

## ACT 166

### Frequently Asked Questions

Contact the FWSU Early Education Liaison at [dlangston@FWSU.org](mailto:dlangston@FWSU.org) for further information

#### ***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 those 5 year old children who are not yet eligible for Kindergarten, to be enrolled in a pre-qualified prekindergarten program, both public and private.

#### ***How do I know if a prekindergarten program is pre-qualified? 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 pre-qualified programs by going to the Bright Futures Information Systems located at: [www.brightfutures.dcf.stale.vt.us/](http://www.brightfutures.dcf.stale.vt.us/) and select *Find a Provider*.

All of the FWSU schools ( BFA Fairfax, Fletcher Elementary, and Georgia Elementary ) have 5 STAR preschool programs. To enroll in our **school based** high-quality prekindergarten programs, you must live in the school district in which you wish to enroll your child.

#### ***Enrollment:***

##### ***How do I get funding for my child to participate in a prekindergarten program?***

For a child to receive pre-kindergarten funding from your school district, the child must be enrolled in a pre-qualified community pre-kindergarten program and then register with his/her school district. Once approved, the funding is paid directly to the pre-qualified program on behalf of your child. The registration form for your child to be enrolled in FWSU's Act 166 program can be found on your school district's web page.

##### ***Will families need to enroll their child at the local school district if they are planning on having their child attend a private pre-qualified program?***

Yes. Children who are enrolled in a pre-qualified community preschool partner program must also register with their home school district. When they enroll, they tell the district which qualified program their child will be attending. Please access the Act 166 student registration form on your district's web page.

##### ***How do I register my child with the School District in order to receive Act 166 funding?***

The parents/guardians of FWSU( Fairfax, Fletcher, Georgia) can access the registration paperwork by going to their school district's web page and selecting the registration tab. The registration form and attached documents ( birth certificate and 2 proofs of residency) may be dropped off or mailed to the school. Please remember that you must first be enrolled and accepted in a community program. Once that occurs, families can then register with the school district.

##### ***Who should I send the FWSU pre-kindergarten registration materials to?***

The registration materials can be dropped off at your school ( attn. Diana Langston) or sent to:

Diana Langton  
FWSU  
4497 Highbridge Rd  
Fairfax, VT 05454

***If a child enters a pre-qualified 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 not yet eligible for kindergarten 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 will be prorated to reflect the number of weeks the child was 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 pre-qualified pre-kindergarten 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 pre-qualified prekindergarten 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 not yet eligible for kindergarten and enrolled in a pre-qualified program.

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

Private pre-qualified prekindergarten education programs may use whatever nondiscriminatory enrollment process they choose.

***Can a 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 pre-qualified prekindergarten 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 prekindergarten. The entry date for kindergarten in FWSU is September 1st of the respective school year.

***Is it necessary for a school district to partner with pre-qualified private programs?***

If a resident child is enrolled in a pre-qualified private program, then under Act 166 the school district must partner with that private program. If the district has declared a *Prekindergarten Region* and the private program is outside the district's region, then the district has the discretion in deciding whether to partner or not. FWSU has not declared a region.

## ***CHILDREN WITH SPECIAL NEEDS***

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

No. The LEA is only responsible for the identification and evaluation of resident children and to offer the provision of FAPE in the least restrictive environment (LRE) for those found eligible for special education and related services within the school district boundaries. The

school district can decide to serve outside of its boundaries but is not required to do so. 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 pre-qualified 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 pre-qualified prekindergarten education slots for children with Individual Education Plans (IEPs).

***Can school programs prioritize serving children on IEPs in their school operated prekindergarten 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 SpEd eligible child, is the district obligated to provide special services at that site?***

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. Services 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 2018-2019 school year?***

The state determined tuition rate for 10 hours of prekindergarten will be **\$3,267.00 for the 2018-2019** school year.

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

No. Programs cannot charge parents for the 10 hours of prekindergarten education.

***Is the tuition paid to pre-qualified 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 pre-qualified 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 pre-qualified prekindergarten partners at least one month in advance and then on a monthly or bi-monthly basis.