

ACT 166

Frequently Asked Questions

(Contact the BSD Early Education Office at 864-8463 for further questions)

What is Act 166?

During the 2014 Legislative Session, Act 166 was passed and signed into law by Governor Peter Shumlin. Act 166 provides universal publicly 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 enrolled in a prequalified prekindergarten program, both public and private.

How do I know if a prekindergarten program is prequalified? How does a program become prequalified?

Programs become prequalified through an approval process through The Agency of Education and the Agency of Human Services. Parents/guardians can find prequalified programs by going to the Bright Futures Information Systems located at website: www.brightfutures.dcf.state.vt.us/ and select Find a Provider.

ENROLLMENT

How do I get funding for my child to participate in a PreK program?

For a child to receive PreK funding from your school district, the child must be enrolled in a prequalified PreK program.

Will families need to enroll their child at the local school district if they are planning on having their child attend a private prequalified program?

Yes, children must enroll in publicly funded prekindergarten education with their home district. When they enroll, they tell the district what qualified program their child will be attending.

How do I register my child with the BSD in order to receive Act 166 funding?

Burlington parents/guardians can access this registration paperwork by going to the school district's web page at: www.bsdyt.org/parents/registration/prek. If the child will be attending a BSD program, select registration materials under BSD Programs. If the child will attend a community program, select BSD Community Programs for the registration materials.

Who should I send the BSD prek registration materials to?

Registration materials should be sent to the Director of the BSD Early Education Program by:

---Mailing the forms to the Director of the BSD Early Ed Program , 150 Colchester Avenue, Burlington, VT 05401

--- Delivering the forms to the BSD Early ED Office at 150 Colchester Avenue, Burlington, VT 05401

--- Giving the registration materials to the prek program the child is enrolled in to send to the BSD Early Ed Office.

If a child enters a prequalified prekindergarten education program after the beginning of the school year, is the child eligible for publicly funded prekindergarten?

Yes, with ACT 166, prekindergarten education is an entitlement for all 3, 4, and 5 year old children starting on July 2, 2016. Annual tuition may be prorated to reflect the number of weeks the child is enrolled.

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 may be prorated to reflect the number of weeks the child was actually enrolled.

Can a school district prioritize providing access to specific groups of children (e.g. low income, dual language learners) if there is a limited number of prequalified prekindergarten slots?

No, school districts may not prioritize giving access to specific groups of children. The only group that can be prioritized is children receiving Early Childhood Special Education services.

Are school districts obligated to find an opening for every resident child who wants to access prekindergarten?

No, school districts are not obligated to find a prequalified PreK program for all children who want to attend. However, Act 166 requires that school districts provide tuition to all resident eligible 3-5 year olds who are enrolled in prequalified programs.

Are private prequalified programs required to accept children on a first come first serve basis, or can they do a lottery?

Private prequalified prekindergarten education programs may use whatever nondiscriminatory enrollment process they choose.

Can school program prioritize serving children from their own district in their school operated program rather than accept children from outside their district?

School districts that have school operated prequalified PreK programs are not required to accept children from other districts. They may limit enrollment solely to resident children or decide to accept resident children first and then add non-resident children who apply.

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 district's kindergarten entry date in order to be eligible for publicly funded PreK.

Is it necessary for a school district to partner with prequalified private programs?

If a resident child is enrolled in a prequalified private program, then under Act 166 the school district must partner with that private program. If the district has a PreK Region and the private program is outside the district's region, then the district has the discretion in deciding whether to partner or not. The Burlington District has not determined a region.

CHILDRN WITH SPECIAL NEEDS

Is the Local Education Agency required to provide Free and Appropriate Public Education (FAPE) (Early Childhood Special Education Services) outside of the school district boundaries?

No, The LEA is only responsible for the identification and evaluation of resident children with disabilities and to offer the provision of FAPE, in the least restrictive environment (LRE) for resident children found eligible for special education and related services within the school district boundaries or at the discretion of the school district. Placement decisions regarding resident children served under Part B of the Individuals with Disabilities Education Act (IDEA) must be individually determined based on the child's abilities and needs as described in the child's Individual Education Plan (IEP). Parents may choose to accept or decline the provision of early childhood special education and related services as offered by the LEA.

Can a District prioritize children who have identified special needs to access a limited number of prequalified prekindergarten education slots?

Yes, the federal IDEA requires the Local Education Agency (LEA) to offer FAPE within a Least Restrictive Environment for resident children found eligible for special education and related services. The district may prioritize prequalified prekindergarten education slots for children with Individual Education Plans (IEPs).

Can school programs prioritize serving children on IEPs in their school operated PreK programs since they receive specific federal and state funds to serve these children?

Yes. This is the only group that a school district may prioritize.

If the parents decide that a partner center is best for their child, is the district obligated to provide special services should the child fall under ECSpEd/ IEP/504, etc.?

No, Under VT Special Education Rule 2361.3, Educational Placement in the Least Restrictive Environment (LRE) placement decisions regarding resident children served under Part B of the Individuals with Disabilities Act (IDEA) must be individually determined based on the child's abilities and needs as described in the child's Individual Education Plan (IEP). The LEA of the child's residence shall offer FAPE. Where services are provided, shall be provided at the discretion of the LEA in which the child resides. Parents may choose to accept or decline the provision of Early Childhood Special Education and Related Services as offered by the LEA.

TUITION PAYMENTS

What is the funding amount that a child will receive from the school district they reside in for the 2016-2017 school year?

The state determined tuition rate for 10 hours of PreK will be \$3092.00 for the 2016-2017 school year.

Can programs charge parents for the 10 hours then reimburse parents when they receive tuition payments from the school district?

No, parents can not charge parents at all for the 10 hours of prekindergarten education.

Is the tuition paid to prequalified programs prorated for holidays or other partial weeks of school?

No, tuition is set at an annual rate and is not prorated when holidays or school closings create a partial week of school.

Is there a required payment schedule to private prequalified programs school districts must follow?

Act 166 requires school districts to establish a tuition payment schedule that will not cause the partner program any financial hardships. It is recommended that school districts pay their private prequalified PreK partners at least on month in advance and then on a monthly or bi-monthly basis.