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Justin Johnson, Secretary

MEMORANDUM

TO: Superintendents
FROM: Justin Johnson, Secretary of Administration
CC: Hal Cohen, Secretary of Human Services
Rebecca Holcombe, Secretary of Education
Ken Schatz, Commissioner of Department for Children and Families
SUBJECT: Act 166 and Background Checks for Pre-K Providers
DATE: August 189 2016

I am writing on behalf of the Administration to update you on the Act 166 universal Pre-K implementation process as we prepare for this upcoming academic school year. We know that you have been working hard to implement Act 166 universal Pre-K and want to thank you for your efforts.

On June 2, 2015, Secretary Holcombe, in a memorandum to Superintendents and Principals, confirmed that the background check provisions of Section 255 of Title 16 apply to any public or private Pre-K program that receives public funds pursuant to Act 166. Questions have arisen about what it means to comply with Section 255 of Title 16 and how that requirement intersects with the ability to receive public funds pursuant to Act 166. Questions have also arisen about how the new fingerprint supported background requirement in the childcare licensing regulations adopted by the Child Development Division of the Department for Children and Families (CDD) intersect with the obligations under Section 255 of Title 16. This memorandum is intended to provide clarification on those two questions and guidance for Superintendents.

Guidance to Superintendents in Providing Act 166 Pre-K Funds to Providers

1. Individual Pre-K providers must have a contract or agreement with a school district to receive Act 166 funds.
2. Prequalification by the Agencies of Education and Human Services does not currently include a fingerprint supported background check requirement.
3. Employees of programs that were fingerprinted through their supervisory union last year will NOT need to be fingerprinted in this round of background checks.
4. In order for public and private prequalified providers that did not participate last year to be eligible for Act 166 funding:
 - a. All employees must have requested a fingerprint supported background check
 - b. Any employee who has requested a fingerprint supported background check but is awaiting results SHALL NOT have unsupervised contact with Pre-K students

- c. Superintendents may require assurances or other guarantees from Pre-K providers that any staff who have not yet been cleared through the fingerprint supported background check process will not have unsupervised access to children.
- d. The prohibition on having unsupervised contact with children will be eliminated upon receipt of a satisfactory fingerprint supported clearance

Background Check Clearance Process

Questions have also been raised about who may make the fingerprint supported background check request required by Section 255 of Title 16 and whether CDD may perform that function on behalf of Superintendents. Section 1 of Act 166 (16 V.S.A. §829(c)), provides that the Agencies of Education and Human Services jointly determine qualification of public and private providers for purposes of Act 166. All public and private Pre-K providers are currently licensed by CDD and as such are subject to thorough background check requirements through CDD. The Administration here confirms that the joint authority under Act 166 to qualify Pre-K providers under the CDD's fingerprint supported background check process will also be sufficient to meet the requirements of Section 255 of Title 16. This position is consistent with the message shared in the July 2016 memo to public and private Pre-K providers, as well as Superintendents and Principals, that CDD may provide assurances to Superintendents with respect to fingerprinting for purposes of complying with Section 255 of Title 16.

The Administration appreciates the different roles and many different players that are involved in implementing and providing Pre-K education to Vermont's 3, 4 and 5-year-old children. Thank you for your continued partnership in implementing Act 166 Pre-K for Vermont's preschool children. Our goal is to get as many Pre-K program staff fingerprint cleared before the beginning of the school year. To that end, we are working closely with VCIC to ensure that background checks for Pre-K staff are processed as quickly as possible.

If you have any questions about fingerprinting clearances by CDD, please contact Jen Benedict (802-224-6236) or Shanna Smith (802-241-0826) at CDD.