

# FACT SHEET on Act 62 - Prekindergarten Education

## What Does Act 62 Mean for SCHOOL DISTRICTS?

Act 62, which established publicly funded prekindergarten education, became effective in 2007. The Act recognizes that “a child’s growth and development occur best in integrated environments” and “are best provided in locations that are convenient to families and minimize transitions for children.” It acknowledges that “the provision of early care and prekindergarten education through high quality private providers is one of the most crucial elements supporting the strengths and stability of the system serving young children.”

### Offering Publicly Funded Prekindergarten Education is a Local Decision

School districts may use public education funding for prekindergarten education (pre-K), but it is not mandatory. The decision of whether to offer pre-K ultimately is decided by the school board. Furthermore, children are not required to attend pre-K.

If a school district plans to begin or expand a pre-K program, it must first implement a comprehensive community needs assessment. The purpose of the needs assessment is to assess current need and capacity, and to survey existing providers. Amendments to the pre-K rules have enhanced this process

1. The first step in this process is to notify the commissioner of education that your district is planning on conducting a needs assessment, and then to use the required template and process.
2. The results of the community needs assessment should be reflected in the school district’s plan. Districts are required to use qualified and potentially qualified providers located in the town or city to the extent that these providers have the capacity to meet the district’s early education needs effectively and efficiently. (The Department of Education will have a listing of qualified and potentially qualified providers posted on its website.) The district’s pre-K plan must be posted and open for public comments for at least 30 days. Additionally, a copy of the plan must be filed with the commissioner of education.
3. All community needs assessments and plans must be completed at least 90 days before the start of the academic year for which they are targeted.

### How Publicly Funded Prekindergarten Works

Publicly funded pre-K is defined as a 6 to 10 hour per week program for 3- to 5-year-olds during the academic year (i.e., a minimum of 35 weeks). School districts may choose to fund more than 10 hours of pre-K per week. Children attending a pre-K program that operates fewer than 6 hours may not be included in a district’s pre-K “average daily membership” (ADM) count unless the child is receiving Essential Early Education (EEE) services.

Prekindergarten education is offered in a variety of settings: in center-based child care programs, registered home-based programs, Head Start classrooms, private preschool programs, and in public schools. School districts often contract with existing community care and education programs in order for them to provide pre-K education.

All programs in which pre-K children are counted as part of the district’s ADM (these include public school-based, community child care centers, preschools, Head Start, or registered family child care homes) must meet the following *quality standards* or *have the potential to do so*:

- Are licensed by the Child Development Division (CDD) and are in good regulatory standing,
- Are NAEYC accredited, or have 4 or 5 STARS in Vermont’s Step Ahead Recognition System (or 3 STARS with an approved plan to obtain 4 STARS within 3 years),
- Use curricula aligned with Vermont’s Early Learning Standards,

- Provide opportunities for parent participation, and
- Have a licensed early childhood or early childhood special educator. In the case of registered family child care homes, regular onsite supervision by a licensed teacher can be used in lieu of the provider possessing the license.

New amendments to the pre-K rules allow for school districts to partner with ***“potentially qualified providers.”*** A potentially qualified provider is determined by the Department of Education as being expected to meet all standards for qualified program status before the upcoming school year. Potentially qualified programs or providers must meet all quality requirements by July 15 in order to enter into a partnership with a school district for the upcoming school year.

### **School District and Community Early Care & Education Partnerships**

When a school district partners with a qualified or potentially qualified provider, a contract between the school district and the provider that clearly states the responsibilities of both parties and the terms of compensation is written. There are many possible arrangements for a partnership, such as:

- The district provides a licensed teacher to the program, and possibly provides the program staff with professional development or pays the program a lump payment.
- The district pays a set amount to the provider for each child the district includes in its school census. In this case, the provider may not charge families tuition for the 6-10 hours per week of pre-K education the district pays for. If the district pays less than the “actual costs” of the pre-K education, then the provider may charge families the difference between the actual costs and the district’s payment. Providers must use the state’s required Actual Costs template to calculate its costs for pre-K.

