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Universal Prekindergarten Partnership Agreement Recommendations

Purpose

This document offers recommendations for the current Universal Prekindergarten (UPK) partnership agreements. These recommendations were compiled utilizing previous iterations of the Agency of Education (AOE) partnership agreement templates, the Vermont State Board of Education (VSBE) Rule Series 2600 Prekindergarten Education, Vermont State Board of Education Quality Standards, Federal and State Public Education laws, including Division of Exceptional Children (DEC) Individuals with Disabilities Act (I.D.E.A.).

A very special acknowledgement to school district UPK Coordinators, who have ten years of experience with UPK partnership agreements for their thoughtful and knowledgeable recommendations throughout this document.

VSBE UPK Rule 2607. Agreements

Rule 2607. Agreements with prequalified prekindergarten programs states

School districts that pay tuition to prequalified prekindergarten education programs shall enter into written agreements which, at a minimum, shall include all the requirements set forth in Section 2606 (requirements of prequalified prekindergarten programs) and a provision that the prequalified provider shall maintain its status as a prequalified prekindergarten education program in accordance with

- Rule 2604 Prequalified prekindergarten education programs status
- Rule 2605 Staff qualifications
- Rule 2602 Definitions

The partnership agreement recommendations in this document are in addition to previously published resources Act 166 Guidance Contract Administration and Licensed Educators (2019), the UPK Coordinator Handbook and based upon input and experience from school district UPK Coordinators.

Resources

[Act 166 Guidance: February 2019 Contract Administration and Licensed Educators](#)

[Vermont State Board of Education \(VSBE\) Rule Series 2600 Prekindergarten Education](#)

[Universal Prekindergarten Program Handbook](#)

[Universal Prekindergarten Coordinator Handbook](#)



Partnership Agreement Recommendations

Introduction to a partnership agreement may begin with the following language or other language determined by the school district.

The (school district) hereby enters into this agreement for the school year (date) with (partnering program) for the purpose of ensuring high quality, developmentally appropriate early education to district enrolled residents who are three, four, or five years of age, who are not enrolled in kindergarten on or before September 1. Children who turn six during the school year are eligible to receive UPK tuition up until their sixth birthday. At the discretion of the school district UPK tuition may continue past the child's sixth birthday until the end of the school year. It is recommended that programs familiarize themselves with the Universal Prekindergarten Program Handbook before signing a school district partnership agreement.

Reference: [Universal Prekindergarten Program Handbook](#)

Partnership Basic Information

- Program name
- Child care license program name on W9
- Child Care License number
- UPK prequalified status start date and renewal date
- Mailing address
- Physical address (if different)
- Email
- Phone
- Director/owner/contact:
- Primary Act 166 contact email/phone

Licensed Early Childhood Educator Information

- Licensed educator name
- Licensed educator's date of birth
- Endorsement area (ECE or ECSE)
- License type (provisional, level I or II)
- License expiration date 6/30/20XX
- Licensed educator's scheduled UPK days
- UPK instructional hours per day

Conflict and Modification of Partnership Agreement

At the school district's discretion, a partnership agreement recommendation is to include a section on conflict resolution process and modifications to the agreement. The following language may be referenced for conflict or negotiated agreed upon terms for partnership agreements. In the event of disagreement as to the terms of this contract, negotiation shall occur first between the partnering program and the UPK Coordinator. If

the dispute cannot be resolved through this step, the program shall communicate in writing to the identified school district administrator for dispute resolution. Modifications to the partnership agreement may be made by either the partnering program or the school district.

- Per guidance issued in 2019, at the discretion of the school district and the private prequalified prekindergarten education program, each party may negotiate additional terms.

Reference: [Act 166 Guidance: February 2019 Contract Administration and Licensed Educators](#)

UPK Administrative Complaint Procedures

School districts may wish to include the VSBPE Rule 2614. Administrative complaint procedures. Vermont State Board of Education Rules Series 2600 - Prekindergarten Rule 2614 states

Whenever issues arise, parties should attempt to resolve the issue prior to going into a formal administrative complaint process. If parties are unable to resolve an issue informally (they may submit an administrative complaint to the Agency of Education) for resolution.

