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Agency of Human Services
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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