in the Child Care Financial  
5           Assistance Program pursuant to 33 V.S.A. § 3512, the Agency of Human  
6           Services shall have regulatory oversight of the provider's compliance with  
7           Program requirements; and

8                     (ii) if the public provider chooses to satisfy program quality  
9           requirements under subdivision (c)(1)(B) of this section by having at least four  
10          stars in the Department for Children and Families' STARS system, then the  
11          Department for Children and Families shall have regulatory oversight of the  
12          provider's compliance with the STARS system requirements.

13                    (B) The Department for Children and Families' Child Development  
14          Division and the Agency of Education shall have joint regulatory oversight of  
15          a prekindergarten educational program offered by a private provider.

16                    (2) In order to ensure the consistent application of rules to public and  
17          private providers, the Secretary of Education and the Commissioner for  
18          Children and Families shall jointly develop and agree to rules and present them  
19          to the State Board for adoption under 3 V.S.A. chapter 25 as follows:

20                    ~~(1)(A)~~ To permit private providers that are not prequalified pursuant to  
21          subsection (e) would otherwise be qualified as private providers but for

1 noncompliance with subdivision (c)(1)(A)(ii) of this section, to create new or  
2 continue existing partnerships with school districts through which the school  
3 district provides teacher supports that enable the provider to fulfill the  
4 requirements of that subdivision ~~(e)~~, and through which the district may or may  
5 not make in-kind payments as a component of the statewide tuition established  
6 under this section.

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

15 ~~(3)(B)~~ To require that ~~the school district provides~~ public and private  
16 providers provide opportunities for effective parental participation in the  
17 prekindergarten education program.

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

19 ~~(A)(i)~~ a parent or guardian notifies the district that the  
20 prekindergarten child is or will be admitted to a prekindergarten education

1 program not operated by the district and concurrently enrolls the child in the  
2 district pursuant to subdivision (d)(1) of this section;

3 ~~(B)~~(ii) a district:

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

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

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

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

17 ~~(6)~~ [Repealed.]

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

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

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

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

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

13           ~~(10)~~(H)(i) To establish ~~a system~~ comparable monitoring systems, that  
14           are designed to promote optimal results for children that support the relevant  
15           population-level outcomes set forth in 3 V.S.A. § 2311 and to collect data that  
16           will inform future decisions, by which;

17                   (I) the Agency of Education and Department for Children and  
18           Families shall jointly monitor and evaluate the implementation of publicly  
19           funded prekindergarten education programs ~~to promote optimal results for~~  
20           ~~children that support the relevant population-level outcomes set forth in~~

1 ~~3 V.S.A. § 2311~~ and to collect data that will inform future decisions offered by  
2 private programs; and

3 (II) the Agency of Education shall solely monitor and evaluate  
4 the implementation of publicly funded prekindergarten education programs  
5 offered by public programs.

6 (ii) The Agency and Department shall be required to jointly report  
7 the results of their monitoring and evaluation annually to the General  
8 Assembly in January for the prior school year.

9 (iii) At a minimum, the system shall monitor and evaluate:

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

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

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



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

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

6           ~~(B)~~(ii) collect and report child progress data to the Secretary of  
7 Education and the Commissioner for Children and Families on an annual basis.

8           (J) To establish health and safety requirements for public and private  
9 providers.

10           (K) To establish a process for remedial action and, at the discretion  
11 of the Secretary of Education and the Commissioner for Children and Families,  
12 rules for the imposition of sanctions and penalties, if a public or private  
13 provider fails to comply with the program quality requirements under  
14 subdivision (c)(1) of this section.

15           (L) To establish a process to verify that public and private providers  
16 satisfy and continue to satisfy the program quality requirements under  
17 subdivision (c)(1) of this section.

18           (3) In proposing and adopting rules under this subsection (e), the  
19 Agency or Education, the State Board of Education, and the Department for  
20 Children and Families shall seek to ensure that the rules that apply to public  
21 and private providers are aligned to the extent practicable after taking into

1 account factors that are unique to the public or private provider environment  
2 that justify applying different requirements.

