

**From:** Richards, Alyson [Alyson.Richards@state.vt.us]  
**Sent:** Wednesday, November 26, 2014 8:02 AM  
**To:** EXE  
**Subject:** FW: Memo from Secretaries Holcombe and Chen: Transition Relief for Act 166 of 2014  
**Attachments:** 11\_25\_14\_Chen\_Holcombe\_PreKTransitionRelief\_Memo.pdf;  
11\_25\_14\_Chen\_Holcombe\_PreKTransition\_LettertoField.pdf

**Importance:** High

Hi all,  
Just FYI, the attached memo and letter went out from the AOE yesterday afternoon. AOE and AHS will be handling all follow-up inquiries from the field and press calls. But if you all have any questions, let me know.

Happy Thanksgiving!

Aly

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**From:** Remick, Jill  
**Sent:** Tuesday, November 25, 2014 4:24 PM  
**Subject:** Memo from Secretaries Holcombe and Chen: Transition Relief for Act 166 of 2014  
**Importance:** High

This notice provides transition relief to Vermont school districts for the 2015-2016 school year from the prekindergarten enrollment requirements set forth in [Section 5 of Act 166 of 2014](#). This transition relief will provide additional time for the adoption of administrative rules consistent with the effective implementation of the law. This is also intended to provide school districts, school board members and Town Meeting Day voters the necessary time to adapt their local school budgets, so that Act 166 will be fully effective prior to the adoption of local school budgets.

Please take a few minutes to read this critical memo. It is also being distributed to Vermont superintendents, school board members and business managers.

Thank you.

**Jill Remick, Director of Communications & Legislative Affairs, Vermont Agency of Education (AOE)**  
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## MEMORANDUM

**TO:** Vermont School Boards and Superintendents

**FROM:** Rebecca Holcombe, Secretary, Agency of Education  
Harry Chen, M.D., Secretary, Agency of Human Services

**SUBJECT:** Transition Relief Bulletin for Vermont School Districts Regarding the Implementation of [Act 166 of 2014](#). *An act relating to providing access to publicly funded prekindergarten education*

**DATE:** November 25, 2014

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### I. PURPOSE AND OVERVIEW

This notice provides transition relief to Vermont school districts for the 2015-2016 school year from the prekindergarten enrollment requirements set forth in [Section 5 of Act 166 of 2014](#). This transition relief will provide additional time for the adoption of administrative rules consistent with the effective implementation of the law. This is also intended to provide school districts, school board members and Town Meeting Day voters the necessary time to adapt their local school budgets, so that Act 166 will be fully effective prior to the adoption of local school budgets.

### II. BACKGROUND

Act 166 of 2014 has an effective date for universal prekindergarten enrollments of **July 1, 2015**. The law was enacted on May 10, 2014. The implementation of the law requires the promulgation of administrative rules by the Vermont State Board of Education as follows:

“The Secretary of Education and the Commissioner for Children and Families shall jointly develop and agree to rules and present them to the State Board for adoption under 3 V.S.A. Chapter 25.” See Act 166 at Section 1, amending (generally) 16 V.S.A. § 829.

We expect final administrative rules to be adopted sometime in **June 2015**. The Agency of Education (AOE) and Department for Children and Families (DCF) are presently initiating formal rulemaking procedures on behalf of the State Board of Education. Here is the expected timeline and some background information moving forward:

- December 2014 — Filing of proposed rules with the Secretary of State.
- January 2015 — Online publication of the proposed rules by the Secretary of State.

- February 2015 — Public Hearings begin. AOE and DCF expect to hold about six (6) regional forums throughout Vermont in February and March 2015.
- April 2015 — Written public comment period followed by filing the Final Proposed Rules with the Secretary of State and the Legislative Committee on Administrative Rules.
- June 2015 — Legislative Committee on Administrative Rules (LCAR) votes on the proposed rules. If there are any objections by LCAR, AOE and DCF (on behalf of the State Board) must respond within fourteen (14) days.

After the final vote by LCAR, prekindergarten rules can be formally adopted by the State Board of Education.