Reference: [Vermont State Board of Education Manual of Rules and Practices – Prekindergarten Education](#)

Indemnification

It is at the school district's discretion to include an indemnification section in their partnership agreements. The following are a few suggestions when creating an indemnification section. The partnering program shall indemnify and hold harmless the school district, its employees, agents, directors, officers, member districts, and their successors and assigns from any and all claims, suits, damages, judgments, and expenses arising from or related to, in whole or in part, the provision of Act 166 Pre-Kindergarten services or arising from or related to, in whole or in part, those duties and services identified in this Agreement. In the event of legislative action that results in changes to Act 166 or other applicable statutes and regulations, this agreement may be amended.

UPK Program Requirements

Referencing the eleven requirements and assurances of UPK prequalification is also recommended for partnership agreements. Below each requirement offers additional information for school districts to consider including in partnership agreements.

Requirement 1 Childcare Licensing Regulations (CDD)

The public or private program is currently licensed or registered, as applicable, by the Department for Children and Families, and is in good regulatory standing.

Childcare License Number Change

When a prequalified program is issued a new child care license number, the program must reapply for UPK prequalification status under the new child care license number which impacts partnership agreements and UPK tuition payments. The change in childcare license number, and UPK Prequalification status, effectively renders the previous partnership agreement (contract) null and void, and a new partnership agreement will need to be issued when the program is an AOE/CDD approved UPK prequalified program. It is recommended that school districts include this section in their partnership agreements so partnering programs are aware of the process. It is also recommended that school districts include how UPK tuition payments will be made or not made during the UPK prequalification application process.

Reference: [AOE UPK Program Handbook](#)

Requirement 2 Step Ahead Recognition System (STARS) (CDD)

The public or private program receives and maintains at least one of the following quality program recognition standards:

- National Association Education of Young Children accreditation,
- Minimum of 4 stars or
- 3 stars and approved a 2-year plan to reach 4 stars.

As STARS is part of the prequalification process and monitored by Agency of Human Services - Child Development Division, it is at the discretion of the school district to add additional supports or monitoring processes to partnership agreements.

Requirement 3 Vermont Early Learning Standards (VELS)

The public or private program's curricula are aligned with the Vermont Early Learning Standards (Birth to Grade 3). UPK Administrative Rule 2602. Definitions (8) Prekindergarten Education. Prekindergarten education means services designed for prekindergarten children with developmentally appropriate early learning and developmental experiences based on VELS.

As VELS is part of the prequalification process and monitored by Agency of Education, it is at the discretion of the school district to add additional supports or monitoring processes to partnership agreements.

Requirement 4 Vermont Licensed Early Childhood Educator (ECE) or Early Childhood Special Educator (ECSE)

The public or private program staff meets the required professional qualifications (requirement based on the provider type – District operated program; Private, center-based PreK program; family child care home program).

Some school districts include the licensed ECE/ECSE qualifications for public school, private center-based programs and family child care home provider or include the link to the UPK program handbook.

Reference: [AOE UPK Program Handbook](#)

Requirement 5: Individuals with Disabilities Education Act (IDEA)

Adhere to all applicable federal and state laws including, but not limited to, Part B of Individuals with Disabilities Education Act (IDEA), Section 504 of the Rehabilitation Act of 1973, Rule 4500 Restraint and Seclusion, Vermont Act 35, American Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964, for children receiving early childhood special education services (children who are on an Individual Education Plan (IEP) who are enrolled in the prekindergarten program allowing access to early childhood special education service providers, and State of Vermont Special Education Rules.

Kindergarten Transitions and Special Education Referrals

School districts may include prekindergarten to kindergarten transitions language in their partnership agreements. As part of prekindergarten to kindergarten transition, partnering programs are encouraged to pass children's 504 plans to the school district of residence. It is important to include in partnership agreements referral for special education information and contact for school district special education services.

Referrals for evaluation of special education services are required by law, to be made through the local school district's early childhood special education team in collaboration with families. UPK programs that have concerns about a child's development should have a conversation with the child's family to gain permission to contact the local school district's office of special education.