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

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

9 (h) Geographic limitations.

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

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

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.

1 Sec. 2. 33 V.S.A. § 3502 is amended to read:

2 § 3502. CHILD CARE FACILITIES; SCHOOL AGE CARE IN PUBLIC  
3 SCHOOLS; 21ST CENTURY FUND

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

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

9 \* \* \*

10 (5) an after-school program that serves students in one or more grades  
11 from kindergarten through secondary school, that receives funding through the  
12 21st Century Community Learning Centers program, and that is overseen by  
13 the Agency of Education, unless the after-school program asks to participate in  
14 the child care subsidy program; and

15 (6) a public provider of prekindergarten education, as defined under  
16 16 V.S.A. § 829(a)(4), unless the public provider participates in the Child Care  
17 Financial Assistance Program pursuant to section 3512 of this title.

18 \* \* \*

19 Sec. 3. 16 V.S.A. § 11 is amended to read:

20 § 11. CLASSIFICATIONS AND DEFINITIONS

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

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\* \* \*

(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 are three to four years of age and to five year old children who are not eligible for or enrolled in kindergarten~~ prekindergarten children as defined in subdivision 829(a)(1) of this title.

\* \* \*

Sec. 4. DEVELOPMENT OF UNIFORM FORMS AND PROCESSES

On or before March 15, 2021, the Secretary of Education, in collaboration with private prekindergarten education providers and prekindergarten coordinators, where representatives of each of these groups are selected by the Secretary and where each group represents different geographic regions within the State, and the Vermont Association of School Business Officials shall develop and post on its website uniform forms and processes under 16 V.S.A. § 829 as amended by this act for:

(1) a school district to contract with a private or public prekindergarten education provider;

(2) invoicing, payment schedules, and payment of tuition for the hours that are publicly funded under that section;

1           (3) enrolling students in a prekindergarten education program; and

2           (4) tracking attendance of students enrolled in a prekindergarten  
3 education program.

4           Sec. 5. HEALTH AND SAFETY RULES

5           The Agencies of Education and of Human Services shall compare their  
6 respective health and safety rules and identify where the Agency of Education  
7 has gaps related specifically to prekindergarten children as defined in  
8 16 V.S.A. § 829. The Agency of Education shall adopt rules in accordance  
9 with 3 V.S.A. chapter 25 addressing any gaps identified pursuant to this  
10 section.

11           Sec. 6. REPORT ON AVAILABILITY OF QUALIFIED

12                       PREKINDERGARTEN TEACHERS

13           (a) Findings and purpose.

14           (1) Prekindergarten education is provided in Vermont through a mixed  
15 delivery system by a combination of private providers, which are regulated  
16 either as a center-based child care program or family child care program, and  
17 by public schools.

18           (2) A private center-based provider is required to employ or contract  
19 with a teacher with a valid Vermont educator license with an endorsement in  
20 either early childhood education or early childhood special education (qualified  
21 teacher). A family child care home is also required to employ or contract with

1 a qualified teacher, unless the operator of the family child care home is a  
2 qualified teacher.

3 (3) While public schools retain qualified teachers to provide direct  
4 instruction to prekindergarten students, under current law, private providers  
5 retain qualified teachers to either provide direct instruction to prekindergarten  
6 students or training and supervision to the provider's staff, or both.

7 (4) The General Assembly finds that it is best practice for  
8 prekindergarten education to be delivered through the implementation of high-  
9 quality, effective direct instruction by qualified educators who use evidence-  
10 based practices within intentionally designed early learning environments.

11 (5) However, the General Assembly recognizes that there may be  
12 challenges to requiring private programs to retain qualified teachers to solely  
13 provide direct instruction, which may include a lack of qualified teachers in  
14 Vermont and the financial impact this requirement may have on private  
15 providers and families.

16 (6) Therefore, the General Assembly is commissioning the study under  
17 subsection (b) of this section in order to better understand the issues and  
18 concerns that may arise if private providers were required to retain qualified  
19 teachers to solely provide direct instruction for all or a portion of the  
20 prekindergarten education hours that are publicly funded.

