

This document is organized into two parts:

- 1) General process comments related to rulemaking (e.g. behaviors and factors we will demonstrate in rule making process)
- 2) Pre-K Talking Points

### General process comments

Rulemaking is statutorily defined as the responsibility of the State Board, and the formal APA rulemaking process, from start to finish normally takes about six (6) months, based upon timelines developed by the Secretary of State. Rules are not complete until approved at LCAR. Moving to implementation before allowing the rulemaking process to finish would undermine the authority of the state board of education and the opportunity for robust public comment.

In addition, as part of the rulemaking process, the Agency and SBE are mandated by statute to weigh and consider public comments. Under the APA, the final pre-k rules must appropriately account for the comments received during public comment. We cannot go into rulemaking with a predetermined rate (among other things) as public comments may question, challenge, or propose alternatives.

We are faced with a sequencing issue – final rules will not be adopted prior to budgets being completed and voted on for the coming school year. Since the rulemaking process will not be complete until after LCAR (after voters approve budgets), any guidance we provide districts is at best a draft, and subject to change.

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 (no longer k-12) public education. Districts can move forward, but do so at some risk of the rules evolving after public input.

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.

### Pre-K Talking Points

- The Agencies of Education and Human Service are issuing a bulletin for transition relief for the implementation of Act 166 designed to sequence it appropriately with school budget votes. This will allow pre-k to be implemented one year later in order to ensure thorough, high-quality and responsible implementation.
- Universal PreK is a crucial investment for our State, and communities need completed rules and guidance in order to implement this important public policy initiative.
- The functional implementation of Act 166 of 2014 is dependent upon the adoption of final administrative rules.
- Act 166 directs the State Board of Education, through a joint effort of AOE and DCF, to propose administrative rules that clarify the fundamental elements of the new universal pre-k law. These elements include the baseline quality standards for private providers

eligible to receive public funds, and the cost to taxpayers of 10 guaranteed hours of universal access (for 3-4 year olds) for 35 weeks per year.

- The vast majority of schools (80% of districts) already provide some form of prek for their 3- and 4-year olds.
- AOE and DCF immediately began informal rulemaking as soon as Act 166 passed. They have been working together diligently (with a designated team), on a weekly basis, since the beginning of July 2014, to prepare draft rules for the APA rulemaking process. The working group submitted the draft rules to the State Board of Education on September 16 and is ready to submit administrative rules for pre-filing with the Inter-Agency Committee on Administrative Rules (ICAR) in time for ICAR's next monthly meeting in December 2014.
- Rulemaking under the Administrative Procedures Act (APA), in the best case, will not be completed until June 2015.
- The APA rulemaking process, from start to finish normally takes about six (6) months, based upon timelines developed by the Secretary of State.
- A critical component of the APA rulemaking is the public comment period.
- Secretary Holcombe and Secretary Chen are in the planning stages of organizing regional forums across the state to invite public comments. We expect to invite comments at about six (6) different town hall style meetings across Vermont, so the public can be heard, in all regions of the state. Under the APA, the final pre-k rules must appropriately account for the comments received during public comment. Due to the size and scope of the new pre-k law, AOE and DCF expect a robust public comment period.
- The public comment period will be a tremendous opportunity to get feedback from all interested stakeholders, including parents, existing pre-k providers, school administrators, early childhood educators, and others who will be at the forefront of the delivery of universal pre-k services. Secretary Holcombe and Secretary Chen want to take every possible measure to ensure that the final pre-k rules have appropriately weighed and considered the questions and concerns of the public, as we transition to this new era of an expanded public education for Vermont's children.
- In short, we have a sequencing issue with the timeline of local budget votes and the completion of the rules. The pre-k rules which will implement Act 166 are still in development, and will be for the next several months as we engage the public on how best to implement universal access to pre-k for Vermont's 3-4 year old children.
- As a result, Vermont's school boards will not be able to present reliable estimates on the cost of universal pre-k to voters in time for Town Meeting Day.

- At this point, it is not prudent to require towns to vote on budgetary proposals with uncertain cost estimates. Without final rules in place, it is not possible for proposed budgets to reliably predict the impact of the pre-k law on school district budgets for the 2015-2016 school year.
- The only way for school districts to follow state law and present accurate budget proposals to voters is to phase in transition of the new pre-k law after the final rules are in place.
- While the transition to universal pre-k is being phased in over the next year, for school budget votes on Town Meeting Day 2016, school districts that would like to move ahead with implementation (based on cost estimates) for the coming school year can still do so. The AOE and DCF will work with any school district that wishes to provide estimated costs in proposed budgets for Town Meeting Day 2015 while the pre-k rules are still being developed.
- While the final cost may vary due to changes made during the rulemaking process, AOE and DCF are happy to work with local communities to expand current programs and put new programs in place. We strongly encourage districts to continue to build upon their current prek as we move towards full implementation in the 2016 – 2017 year and we will work closely with districts to continue to move forward during this transition.