Act 62 states that parents can request a district enter into a contract with a qualified child care center or registered family child care home either in or outside of the district. Qualified providers may also request that the school district enter into a contract with them so that they can serve the district’s pre-K children. When the request is made, the school district is required to consider any request and respond in writing within 30 days.

### **How is Prekindergarten Education Funded?**

Publicly funded pre-K education is funded in the same way that K-12 education is funded in Vermont. The funds needed to support the program, whether through a contract with a qualified provider and/or in a public school operated program, are included in a town’s school budget. If the town approves the budget, then the town receives the money it approved from the Education Fund. The Education Fund gets the bulk of its money from the state’s property taxes.

A town’s property tax rate is based in part on the school district’s Average Daily Membership (ADM) which is calculated by the number of children the town counts in its annual school census. Prekindergarten children are equivalent to about 40% of a full-time student in K-6. Adding prekindergarten children *may* lower a town’s tax rate because it increases the town’s ADM.

However, Act 62 sets a cap or limit on the number of prekindergarten children a school district can include in its school census. The cap options districts may choose are:

1. ten children;
2. one plus the average annual increase or decrease in the district’s first grade ADM as counted over the last five years times the most recent first grade ADM;
3. the total number of children who are enrolled in prekindergarten and who are eligible to enter kindergarten in the following academic year;
4. one-fifth of the total number of children in grades 1-5 who were included in last year’s ADM; or
5. the highest number of prekindergarten children a school district counted in 2004-2005, 2005-2006, or in 2006-2007.

If there are more children who want to participate in pre-K than the cap allows, the school district must use a non-discriminatory process to determine who is counted (unless the children are funded through federal or state grants). It's important to note that districts can serve more than the number of children they are allowed to count in the ADM; that's a local decision. All EEE children are exempt from the cap but are reported in the ADM as "EEE" children even if they are enrolled in a pre-K program.

A section of Act 159 that was passed by the legislature in 2010 waives the cap for school districts with any schools identified as not making Annual Yearly Progress (AYP); these towns may include the total number of pre-K children they serve through contracts with providers and in school operated programs in their school census.

The reporting requirements for pre-K programs have been increased, both in terms of tracking children's progress and of tracking pre-K expenditures. All children included in a school district's pre-K ADM must have entry and exit ratings on either Teaching Strategies GOLD or the Work Sampling System. The progress of children who receive 4 or more hours of EEE services must also be tracked using one of these assessment tools, or an alternative assessment if necessary.

☞ For Additional Information on the following topics, go to the link that appears below the topic:

#### **Act 62**

<http://www.leg.state.vt.us/docs/legdoc.cfm?URL=/docs/2008/acts/ACT062.HTM>

#### **Prekindergarten Rules**

<http://education.vermont.gov/new/pdfdoc/board/rules/2600.pdf>

#### **Guide to Prekindergarten Education**

[http://education.vermont.gov/new/pdfdoc/pgm\\_earlyed/prekindergarten/educ\\_prekindergarten\\_guide\\_0209.pdf](http://education.vermont.gov/new/pdfdoc/pgm_earlyed/prekindergarten/educ_prekindergarten_guide_0209.pdf)

#### **NAEYC Program Accreditation**

<http://www.naeyc.org/accreditation>

#### **STARS**

<http://dcf.vermont.gov/cdd/stars/>

#### **SUPPORT with STARS**

[STARS@mjcvt.org](mailto:STARS@mjcvt.org)

#### **Dept. for Children and Families CDD Licensing**

[http://dcf.vermont.gov/cdd/child\\_care\\_licensing](http://dcf.vermont.gov/cdd/child_care_licensing)

#### **Dept. of Education Educator Licensing**

<http://education.vermont.gov/new/html/maincert.html>

#### **Vermont Early Learning Standards**

[http://education.vermont.gov/new/pdfdoc/pgm\\_earlyed/pubs/vels\\_03.pdf](http://education.vermont.gov/new/pdfdoc/pgm_earlyed/pubs/vels_03.pdf)