1       (b) On or before December 15, 2020, the Agency of Human Services and  
2       the Agency of Education shall study and report to the House Committees on  
3       Education and on Human Services and the Senate Committees on Education  
4       and on Health and Welfare:

5           (1) the number of teachers in the State who are licensed and endorsed in  
6       early childhood education or early childhood special education under 16  
7       V.S.A. chapter 51 (qualified teachers):

8           (2) the number of private prekindergarten education programs in the  
9       State and the number of qualified teachers employed by or contracted with  
10       those programs;

11           (3) the average number and range of direct instruction hours  
12       prekindergarten children receive from qualified teachers employed by or  
13       contracted with center-based child care programs and family child care homes  
14       qualified pursuant to 16 V.S.A. § 829(c)(1)(A) as amended by this act,  
15       respectively;

16           (4) the number of public prekindergarten education programs in the  
17       State and the number of qualified teachers employed by or contracted with  
18       those programs;

19           (5) an estimate of the additional number of qualified teachers that  
20       private prekindergarten education programs would need to employ or contract  
21       with if those programs were required to use the services of teachers for direct



1 instruction as required under 16 V.S.A. § 829(c)(1)(A)(ii), as amended by this  
2 act;

3 (6) the budgetary implications to private prekindergarten education  
4 programs and the fiscal impact to families of requiring these programs to  
5 employ or contract with teachers for direct instruction as required under 16  
6 V.S.A. § 829(c)(1)(A)(ii), as amended by this act; and

7 (7) taking into account the General Assembly's goal to have  
8 prekindergarten education be delivered through the implementation of high-  
9 quality, effective direct instruction by qualified educators who use evidence-  
10 based practices within intentionally designed early learning environments,  
11 recommendations on how many hours of direct instruction by qualified  
12 teachers should be required in:

13 (A) a public school that offers prekindergarten education;

14 (B) a regulated center-based child care program qualified pursuant to  
15 16 V.S.A. § 829(c)(1)(A) as amended by this act;

16 (C) a regulated family child care home qualified pursuant to 16  
17 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home  
18 is a qualified teacher; and

19 (D) a regulated family child care home qualified pursuant to 16  
20 V.S.A. § 829(c)(1)(A) as amended by this act where the operator of the home  
21 is not a qualified teacher.

1       Sec. 7. PREKINDERGARTEN REPORT; VISION AND CAPACITY

2           On or before December 15, 2020, the Agency of Human Services and the  
3           Agency of Education, in collaboration with private prekindergarten education  
4           providers, prekindergarten coordinators, and prekindergarten teachers, where  
5           representatives of each of these three groups are selected jointly by the  
6           Agencies and where each group represents different geographic regions within  
7           the State, shall jointly study and report to the House Committees on Education  
8           and on Human Services and the Senate Committees on Education and on  
9           Health and Welfare on:

10           (1) their five- and ten-year vision for prekindergarten;

11           (2) the capacity to expand public kindergarten programs to include  
12           children four years of age; and

13           (3) bridging the gap between child care, early education, needs of  
14           working families, and parent engagement.

15       Sec. 8. PREKINDERGARTEN SPECIAL EDUCATION WORKING

16           GROUP; REPORT

17           (a) On or before August 1, 2020, Building Bright Futures shall convene a  
18           Prekindergarten Special Education Working Group comprised of the following  
19           members:

20           (1) the Secretary of Education or designee;

21           (2) the Secretary of Human Services or designee;

