

1 H.517

2 Introduced by Committee on Education

3 Date:

4 Subject: Education; prekindergarten education and child development
5 programs

6 Statement of purpose of bill as introduced: This bill proposes to: (1) facilitate
7 the ability of families to enroll a child, who is three or four years of age or is
8 five years of age but is not yet enrolled in kindergarten, in a public
9 prekindergarten education program or a private high-quality child development
10 program; and (2) clearly establish the responsibility for regulatory oversight of
11 public prekindergarten education programs and private high-quality child
12 development programs.

13 An act relating to prekindergarten education and child development
14 programs

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

16 * * * Prekindergarten Education * * *

17 Sec. 1. REPEAL

18 16 V.S.A. § 829 (prekindergarten education) is repealed.

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

2 § 829. PREKINDERGARTEN EDUCATION

3 (a) Policy.

4 (1) It is the policy of the State of Vermont to facilitate the ability of
5 families to enroll a child, who is three or four years of age or is five years of
6 age but is not yet enrolled in kindergarten (eligible child), in a prekindergarten
7 education program or a high-quality child development program. Accordingly,
8 under the provisions of this section, a parent or guardian may choose to enroll
9 an eligible child at no cost in a public school of residence if the public school
10 offers a prekindergarten education program, or may choose to enroll an eligible
11 child in a public school in another school district that offers a prekindergarten
12 education program if space is available in that program. A parent may also,
13 under the provisions of 33 V.S.A. chapter 35, subchapter 5, choose to enroll an
14 eligible child in a high-quality child development program operated by a
15 private provider that is licensed or registered by the Department for Children
16 and Families, and depending on the family's income level, may be eligible for
17 a subsidy to cover part or all of the cost of the program. A high-quality child
18 development program is a program operated by a private provider that has
19 received at least four stars in the Department for Children and Families' Step
20 Ahead Recognition System (STARS) with at least two points in each of the
21 five arenas or three stars in the STARS system if the provider has developed a

1 plan, approved by the Commissioner for Children and Families, to achieve four
2 or more stars in no more than two years with at least two points in each of the
3 five arenas, and the provider has met intermediate milestones.

4 (2) A public school that offers prekindergarten education shall be
5 subject to the oversight by the State Board of Education and the Agency of
6 Education, and rules adopted by the State Board.

7 (3) A private provider of a high-quality child development program
8 shall be subject to the oversight and rules adopted by the Department for
9 Children and Families.

10 (b) Definitions. As used in this section:

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

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

17 (c) Prekindergarten education programs.

18 (1) A public school may offer a prekindergarten education program in
19 accordance with this section. A public school is not required to offer a
20 prekindergarten education program.

1 (2) If a public school offers a prekindergarten education program, the
2 following provisions shall apply:

3 (A) the public school shall:

4 (i) comply with applicable rules adopted by the State Board of
5 Education; and

6 (ii) enroll nonresident eligible children in its prekindergarten
7 education program on a space-available basis, and shall:

8 (I) define and announce its capacity to accept nonresident
9 eligible children under this section; and

10 (II) devise a nondiscriminatory lottery system for determining
11 which nonresident eligible children may enroll if more than the number of
12 nonresident eligible children for whom the school has capacity wish to enroll;

13 (B) the school district in which the public school operates shall:

14 (i) comply with applicable rules adopted by the State Board of
15 Education;

16 (ii) include any costs of prekindergarten education in its annual
17 budget presented to the voters, including all costs incurred by the school
18 district from prekindergarten education services provided under contract to the
19 school district; and

1 (iii) pursuant to subdivision 4001(1) of this title, include within its
2 average daily membership any eligible child for whom it has provided
3 prekindergarten education.

4 (d) The Secretary of Education shall oversee the operation of
5 prekindergarten programs in conformity with this section, and the Board of
6 Education shall adopt corresponding rules under 3 V.S.A. chapter 25, which
7 shall include rules:

8 (1) To require that a school district in which a public school operates a
9 prekindergarten education program provides opportunities for effective
10 parental participation in the program.

