

MEMORANDUM

TO: Superintendents and Principals
FROM: Rebecca Holcombe, Secretary of Education 
COPY: Alyson Richards, Governor's Liaison; Hal Cohen, Secretary, AHS; Ken Schatz, Commissioner, DCF; Reeva Murphy, Deputy Commissioner, DCF; Jeff Francis, VSA Executive Director; Ken Page, VPA Executive Director; Steve Dale, VSBA Executive Director; Martha Allen, President, VT-NEA; Julie Coffey, Executive Director
SUBJECT: Background Checks for Pre-K Providers
DATE: July 15, 2015

As we continue to prepare for the transition to Universal Pre-K on July 1, 2016, I would like to clarify the applicability of Section 255 of Title 16 ("background check law") to private Pre-K providers that will be partnering with school districts to deliver universal Pre-K to Vermont's public Pre-K students. In 2009, the Legislature passed Act 1, "An Act Relating to Improving Vermont's Sexual Abuse Response System." In Act 1, the Legislature intended to implement a coordinated approach to stopping abuse before it happens, not just responding to the crime of abuse against a child. A key component of Act 1 was the background check provisions related to those persons who may have unsupervised contact with school children. 16 V.S.A. § 255.

With the passage of Act 166 of 2014, we have redefined when school begins for our children. With that revised definition, to now include 3, 4 and 5 year olds not yet enrolled in kindergarten, comes an expanded construct of a "school setting." This expansion of the school setting now captures publicly funded Pre-K students in a public Pre-K setting and also those publicly funded Pre-K students enrolled in a private Pre-K program that partners with a school district under Act 166.

Accordingly, **the background check provisions of Section 255 of Title 16 will apply to any person who may have unsupervised contact with Pre-K students in a public or private Pre-K program that receives public funds pursuant to Act 166 of 2014.**

Those districts moving forward with implementation for 2015-2016 are required to coordinate with partnering providers to ensure that the background check processes set forth in Section 255 are carried out. We know that you are very familiar with the background check requirements in Title 16, Section 255 as you must follow them presently for staff and contractors and others who may come into unsupervised contact with school children. For early implementers of Act 166, please comply with the requirements in Title 16, Section 255 for all private prequalified prekindergarten education providers no later than October 2015.

If you have any follow-up questions, please contact the Agency of Education Legal Division, Gregory J. Glennon, General Counsel, at 802-479-1756.