

Frequently Asked Questions On Act 166 of 2014

An act relating to providing access to publicly funded PreKindergarten education

A. Access to PreKindergarten Education (Section 2603 of the Rules)

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Introduction

During the 2014 Legislative Session, Act 166 was passed and signed into law by Governor Peter Shumlin. Act 166 provides universal publically funded PreKindergarten education for a minimum of 10 hours per week for 35 weeks annually for all 3, 4 and 5 year old children who are not enrolled in Kindergarten.

On November 25, 2014, Secretary Holcombe of the Agency of Education and Interim Secretary Chen of the Agency of Human Services issued a Transition Relief Bulletin which delayed full implementation of universal PreKindergarten education until July 1, 2016. Just under a quarter of school districts moved forward with full implementation during the 15/16 school year. Two Act 166 Interim Guidance documents were issued prior to the passage of Act 166 State Board of Education Rules in September 2015 to support “early implementers” in the processes and procedures to be followed prior to the finalization of State Board Rules.

With the passage of Act 166 State Board Rules in September 2015, the two previous guidance documents became inoperative. Processes and procedures set forth in the Rules govern the implementation of Act 166.

This document of Frequently Asked Questions (FAQs) related to Act 166 implementation is all inclusive of previous questions as well as new questions from the field. The Agencies of Education and Human Services intend to keep gathering and disseminating updated FAQs over the coming months as we receive additional questions from the field and interpret policies and procedure.

The FAQs are organized to follow the structure of the Rules, to allow for easier reference.

A. Access to PreKindergarten Education (Section 2603 of the Rules)

ELIGIBILITY

1. Who qualifies for publically funded PreKindergarten education?

All Vermont children who are three, four or five years of age by the date established by the district of residence for Kindergarten eligibility and not yet enrolled in Kindergarten are eligible for this funding. In order to receive the funding, each PreKindergarten child enrolls at the child's district of residence and is entitled to no less than ten hours per week for 35 weeks annually of publicly funded PreKindergarten education at an available prequalified PreKindergarten education program operated by a public school or private program.

2. What does the funding cover?

The Funding covers a minimum of 10 hours per week of PreKindergarten education in a prequalified program for 35 weeks per year (school year). Children must attend a prequalified program for at least 10 hours per week 35 weeks per year (school year). For children who attend more than 10 hours for 35 weeks, families/guardians are responsible to cover any tuition for the additional hours/weeks. For children who are enrolling in a private prequalified PreKindergarten education program it is important to ask what the actual tuition responsibilities will be outside of the publically funded PreKindergarten education hours and receive this information in writing.

3. If a child turns 3 after the school district's Kindergarten cut-off date, does this child qualify for Act 166 in that school year?

No, the child must be 3 by the resident district's Kindergarten entry date in order to be eligible for publicly funded PreKindergarten education.

4. If a child turns 5 before the Kindergarten enrollment date, but a parent would prefer to wait and have the child attend another year of PreK, is the child eligible for Act 166 funding?

Yes, 5 year olds NOT enrolled in Kindergarten are eligible for Act 166 funding. The child will not be eligible the next year (when they are 6 by the school enrollment date) and would participate in Kindergarten that year. If the child is on an IEP, the child remains eligible for early childhood special education and related services while s/he remains in PreKindergarten education.

If the entry date for Kindergarten and PreKindergarten education is set for September 30th, when is funding available for the child? From the date they turn 3, or at the beginning of the school year?

The child is considered “age-eligible” for funding on the first day of school as long as they turn 3 prior to the established entry date (no matter when that entry date falls on the calendar).

5. If a child enters a prequalified PreKindergarten education program after the beginning of the school year, is the child eligible for the publicly funds?

Yes, PreKindergarten education is an entitlement for all 3, 4 and 5 year old children not enrolled in Kindergarten and who are 3 by the district's Kindergarten entry date. Annual tuition may be prorated to reflect the number of weeks the child is actually enrolled.

6. If a child withdraws before the end of the school year or enrolls after the beginning of the school year, does the school district have to pay full tuition for that year?

No, annual tuition shall be prorated to reflect the number of weeks the child was actually enrolled.

7. I am a prequalified home-based provider and next year my preschool child will be attending my home-based program as an enrolled student. Is my daughter able to receive funding if she is receiving her PreKindergarten education services in my home-based prequalified program?

No. In a home-based prequalified PreKindergarten education program your own child does not count in the program capacity for licensing and would essentially be receiving PreK services at home. Children in this situation are still able to receive PreK services in any other prequalified program.