- 1           (3) a representative appointed by the Vermont Council of Special  
2           Education Administrators;
- 3           (4) a representative appointed by the Vermont Principals' Association;
- 4           (5) a representative appointed by the Vermont Superintendents  
5           Association;
- 6           (6) a representative of appointed by the Vermont School Board  
7           Association;
- 8           (7) a representative appointed by the Vermont NEA;
- 9           (8) one or more prekindergarten coordinators;
- 10           (9) a representative of a qualified prekindergarten provider that is  
11           licensed as a center-based child care program appointed by the Commissioner  
12           for Families and Children; and
- 13           (10) a representative of a qualified prekindergarten provider that is  
14           regulated as a family child care home appointed by the Commissioner for  
15           Families and Children.
- 16           (b) On or before December 15, 2020, the Working Group shall study and  
17           submit a report to the House Committees on Education and on Human Services  
18           and to the Senate Committees on Education and on Health and Welfare  
19           addressing:
- 20           (1) how to ensure that a prekindergarten student who attends a  
21           prekindergarten education program outside of the student's district of residence

1 receives special education services at no cost to the student's parent or  
2 guardian in accordance with the student's individualized education program  
3 and how those services should be funded; and

4 (2) how to ensure that the State will not be duplicating State aid for  
5 prekindergarten students, given that, under 16 V.S.A. § 2944, State aid is paid  
6 for essential early education services, which are services to educate children  
7 with disabilities prior to legal school age, and the census grant under Act 173,  
8 which takes effect beginning with the 2021–2022 school year, also provides  
9 census grant funding for prekindergarten students.

10 (c) Members of the Working Group shall be entitled to per diem  
11 compensation and reimbursement of expenses as permitted under 32 V.S.A. §  
12 1010 for not more than 12 meetings. These payments shall be made from  
13 monies appropriated to the Agency of Education.

14 (d) The Working Group shall cease to exist on February 1, 2021.

15 Sec. 9. PREKINDERGARTEN COORDINATORS' GRANT PROGRAM

16 (a) Creation. The Prekindergarten Coordinators' Grant Program (Program)  
17 is created to enable supervisory unions to work together in a sustained and  
18 targeted manner to hire prekindergarten coordinators on a regional basis. In  
19 recognition that supervisory unions or regions within the State that have  
20 prekindergarten coordinators deliver prekindergarten educational services in a  
21 more effective and coordinated manner than those supervisory unions or

1 regions that do not have this resource, this program is designed to assist  
2 supervisory unions to work in collaboration by providing seed funding to  
3 create prekindergarten coordinator positions in regions that do not currently  
4 have such a position.

5 (b) Administration. The Agency of Education shall administer the grant  
6 program and shall determine the application and award criteria, provided that  
7 applicants shall represent not less than three supervisory unions that agree to  
8 work in collaboration to coordinate prekindergarten educational services  
9 through a prekindergarten coordinator who serves the region represented by  
10 these supervisory unions. The Agency of Education shall inform supervisory  
11 unions of the availability of grants under this section and provide technical  
12 assistance to eligible applicants in applying for these funds. The Agency of  
13 Education shall also advise supervisory unions of other sources of funding that  
14 may be available to advance the purpose of this section.

15 (c) Program funding. The Agency of Education shall award grant funding  
16 under the program of up to \$120,000.00 per application to successful  
17 applicants over a two-year period. The amount of this funding shall be based  
18 on applicant's proposed budget and total availability of funds. In the first year,  
19 up to \$90,000.00 shall be available to a successful applicant. In the second  
20 year, up to \$30,000.00 shall be available to a successful applicant.

1       (d) On or before December 15, 2021, the Agency of Education shall report  
2       to the General Assembly and the Governor on the impact of the grant program.  
3       The report shall be made publicly available on the Agency of Education's  
4       website.

5       (e) Notwithstanding any provision of law to the contrary, \$480,000.00 is  
6       appropriated from the Education Fund to the Agency of Education for fiscal  
7       year 2021 designated for program grants under this section. The Agency of  
8       Education may set aside:

9               (1) not more than two percent of funds for informational and technical  
10              assistance for eligible program applicants; and

11              (2) not more than two percent of funds for the report required under  
12              subsection (d) of this section.

13       Sec. 10. EFFECTIVE DATES

14              Secs. 1–3 and 5 shall take effect on July 1, 2021, and Secs. 4, 6–9 and this  
15              section shall take effect on passage.