

From: Holcombe, Rebecca [Rebecca.Holcombe@vermont.gov]
Sent: Tuesday, September 27, 2016 7:14 PM
To: Pepper, James
Subject: Fw: PreK and ECSE

FYI

Rebecca Holcombe, Secretary of Education
Vermont Agency of Education
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Barre, VT 05641
(802) 479-1060
Rebecca.Holcombe@vermont.gov

From: Fowler, Amy
Sent: Tuesday, September 27, 2016 6:42 PM
To: Wisdom, Leslie
Cc: Edwards, Karin; O'Shaughnessy, Clare; Rogers, Kate; Holcombe, Rebecca
Subject: RE: PreK and ECSE

Great- thank you- we are concerned because every day the providers deny services the school systems are prevented from providing mandated IDEA services that put them at risk of non-compliance on that front.

Amy Fowler, EdD

Deputy Secretary
802-479-4308 (phone) 802-917-2065 (mobile)

From: Wisdom, Leslie
Sent: Tuesday, September 27, 2016 6:40 PM
To: Fowler, Amy

Cc: Edwards, Karin; O'Shaughnessy, Clare; Rogers, Kate; Holcombe, Rebecca
Subject: RE: PreK and ECSE

Hi Amy,

I have not had a chance yet this week to speak to Ken and Reeve about this. I hope to do so tomorrow. I'll be in touch soon.

Thank you!

Leslie

[Leslie Wisdom](#)

[General Counsel](#)

[Department for Children and Families](#)

tel. [802.241.0944](#)

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From: Fowler, Amy

Sent: Tuesday, September 27, 2016 6:38 PM

To: Wisdom, Leslie <Leslie.Wisdom@vermont.gov>

Cc: Edwards, Karin <Karin.Edwards@vermont.gov>; O'Shaughnessy, Clare

<Clare.OShaughnessy@vermont.gov>; Rogers, Kate <Kate.Rogers@vermont.gov>; Holcombe, Rebecca

<Rebecca.Holcombe@vermont.gov>

Subject: RE: PreK and ECSE

Hi Leslie-

Sorry to be a bother, but we have received two more similar questions this week. It would help to know the anticipated release of this information to providers through CDD.

Amy Fowler, EdD

*Deputy Secretary
802-479-4308 (phone) 802-917-2065 (mobile)*

From: Fowler, Amy
Sent: Friday, September 23, 2016 7:50 PM
To: Wisdom, Leslie
Cc: Edwards, Karin; O'Shaughnessy, Clare; Rogers, Kate
Subject: RE: PreK and ECSE

Hi Leslie-

We agree with your interpretation and would greatly appreciate a memo from CDD to providers. When do you think that may be possible to execute?

Amy Fowler, EdD

*Deputy Secretary
802-479-4308 (phone) 802-917-2065 (mobile)*

From: Wisdom, Leslie
Sent: Tuesday, September 20, 2016 1:42 PM
To: O'Shaughnessy, Clare
Subject: RE: PreK and ECSE

Hi Clare,

Would a SLP already have been fingerprint cleared by a school district? I'm asking because I am not sure that the rules are necessarily at odds with another, but perhaps there is confusion about the differing requirements. If the SLP is fingerprint cleared as a matter of course because of her/his role with the school, then we just need to educate our providers that the CDD rule is not a barrier.

Thanks,

Leslie

[Leslie Wisdom](#)

[General Counsel](#)

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From: O'Shaughnessy, Clare
Sent: Tuesday, September 20, 2016 10:55 AM

To: Wisdom, Leslie <Leslie.Wisdom@vermont.gov>

Subject: PreK and ECSE

Leslie:

We need your legal opinion on an issue between a public school and a private prequalified preK provider.

An SLP was sent by the school district to provide speech and language services to a preK student in accordance with the child's IEP. The preK provider would not let the SLP provide direct services to the student (i.e. be left alone with the child), citing CDD licensing regulations.

Childcare Licensing Regulations (page 87):

7.2 Background Checks and Appropriate Clearances

7.2.4 The licensee shall ensure that no person shall be left alone with children without approval from the Division (CDD) which shall be based on the results of the background check to include fingerprinting.

These regulations are generally in opposition to the PreK rules (jointly developed).

PreKindergarten Education Rules state:

2603 Access to PreK Education

(6) A child receiving Early Childhood Special Education (ECSE) services may receive those services in a prequalified PreK education program. A local education agency may, but is not required to, provide ECSE services outside of the LEA, even if a child is attending an out-of-district PreK program

2606 Requirements of Prequalified PreK Program

(1) Any prequalified public or private prequalified PreK education program shall:

- a. Adhere to all applicable federal and state laws including, but not limited to, Part B of IDEA, Section 504 of the Rehabilitation Act of 1973, the American with Disabilities Act (ADA) and Title VII of the Civil Rights Act of 1964.
- g. Permit on-site visits, announced and unannounced, by representatives from the Agency of Education, the Department for Children and Families, and School District staff;
- j. with respect to children receiving ECSE services who are enrolled in the PreK education program, comply with requirements of state and federal laws governing IDEA Part B and Early Childhood Special Education, including allowing access to ECSE service providers

Can you advise if you agree these rules/regulations are in conflict and can you propose a solution both immediate and long term?

