

**From:** Richards, Alyson [Alyson.Richards@state.vt.us]  
**Sent:** Monday, November 17, 2014 9:41 PM  
**To:** Miller, Elizabeth  
**CC:** London, Sarah; Spaulding, Jeb; Coriell, Scott  
**Subject:** Fwd: preK

See below, fast work from Sarah (thank you!) Rules are already promulgated but won't be done until the spring so we had to work up interim guidance in the meantime (all indicative of unrealistic implementation timeline).

The AOE bulletin sounds ideal if we can get away with it.

What do others think?

A

Sent from my iPhone

Begin forwarded message:

**From:** "London, Sarah" <[Sarah.London@state.vt.us](mailto:Sarah.London@state.vt.us)>  
**Date:** November 17, 2014 at 9:35:09 PM EST  
**To:** "Richards, Alyson" <[Alyson.Richards@state.vt.us](mailto:Alyson.Richards@state.vt.us)>  
**Subject:** Re: preK

Thanks and sorry so hard to hear you earlier! Here's some ideas in order of preference, I defer to Glen re Board's waiver authority:

- (1) It sounds like it makes sense to slow down rulemaking etc or whatever else is key to implementation. Or, are there additional rules that weren't initially thought to be necessary but could be started now that would take a year and would actually aid in implementation?
- (2) Otherwise, could do rules etc and then do an agency of ed statement of policy regarding delayed or slowly phased in enforcement of those rules. In other agencies, Tax, DOL, DFR, etc, that generally takes the form of a bulletin.
- (3) A Governor's statement of non-enforcement of a statute is likely not ideal and technically (by statute) we don't have authority to do things via EO that are contrary to statute without legislative approval. Ideal to keep this to agency level of action/ inaction/ bulletin for purposes of thorough/thoughtful implementation, as opposed to a Governor doing an executive order that is contrary to a statute. Happy to talk more at any point.

Sent from my iPad

On Nov 17, 2014, at 9:08 PM, Richards, Alyson  
<[Alyson.Richards@state.vt.us](mailto:Alyson.Richards@state.vt.us)> wrote:

Hi Sarah,

Since things are so crazy with this ed summit, thought it made sense to lay things out in an email. Call me anytime tomorrow if you want to follow up by phone and I'll step out of the conference.

We are up against a short (and basically unrealistic) timeframe for Prek implementation - was meant to pass in 2013, passed at the end of 2014 session but effective dates were never changed. So rules are written and being promulgated, interim policy has been developed, but we're trying to figure out our options to delay implementation for one year only, without risking repeal of the bill etc.

We can ask for a legislative fix (see below), but I'm trying to figure out if we have any options at all to do this administratively. One possibility that comes to mind is a waiver - does the AOE OR the State Board of Ed have the authority to grant a one-year implementation waiver to districts for hardship (we have a clear group of districts that need more time - those that have a lot of Title I dollars in prek that they can no longer use now that it's a state mandate and those that have never operated prek before - they are all onboard to implement but need more time to plan).

Or, is there anything else we can do for temporary relief? Executive order? Non-enforcement policy (I know it sounds crazy, but USDOL just issued a six-month non-enforcement policy to its new Home Health Care rules).

Greg Glennon will be looking into this as well, but since this is Gov level at this point, I'm bringing it to you for either a clear no or a maybe, which will help me figure out next steps.

Bill is attached, proposed language to put before the legislature if we go that route instead is below:

Act \_\_\_ of 2015, amending Act 166 of 2014, as follows:

Sec. 5. EFFECTIVE DATE

This act shall take effect on passage and shall apply to enrollments on July 1, 2016. School districts may choose to voluntarily apply this act to enrollments on July 1, 2015 and after, at their discretion.

Thank you!

Aly

-----Original Message-----

From: Miller, Elizabeth

Sent: Monday, November 17, 2014 6:34 PM

To: Richards, Alyson

Cc: Coriell, Scott

Subject: Re:

Ok so call it a no for weds then

What about guidance doc can we wait ?

Sent from my iPhone

On Nov 17, 2014, at 6:16 PM, Richards, Alyson  
<[Alyson.Richards@state.vt.us](mailto:Alyson.Richards@state.vt.us)> wrote:

I don't think we'll be ready - worked on it all day today with partners at Ed summit. All agree we need more time and pledge to help us with message, get it done (funders, advocates, round table, etc) sarah Buxton spoke to Mullin and he seems to be warming to it, with conditions (prefers waiver type process). Had disheartening talk with Shap. He thinks if he brings it to the floor it will be dead. But I pushed back a little bit and he said "it is all about strategy so we should have that discussion." Not sure when we can have that conversation. He didn't seem to want to have it today with me and he is not around Wednesday. Now I'm trying to figure out if we can just administratively take action - institute a waiver process for one year or not enforce for a period of time (fed govt just announced non-enforcement strategy on their home health worker rule). Talking with Sarah and Greg glennon just to

be sure that we are aware of all options so we can have informed conversation. A lot to do before wed...

Sent from my iPhone

On Nov 17, 2014, at 5:39 PM,  
"Miller, Elizabeth"  
<[Elizabeth.Miller@state.vt.us](mailto:Elizabeth.Miller@state.vt.us)>  
wrote:

Are we really doing pre k weds or  
no?

Sent from my iPhone

<Act 166 - Universal PreK.PDF>