

Option #1

Sec. A. 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 three or four years of age or is five years of age but is not yet enrolled in kindergarten.

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

(b) Access to publicly funded prekindergarten education.

(1) No fewer than ~~ten~~ 10 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 program operated by a public school or a private provider.

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

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

6 (i) a prequalified private provider; or

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

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

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

1 another district even if the district of residence operates a prekindergarten
2 education program.

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

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

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

1 (A) National Association for the Education of Young Children
2 (NAEYC) accreditation;

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

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

8 (2)(A) A licensed private provider shall either choose to:

9 (i) employ or contract for the services of at least one teacher who
10 is licensed and endorsed in early childhood education or in early childhood
11 special education under chapter 51 of this title; or

12 (ii) ensure prekindergarten education is provided by a teacher who
13 is licensed and endorsed in early childhood education or in early childhood
14 special education under chapter 51 of this title.

15 (B) A-Prekindergarten education provided by a licensed public
16 provider pursuant to this section shall ~~employ or contract for the services of at~~
17 ~~least one~~ be provided by a teacher who is licensed and endorsed in early
18 childhood education or in early childhood special education under chapter 51
19 of this title.

20 (3) A registered home provider that is not licensed and endorsed in early
21 childhood education or early childhood special education shall receive regular,

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

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

5 (1) On behalf of a resident prekindergarten child, a district shall pay
6 tuition for prekindergarten education for ~~ten~~ 10 hours per week for 35 weeks
7 annually to a prequalified private provider or to a public school outside the
8 district that is prequalified pursuant to subsection (c) of this section; provided,
9 however, that the district shall pay tuition for weeks that are within the

10 district's academic year. Tuition paid under this section shall be at a statewide
11 rate, which may be adjusted regionally, that is established annually through a
12 process jointly developed and implemented by the Agencies of Education and
13 of Human Services. Annually, the Agencies of Education and of Human
14 Services shall establish two statewide tuition rates, which may be adjusted
15 regionally, through a process jointly developed and implemented by both
16 Agencies. A district shall pay tuition upon:

17 (A) receiving notice from the child's parent or guardian that the child
18 is or will be admitted to the prekindergarten education program operated by the
19 prequalified private provider or the other district; and The first rate established
20 by the Agencies, which shall be the highest rate, shall be for prequalified
21 providers that provide prekindergarten education through a teacher who is

1 licensed and endorsed in early childhood education or in early childhood
2 special education under chapter 51 of this title. This rate shall be paid to all
3 public prequalified providers and any private prequalified provider that
4 provides prekindergarten education through a licensed teacher.

5 (B) concurrent enrollment of the prekindergarten child in the district
6 of residence for purposes of budgeting and determining average daily
7 membership The second rate established by the Agencies shall be for
8 prequalified private providers that employ or contract for the services of at
9 least one teacher who is licensed and endorsed in early childhood education or
10 in early childhood special education under chapter 51 of this title, but such
11 teacher does not actually teach prekindergarten education within the classroom
12 or classrooms operated by the prequalified private provider.

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

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

1 (B) concurrent enrollment of the prekindergarten child in the district
2 of residence for purposes of budgeting.

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

7 (4) A prequalified private provider may receive additional payment
8 directly from the parent or guardian only for prekindergarten education in
9 excess of the hours paid for by the district pursuant to this section or for child
10 care services, or both. The provider is not bound by the statewide rate
11 established in this subsection when determining the rates it will charge the
12 parent or guardian.

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

16 (1) To permit private providers that are not prequalified pursuant to
17 subsection (c) of this section to create new or continue existing partnerships
18 with school districts through which the school district provides supports that
19 enable the provider to fulfill the requirements of subdivision (c)(2) or (3) of
20 this section, and through which the district may or may not make in-kind

1 payments as a component of the statewide tuition established under this
2 section.

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

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

13 (4) To establish a process by which:

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

18 (B) a district:

19 (i) pays tuition pursuant to a schedule that does not inhibit the
20 ability of a parent or guardian to enroll a prekindergarten child in a

1 prekindergarten education program or the ability of a prequalified private
2 provider to maintain financial stability; and

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

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

8 (5) To establish a process to calculate an annual statewide tuition rate
9 that is based upon the actual cost of delivering ~~ten~~ 20 hours per week of
10 prekindergarten education that meets all established quality standards and to
11 allow for regional adjustments to the rate.

12 (6) [Repealed.]

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

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

1 (9) To provide an administrative process for:

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

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

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

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

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

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

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

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

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

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

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

15 (h) Geographic limitations.

16 (1) Notwithstanding the requirement that a district pay tuition to any
17 prequalified public or private provider in the State, a school board may choose
18 to limit the geographic boundaries within which the district shall pay tuition by
19 paying tuition solely to those prequalified providers in which parents and
20 guardians choose to enroll resident prekindergarten children that are located

1 within the district’s “prekindergarten region” as determined in subdivision (2)
2 of this subsection.

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

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

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

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

17 (3) If a school board chooses to pay tuition to providers solely within its
18 prekindergarten region, and if a resident prekindergarten child is unable to
19 access publicly funded prekindergarten education within that region, then the
20 child’s parent or guardian may request and in its discretion the district may pay

1 tuition at the statewide rate for a prekindergarten education program operated
2 by a prequalified provider located outside the prekindergarten region.

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

6 **Option #2 Current law of single statewide rate would remain**

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

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

17 * * *

18 (2)(A) ~~A licensed private provider shall employ or contract for the~~
19 ~~services of at least one teacher who is licensed and endorsed in early childhood~~
20 ~~education or in early childhood special education under chapter 51 of this title.~~

* * *

This act shall take effect on July 1, 2026, except that Sec. B (16 V.S.A.

Provisional licensure

ENDORSEMENTS

VT LEG #388149 v.3