8. Can a NH based program apply to become prequalified?

No. To become a prequalified PreKindergarten education a program must engage in Vermont's Quality Rating and Improvement System for early childhood programs (STARS). Only Vermont-based programs can participate in the Vermont STARS system.

9. Can a PreK child be served in a toddler classroom?

No. PreKindergarten education services are delivered in PreKindergarten education classrooms.

If a private prequalified PreKindergarten education program has 3-6 year old classroom do all the children qualify for Act 166 funding?

The enrolled children that are having a PreKindergarten education experience and will also have a Kindergarten experience following their PreKindergarten education years qualify for Act 166 funding. If this classroom is designed as a PreK/K classroom, the children who are going directly to first grade in the next school year do not qualify for Act 166 funding. Act 166 funding is for PreKindergarten education, not for Kindergarten.

ENROLLMENT

1. How do families sign up for PreKindergarten education for their child?

For children attending a program **offered by the school of residence**, the school will process the enrollment.

For children attending a prequalified program **outside of the school of residence** (in a private prequalified PreKindergarten education program or at a different public school) enrollment will happen both with the private prequalified PreKindergarten education program and with the school district of residence. During the enrollment process at the local school, the family provides the name of the private prequalified PreKindergarten education program the child will be attending for PreKindergarten education.

Some districts have an approved PreK region which limits families to selecting private prequalified PreKindergarten education programs that are located within the determined geographic boundaries of that region. List of [approved PreK regions](#).

2. Who determines the school-based enrollment process? Is there a common form/packet? What information do schools collect during the enrollment process?

Each district will establish enrollment procedures for PreKindergarten children and notify parents and guardians of the enrollment procedures through a variety of sources. No, there is not a common enrollment process, form or procedure. Each school district determines what information and/or documentation to collect during the enrolment process, which may include birth certificates and proof of residency documentation.

3. Where and when will enrollment applications for the districts be available?

This is determined by each local school district.

4. How are local enrollment procedures determined?

Enrollment procedures are determined at a local level based on local school board policy and district procedures. The enrollment procedure must be non-discriminatory (NOT based

on factors such as race, gender, age, etc.) and include FAPE being provided to eligible 3, 4, and 5 year olds under IDEA.

5. What are the allowable enrollment practices when a public school has more children who want to enroll in the school-based PreKindergarten program than they have room to serve?

Schools that have limited slots shall use non-discriminatory enrollment practices. This could be first come first served or a lottery but should be determined and communicated to the public prior to any “enrollment period”. Schools with multiple sessions may hold a lottery or enroll children on a first come first served basis and then, from the group of children enrolled, do session placements that help create “balanced” classrooms.

6. Are there requirements regarding age composition in school-based classrooms?

Schools can determine the age composition of their school-based classrooms. Schools must emphasize that all eligible children are entitled to PreK either in school or a private prequalified PreKindergarten education program. For example, a school may elect to serve only 4 year olds in its school-operated program. However, the district must provide tuition to all resident eligible 3 and 5 year olds who are enrolled in prequalified PreKindergarten programs (within an established Prek region, if applicable).

7. Are public school prequalified PreKindergarten education programs required to accept children from other towns?

No, they may accept children from other towns but they are not required to do so.

8. What are the allowable enrollment practices when a private prequalified PreKindergarten program has more children who want to enroll in the private PreKindergarten than they have room to serve?

Private prequalified PreKindergarten programs may use whatever non-discriminatory enrollment process they choose. This could be first come first served or a lottery.

9. Can a private prequalified PreKindergarten education program charge a registration fee including the children who will only be attending the program for 10 hours per week?

Yes, the program can charge a registration fee as long as it is a published policy that is applied to all children who enroll in the program, not just those who may have 10 hours of Pre-K paid for.

Can a child be enrolled in more than one private prequalified PreKindergarten education program?

For the purposes of Act 166 publically funded PreKindergarten education, only one program is designated as providing the PreKindergarten education services. If a child is enrolled in a public prequalified program, no tuition is paid to a private prequalified PreKindergarten education program. If the child is enrolled in multiple private prequalified PreKindergarten education programs for 10 or more hours per week, the family shall determine the single program that will provide the PreKindergarten education services and receive the funding for the publically funded PreKindergarten education.

CAPACITY

1. Are schools obligated to find an opening for every resident child who wants to access PreKindergarten education?

No, school districts are not obligated to find a prequalified PreKindergarten education program for all children who want to attend. However, Act 166 requires that they provide tuition to all resident eligible 3-5 year olds who are enrolled in prequalified programs (within an established PreK region, if applicable).

2. Are public schools required to expand?

No, public schools are not required to create new slots. If demand exceeds capacity the public school must work with their regional Building Bright Futures Council to increase access if a shortage of available slots is determined.