UPK Suspension and Expulsion and Incident Report

To meet obligations related to UPK Suspension and Expulsion data collection, a public and private UPK program must complete an incident report for each student (and incident) who is suspended or expelled. Within five school calendar days from the date of incident, the public or private UPK program must submit the UPK Suspension and Expulsion Incident Report to the child's school district of residence and the Agency of Education. School districts should consider UPK tuition payments when a child is suspended or expelled. One suggestion is suspensions of a prekindergarten child, whether in-program or off the premises, shall not affect tuition payments for that child. Expulsions of a UPK enrolled child shall cease tuition payments effective from the date of expulsion.

References:

[Memo: New Requirement – Ban on Suspension and Expulsion of Students Under Age Eight Enrolled in Prequalified Private UPK Programs](#)

[UPK Suspension and Expulsion Incident Report](#)

Requirement 6: Access to 10 Hours of Free Prekindergarten Education

Rule 2603. Each prekindergarten child whose parent or guardian enrolls the child at the child's district of residence is entitled to no less than ten hours per week for 35 weeks

(350 hours) annually of publicly funded prekindergarten education at an available prequalified prekindergarten education program operated by a public school or private program. UPK tuition funds paid by the district shall be applied as full tuition for 10 hours/week for 35 weeks/year (350 hours annually) for each enrolled child and families shall not be charged for those hours.

School districts may consider further clarifying information or district policies such as,

- Programs must notify enrolled families in writing which weeks, days, and/or hours of UPK attendance are funded by the district (e.g. on a tuition statement, program calendar).
- Enrolled families must notify the current school district of residence if they move out of district and enroll in new school district of residence 10 days prior to the move to ensure no break in UPK tuition payments.
- Programs may designate any 35 weeks of UPK within the school calendar year, but district payments will be aligned with the district school calendar year.
- Invoice and payment procedures based on maintaining prequalification. This may include provisions stating that a district will withhold payments if the program does not comply with the definition of Rule 2602 (UPK Prequalification) and 2607 (Agreements with Prequalified Prekindergarten Programs). This may also include provisions for retroactive payment, based on when the program regains compliance.
 - Prorate UPK tuition for children who attend less than 35 weeks.
 - Payments may be withheld and are subject to reconciliation from the partnering if the program does not maintain prequalification standards/requirements as identified in Act 166.

Child Attendance Recommendations

- Notify the school district when a child has been absent from prekindergarten for an average of one prekindergarten day/week over the course of two months, communicate in writing to the family that they risk the loss of UPK funding, and if necessary, develop a plan with the family and school district for attendance and tuition payment.
- The school district extended and repeated absence policy. The school district agrees to notify programs before reducing or removing tuition funding due to absence.
- Notify school district when a child has been absent from prekindergarten for more than two consecutive weeks or for three weeks over the course of the school year and inform the family that they may not be eligible for UPK tuition funding for subsequent weeks of absence.
- Attendance policy which aligns with school district policy.

Requirement 7: Teaching Strategies GOLD (TSG) Checkpoints and Reporting

Rule 2606 (d) conduct child development assessments of each child enrolled using the assessment tool approved by the AOE at least two times (December 15th and June 15th) a year and report the results of those assessments to the AOE.

Programs need to have one designated person, preferably the licensed early childhood educator, who has completed TS Gold inter-rater reliability training, and who ensures accountability for the program by monitoring data uploads throughout the fall (December 15) and spring (June 15) checkpoints and not just one data dump the week before checkpoint deadline.

Requirement 8: Family Conferences and Reporting

SBE Rule 2606 (e) Provide parents or guardians with a report of a child's developmental progress at least twice per year and offer parents two opportunities per year to meet with the teacher.

Requirement 9: Family Engagement

Provide opportunities for effective parental involvement and participation.

Program Family Handbook Recommendations

School districts may request a copy of a program's family handbook as part of their partnership agreements. The list below are recommendations for all UPK prequalified programs to include in their family handbooks.

- Inclusion Statement and Non-Discriminatory Policy (Act 35)
- How the program collaborates with LEA for special education services for children on Individual Education Plans (IEP).
- UPK tuition statement
- VELs and TS Gold
- Family engagement and conferences
- Equity Statement
- Toileting Policy
- Suspension and Expulsion

Requirement 10: Permit Onsite Visits (AOE/DCF/CDD/SU/SD)

Permit on-site visits, announced and unannounced, by representatives from the Agency of Education, the Department for Children and Families, and School District staff.