11 (2) To establish processes and requirements to facilitate the ability of a
12 parent or guardian to enroll a nonresident eligible child in a public school that
13 offers prekindergarten education on a space-available basis under subdivision
14 (c)(2)(A)(ii) of this section, including rules concerning:

15 (A) how to define capacity;

16 (B) the establishment of a lottery system;

17 (C) the application process and any required notifications;

18 (D) continued enrollment for nonresident eligible children who have
19 been previously enrolled by the school; and

20 (E) the provision of special education services.

1 (3) To require a school district in which a public school operates a
2 prekindergarten education program to include identifiable costs for
3 prekindergarten education programs and essential early education services in
4 its annual budgets and reports to the community.

5 (4) To require a school district in which a public school operates a
6 prekindergarten education program to report to the Agency of Education
7 annual expenditures made in support of prekindergarten education.

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

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

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

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

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

2 § 4001. DEFINITIONS

3 As used in this chapter:

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

7 (A)(i) The full-time equivalent enrollment of students, as defined by
8 the State Board by rule, who are legal residents of the district or municipality
9 attending a school owned and operated by the district, attending a public
10 school outside the district under section 822a of this title, or for whom the
11 district pays tuition to one or more approved independent schools or public
12 schools outside the district during the annual census period.

13 (ii) The full-time equivalent enrollment of a prekindergarten
14 student who, during the annual census period, is a legal resident of one school
15 district but attends a prekindergarten program in another school district under
16 section 829 of this title, with the district of residence and the district that is
17 providing the prekindergarten program to the student each receiving credit for
18 one-half of the full-time equivalent enrollment of the student.

19 (iii) The As used in subdivisions (A)(i) and (ii) of this section, the
20 census period consists of the 11th day through the 30th day of the school year
21 in which school is actually in session.

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(C) The full-time equivalent enrollment for each prekindergarten child as follows: If a child is enrolled in 10 or more hours of prekindergarten education per week or receives 10 or more hours of essential early education services per week, the child shall be counted as one full-time equivalent pupil. If a child is enrolled in six or more but fewer than 10 hours of prekindergarten education per week or if a child receives fewer than 10 hours of essential early education services per week, the child shall be counted as a percentage of one full-time equivalent pupil, calculated as one multiplied by the number of hours per week divided by ten. A child enrolled in prekindergarten education for fewer than six hours per week shall not be included in the district's average daily membership. There is no limit on the total number of children who may be enrolled in prekindergarten education or who receive essential early education services.

* * *

Sec. 5. 16 V.S.A. § 4010 is amended to read:

§ 4010. DETERMINATION OF WEIGHTED MEMBERSHIP

(a) On or before the first day of December during each school year, the Secretary shall determine the average daily membership of each school district for the current school year. The determination shall list separately:

- (1) ~~resident~~ prekindergarten children;

1 (2) resident students being provided elementary or kindergarten
2 education; and

3 (3) resident students being provided secondary education.

4 (b) The Secretary shall determine the long-term membership for each
5 school district for each student group described in subsection (a) of this
6 section. The Secretary shall use the actual average daily membership over two
7 consecutive years, the latter of which is the current school year.

8 (c) The Secretary shall determine the weighted long-term membership for
9 each school district using the long-term membership from subsection (b) of
10 this section and the following weights for each class:

11 Prekindergarten 0.46

12 Elementary or kindergarten 1.0

13 Secondary 1.13

14 * * *

15 * * * Child Development Programs * * *

16 Sec. 6. 33 V.S.A. chapter 35, subchapter 5 is added to read:

17 Subchapter 5. Child Development Programs

18 § 3541. POLICY

19 It is the policy of the State of Vermont that the regulation and oversight of
20 prekindergarten education fall within the jurisdiction of the State Board of
21 Education and Agency of Education under 16 V.S.A. § 829. An eligible child

1 may enroll in a prekindergarten education program operated by a public school
2 or may enroll in a high-quality child development program operated by a
3 center-based child care program pursuant to this subchapter and corresponding
4 rules.