### III. SCHOOL DISTRICT BUDGETS FOR 2015-2016

Pursuant to 16 V.S.A. § 428, “at each annual town school district meeting, the electorate shall vote such sums of money as it deems necessary for the support of schools.” Without final administrative rules implementing Act 166, School Boards cannot assure voters on Town Meeting Day (on March 3, 2015) that their school district’s proposed budget will accurately reflect the sums of money deemed necessary for the support of schools. Final clarity on the necessary expenditures for universal access to prekindergarten will not be known, with reasonable certainty, until June of 2015 at the earliest. Accordingly, Vermont’s school boards will not be able to prepare proposed budgets to voters that reflect reliable prekindergarten costs until **Town Meeting Day 2016**. See 16 V.S.A. § 563(11)(A).

### IV. SCHOOL DISTRICT BUDGETS FOR 2016-2017

Schools should plan to include funding for universal access in their 2016-2017 school year budgets.

### V. WHAT DOES THIS MEAN FOR OTHER PROVISIONS IN ACT 166?

*Answer:* This transition relief through June 30, 2016 from Section 5 of Act 166 **does not impact** the effective date or application of any other provisions of Act 166.

### VI. CAN SCHOOL DISTRICTS MAINTAIN CURRENT PRE-K PROGRAMS UNDER ACT 62 OF 2007 FOR 2015-2016 SCHOOL YEAR?

*Answer: Yes.* School districts that already provide access to pre-kindergarten under Act 62 of 2007 may continue to do so for the 2015-2016 school year. Districts that choose this option should plan and budget in the normal course for the 2015-2016 school year.

### VII. CAN SCHOOL DISTRICTS START NEW PROGRAMS UNDER ACT 166 FOR THE 2015-2016 SCHOOL YEAR PRIOR TO THE ADOPTION OF FINAL RULES?

Answer: **Yes.** AOE and DCF will work with any school district that would like to move forward with providing universal access to prekindergarten on July 1, 2015. For any school district that decides to initiate enrollments on July 1, 2015, the AOE and DCF cannot provide any assurance that cost estimates contained in proposed budgets will reflect actual costs. This may cause some transition issues, but we will help school districts that may choose to plan now for the 2015-2016 school year. In the alternative, school districts can choose to wait one (1) year as set forth in this Bulletin.



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November 25, 2014

Dear School Board Members and Superintendents,

Thank you for working with us to provide universal access to high-quality prekindergarten education for Vermont students.

Act 166, passed by the legislature on May 10, 2014 and signed into law by Governor Shumlin on May 28, provides for publicly funded prekindergarten education for a minimum of ten hours per week for 35 weeks annually for all 3-, 4- and 5-year-olds who are not enrolled in kindergarten. Following the passage of the law, the Agencies of Education and Human Services moved immediately to begin implementation.

However, Act 166 directs the State Board of Education, through a joint effort of AOE and AHS' Department for Children and Families, to propose administrative rules that clarify the fundamental elements of the new universal pre-k law. Therefore, the functional implementation of Act 166 is dependent upon the adoption of final administrative rules.

Due to the necessary time related to the drafting and promulgation of rules, these rules will not become effective until sometime in the spring of 2015.

This creates a sequencing issue as budgets will be voted on prior to the rules becoming final. This letter accompanies a transition relief bulletin that explains our decision that full implementation of Act 166 cannot occur until after the completion of the rulemaking process. Therefore, schools should plan to include funding for universal access in their 2016-2017 school year budgets.

This decision was necessary to:

- respect the statutory authority of the State Board of Education for rulemaking,
- ensure robust opportunities for public input as outlined in the APA rulemaking process,
- address the need of districts for final, accurate guidance to inform their budgeting processes this year, prior to final rulemaking.

A crucial part of the rulemaking process includes a public comment period. We are redefining when public education begins for kids, and the public needs to have the opportunity to weigh in on the content of the guiding regulations that will implement this new era of pre-k to 12 public education. Allowing the rulemaking process to be complete before moving to implementation will be a better process, and we believe good process leads to better results.

For the coming year, school districts can still move forward under existing law to provide access to high quality prek for children in their districts. If local communities chose to move forward with providing universal prek for the coming school year, AOE and DCF are committed to working with these districts on implementation. We strongly encourage all districts to continue working actively towards full implementation in the 2016 - 2017 school year, and will provide technical assistance as needed.

Thank you for your patience and your hard work. We look forward to your help as we transition to high quality prekindergarten for all our 3- and 4-year olds.

Sincerely,

Handwritten signature of Harry Chen in black ink.

Dr. Harry Chen  
Agency of Human Services, Secretary

Handwritten signature of Rebecca Holcombe in black ink.

Rebecca Holcombe  
Agency of Education, Secretary