Requirement 11: Accountability and Continuous Improvement System (ACIS)

Participate in the state approved prekindergarten education monitoring system, described in Section 2612.

Additional Program Assurances Recommendations

- Accept students without discrimination based on gender, race, nationality, disability, economic status, religion, or parental marital status.
- Apply all of the prekindergarten funding provided by the district for 10 hours, 35 weeks of prekindergarten services as full tuition for those hours for each enrolled child.
- Provide families with the school district contact information regarding this agreement and its purpose as well as consent to release information form in order to permit information sharing about the child between the program and school district (including TSG data).
- Regularly attend the school district's publicly funded prekindergarten partnership meetings and professional development opportunities through the school district.
- Use of the school district exit form/process and notify school district immediately if a child terminates or changes enrollment status.
- Meet all required deadlines. (Examples include October enrollment census, T.S. Gold checkpoints, etc.).

School District Program Closure Policy

At the school district's discretion, it is recommended that partnership agreements include a partnering program closure policy (due to staff illness, natural disasters, weather related closures) and any requirements for partnering program's plan to make up education hours lost due to closure. School-based prekindergarten programs make-up days are at the discretion of the school district. Public prekindergarten programs are not subject to the AOE school district school days waiver process.

School District Assurances Considerations

Within the partnership agreement school district assurances to partnering programs are recommended. School district assurances may include to

- Inform families residing in the school district of the availability of early education services.
- Provide AOE UPK tuition rate for prekindergarten education per each enrolled child for 10 hours, 35 weeks) to partnering programs.
- Send the full amount of the agreed-upon tuition to the partnering program the family designates to receive the UPK tuition even if the child is enrolled in more than one prekindergarten education prequalified program.
- Send agreed-upon UPK education tuition to the partnering program for the number of identified enrolled children according to the payment schedule set by the school district. Reference UPK Coordinator Handbook for recommendations aligned with Vermont State Board of Education Rule Series 2600 - Prekindergarten.
- Identify a school district liaison who will maintain communication with partnering program throughout the terms of this contract to ensure that both parties abide by its terms.

- Inform partnering programs about relevant professional development opportunities sponsored by the district. Professional development may include, Early MTSS initiatives, VELS training modules, TS Gold inter-rater reliability training, school district initiatives.
- Consider requests for additional services (beyond what the program must maintain for pre-qualified status) to support the development and learning of enrolled children and negotiate any additional fees for such services.
- At the School District's discretion, Local Regional Standards Boards (LRSB) may review for approval and submit educator renewal professional development on behalf of private program licensed educators. If this is not an option, then private program licensed educators must submit their professional development to the Agency of Education Educator Licensing Division for approval with their completed renewal application.

Termination of Partnership Agreement Recommendation

The following is language for termination of a partnership agreement that school districts may consider. Either party may terminate this agreement at any time. A substantial breach of terms of this contract shall constitute cause for termination. It will be the joint responsibility of the school district and the partnering program to notify in writing families of children affected by the termination of this agreement.

This agreement remains in effect from July 1, 20XX to June 30, 20XX after all parties have signed below unless terminated earlier in accordance with the termination provisions set forth above. This is where to include signature lines for the school district and the partnering program and a partnership agreement due date.

Return Agreement Evidence Suggestions

School districts may request additional evidence from partnering programs as part of their partnership agreements. Some school districts have cloud storage solutions, like Google, for collecting program evidence.

- Program calendar documenting when they provide PreK.
- UPK prequalification certificate and/or letter.
- A sample tuition statement/family contract.
- Proof of either an invoice, tuition statement or other written information families receive reflecting the 10 hour per week tuition reduction totaling the full UPK tuition amount families are entitled to.
- A completed W9.
- Copy of family handbook.

AOE Early Team Note

This partnership agreement recommendations document is not an exhaustive list nor is its intent to be a legally binding document. It is rather recommendations from various resources and advice from seasoned UPK Coordinators to be considered for reviewing and revising current partnership agreements.