5 § 3542. DEFINITIONS

6 As used in this subchapter:

7 (1) “Center-based child care program” means a program and facility
8 approved to provide developmentally appropriate care, education, protection,
9 and supervision of children and is designed to ensure wholesome growth and
10 educational experiences for children outside of their home for periods of less
11 than 24 hours per day.

12 (2) “Child development program” means a developmentally appropriate
13 early learning program for eligible children operated by a center-based child
14 care program that has received at least four stars in the STARS system with at
15 least two points in each of the five arenas or three stars in the STARS system if
16 the provider has developed a plan, approved by the Commissioner for Children
17 and Families, to achieve four or more stars in no more than two years with at
18 least two points in each of the five arenas, and the provider has met
19 intermediate milestones.

20 (3) “Eligible child” has the same meaning as defined under 16 V.S.A.
21 § 829.

1 (4) “Prekindergarten education” has the same meaning as defined under
2 16 V.S.A. § 829.

3 (5) “STARS” means the Step Ahead Recognition System administered
4 by the Department for Children and Families.

5 § 3543. CHILD DEVELOPMENT PROGRAM

6 (a) Creation of child development program. A child development program
7 is established to provide high-quality, developmentally appropriate early
8 learning opportunities to eligible children. A parent or guardian may choose to
9 enroll an eligible child in a child development program under this subchapter
10 or a prekindergarten education program offered by a public school under
11 16 V.S.A. § 829, or neither.

12 (b) Operation and oversight of child development program. A center-based
13 child care program may operate a child development program. The
14 Department’s Child Development Division shall regulate and oversee the
15 operation of a child development program in conformity with this subchapter
16 and corresponding rules.

17 (c) Child development program subsidy. Notwithstanding section 3512 of
18 this chapter and to the extent funds permit, an eligible child enrolled in a child
19 development program may qualify for a subsidy at market rate on a sliding
20 scale basis. The scale shall be established by the Commissioner by rule, and
21 shall bear a reasonable relationship to household income and family size. The

1 lower limit of the fee scale shall include families whose gross income is up to
2 and including 200 percent of the federal poverty guidelines. The upper income
3 limit of the fee scale shall be four times Vermont's median household income,
4 as published by the U.S. Census Bureau under American Community Survey
5 5-Year Estimates.

6 Sec. 7. RULEMAKING; DEPARTMENT FOR CHILDREN AND
7 FAMILIES

8 The Commissioner for Children and Families shall amend the Department's
9 rules on center-based child care and preschool programs pursuant to 3 V.S.A.
10 chapter 25. The amended rules shall establish the requirements for child
11 development programs in conformity with 33 V.S.A. chapter 35, subchapter 5,
12 including curriculum and teaching qualifications that that are substantially
13 similar to those required by prekindergarten education programs. The
14 amended rules shall not include oversight or regulation of prekindergarten
15 education programs by the Department. The amended rules shall:

16 (1) Require a child development program to report to the Department
17 annual expenditures made in support of providing child development services.

18 (2) Establish a system by which the Department shall monitor and
19 evaluate child development programs to promote optimal results for children
20 that support the relevant population-level outcomes set forth in 3 V.S.A.
21 § 2311 and to collect data that will inform future decisions. The Department

1 shall be required to report annually to the General Assembly in January. At a
2 minimum, the system shall monitor and evaluate:

3 (A) programmatic details, including the number of children served,
4 the number child development programs operated, and the public financial
5 investment made to ensure access to child development programs;

6 (B) the quality of child development programs and efforts to ensure
7 continuous quality improvements through mentoring, training, technical
8 assistance, and otherwise; and

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

11 (3) Establish a process for documenting the progress of children
12 enrolled in child development programs and to require child development
13 programs to use the process to:

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

15 (B) collect and report child progress data to the Department on an
16 annual basis.

17 Sec. 8. 16 V.S.A. § 4025 is amended to read:

18 § 4025. EDUCATION FUND

19 (a) An Education Fund is established to comprise the following:

20 (1) All revenue paid to the State from the statewide education tax on
21 nonresidential and homestead property under 32 V.S.A. chapter 135.

