

## Loss of Licensed Educator Waiver for Prequalified Private PreK Education Programs

### Purpose

On Oct. 2, 2020 the governor signed [H. 969](#), which included language for a waiver that pertains to [Act 166 Rule 2605 \(2\)](#), which states, “private prequalified prekindergarten education programs operated in a licensed Center Based Program shall employ, or contract for the services of, at least one teacher who holds a valid Vermont educator license with an endorsement in either early childhood education or early childhood special education.” The purpose of this document is to provide guidance in response to H. 969, as described in Sec.B.1120 below. This waiver was offered due to COVID-19 and its direct impact on the provision of [PreK Education](#) offered by prequalified private PreK programs.

Under Sec. B.1120 PREKINDERGARTEN; TEACHERS; WAIVER:

Notwithstanding 16 V.S.A. § 829, if a private provider was prequalified on or before March 15, 2020, then the provider shall retain its prequalified status for the 2020–2021 school year despite the loss of services of a teacher who is licensed and endorsed in early childhood education or in early childhood special education under 16 V.S.A. chapter 51, provided that the private provider continues to meet all other qualification criteria.

As a result of this section, a private PreK program that was in good standing with all Act 166 requirements prior to March 15, 2020, may request a waiver for SY 2020-2021 due to the loss of a contracted or hired AOE-licensed early childhood educator or early childhood special educator. Private PreK programs that obtain a waiver for the current school year will continue to receive publicly funded PreK education dollars to offset tuition costs for families enrolled for the 2020-2021 academic school year.

### Waiver Process

1. Private PreK programs must request a waiver from the Agency of Education (AOE) via email to the UPK Coordinator at [wendy.scott@vermont.gov](mailto:wendy.scott@vermont.gov)
2. If private PreK programs have not done so previously, they must also complete a [Changes to Prequalified Program form](#).
3. Requests for waivers will be processed and tracked by the AOE Early Education Team. After receiving a waiver request, and completing a [Changes to Prequalified Program form](#), the AOE UPK Coordinator will be reaching out to programs to verify:
  - a. notification letters or emails that were sent to partnering schools, or the UPK Coordinator for the school district, citing the loss of the program’s licensed educator;
  - b. notification letters or emails that were sent to families citing the loss of their licensed educator; and

### Contact Information:

If you have questions about this document or would like additional information, please contact:  
Wendy Scott, UPK Coordinator [wendy.scott@vermont.gov](mailto:wendy.scott@vermont.gov)

- c. a recruitment plan of action for hiring or contracting with a licensed ECE/ECSE before the end of the 2020-2021 academic school year.
4. AOE UPK Coordinator will notify programs of continued prequalified status and waiver approval.
5. AOE UPK Coordinator will contact programs monthly for a status update on the implementation of their plan of action.
  - a. Private PreK programs must have hired or contracted with a licensed ECE/ECSE by the end of the school year (per partnering school district's calendar) to maintain prequalified status or their program approval will be revoked.
  - b. The Early Education Team strongly suggests that UPK Coordinators follow up with programs to see if additional support is needed for maintaining all other requirements under Act 166.
  - c. Private PreK programs must remain in compliance with other UPK (Act 166) requirements including:
    - i. Teaching Strategies Gold checkpoints and use of this state approved assessment,
    - ii. curriculum alignment with the Vermont Early Learning Standards,
    - iii. allowing access for Early Childhood Special Education services, and
    - iv. all childcare licensing regulations.

### **Staffing Requirements Following the Completion of a Waiver Period**

In the event that a program fully utilizes its waiver, and has not been able to hire or contract with a licensed early childhood educator or early childhood special educator by end of the 2020-21 school year, the program must complete and submit the prequalification update form to the AOE in order to retain prequalification status as a private prekindergarten education program. To retain this status, and ensure compliance with all Act 166 requirements, the private PreK program must hire or contract with a licensed educator by the first day of the 2021-22 school year. The program must notify the AOE that hiring or contracting is complete through a [Changes to Prequalified Program form](#).