

SBE Timeline for Act 173 Rulemaking

Rule Series 2220

Vermont State Board of Education

18 November 2020, page 1 of 3

Notes: ***SBE*** indicates AoE staff to implement on behalf of SBE.

Underlined text indicates activities governed by 3 VSA Chapter 25, Administrative Procedures Act.

Squiggly underline indicates public comment period.

AOE DRAFT RULES V.1 >>> AOE DRAFT RULES V.2 >>> AOE DRAFT RULES V.3

January 2021	20 January SBE meeting: review ‘SBE Timeline for Act 173 Rulemaking – Rule Series 2200.’
February 2021	<p>early February: AoE to complete <i>AOE DRAFT RULES V.1</i>, and disseminate to SBE and stakeholder group(s).</p> <p>17 February SBE meeting:</p> <ul style="list-style-type: none"> - AoE to present <i>AOE DRAFT RULES V.1</i>. - Stakeholder group(s) to present response to <i>AOE DRAFT RULES V.1</i> with specific language for alternative revisions.
March 2021	<p>early March: AoE to complete <i>AOE DRAFT RULES V.2</i>, including response to stakeholder comments re: <i>AOE DRAFT RULES V.1</i>, and disseminate to SBE and stakeholder group(s).</p> <p>17 March SBE meeting:</p> <ul style="list-style-type: none"> - AoE to present <i>AOE DRAFT RULES V.2</i>.
April 2021	<p>21 April SBE Meeting:</p> <ul style="list-style-type: none"> - Stakeholder group(s) to present concerns with <i>AOE DRAFT RULES V.2</i> with specific language for revisions. - SBE to provide guidance to AoE for revisions, if any, to be incorporated in <i>AOE DRAFT RULES V.3</i>.

AOE DRAFT RULES V.3 >>> SBE PROPOSED RULES FOR APA RULEMAKING >>> AOE PROPOSED DOCUMENTATION FOR APA >>> SBE DOCUMENTATION and PROPOSED RULES TO ICAR

May 2021	<p>19 May SBE meeting:</p> <ul style="list-style-type: none"> - AoE to present <i>AOE DRAFT RULES V.3</i>. - SBE to review <i>AOE DRAFT RULES V.3</i> and modify as necessary. - <u>SBE to adopt <i>PROPOSED RULES</i> for APA rulemaking.</u> - <u>SBE to vote to initiate formal APA rule-making process.</u>
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18 November 2020, page 2 of 3

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June 2021	<p>16 June SBE meeting:</p> <ul style="list-style-type: none"> - AoE to present to SBE all necessary <i>DOCUMENTATION</i> required for SBE filings with Interagency Committee on Rulemaking (ICAR) and required for filings with Secretary of State (SoS). - SBE to review <i>DOCUMENTATION</i>, modify as necessary. - <u>SBE to adopt as SBE <i>DOCUMENTATION</i> for submission with filings to ICAR and SoS.</u> <p>17 June: <u>*SBE* to pre-file <i>SBE PROPOSED RULES</i> and required <i>DOCUMENTATION</i> with ICAR.</u></p> <p>*30 June 2021: Act 112 statutory deadline for SBE to initiate rulemaking.</p>
<i>SBE PROPOSED RULES COMMENT PERIOD >>> SBE FINAL RULES >>> SBE FINAL RULES TO LCAR</i>	
<u>July 2021</u>	<p>12 July: <u>ICAR to conduct hearing on <i>SBE PROPOSED RULES</i>.</u></p> <p>early/mid-July (minimum 15 days after pre-filing with ICAR, but preferably after ICAR hearing): <u>*SBE* to file <i>SBE PROPOSED RULES</i> and required <i>DOCUMENTATION</i> with SoS.</u></p> <ul style="list-style-type: none"> - <u>Eight-month APA Rulemaking timeline to begin.</u> - <u><i>Public comment period to open.</i></u> <p>mid-July (first Wednesday following filing with SoS): <u>SoS to publish online notice of <i>SBE PROPOSED RULES</i>.</u></p> <p>21 July SBE meeting: SBE to review progress in Rulemaking, adjust timeline as necessary, and plan/confirm next steps.</p> <p>late July (eight days after notice published online): <u>SoS to publish notice of <i>SBE PROPOSED RULES</i> in newspapers of record.</u></p>
<u>August 2021</u>	<p>18 August SBE meeting: (30 days or more after online notice was published): <u><i>SBE to conduct first public hearing on <i>SBE PROPOSED RULES</i>.</i></u></p>

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18 November 2020, page 3 of 3

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<u>September 2021</u>	<p>early September special SBE meeting: <u><i>SBE to conduct second public hearing on SBE PROPOSED RULES.</i></u></p> <p>15 September SBE meeting: <u><i>SBE to conduct third public hearing on SBE PROPOSED RULES.</i></u></p> <p>22 September: <u><i>SBE to close public comment period (allowing for required seven-day comment period following last hearing).</i></u></p> <p>*This timeline contemplates a public comment period of approximately two months. The SBE could shorten or extend this period if desired.</p>
October 2021	<p>20 October SBE meeting: SBE to reflect on public testimony, review <i>SBE PROPOSED RULES</i>, and determine revisions to be incorporated in <i>SBE FINAL RULES</i> to be approved by SBE in November 2021.</p>
November 2021	<p>17 November SBE meeting:</p> <ul style="list-style-type: none"> - *SBE* to present proposed <i>SBE FINAL RULES</i> for approval. - SBE to discuss proposed final Rules and amend as necessary. - <u><i>SBE to approve SBE FINAL RULES.</i></u> <p>18 November: <u><i>*SBE* to file SBE FINAL RULES with Legislative Committee on Administrative Rules (LCAR) and with SoS.</i></u></p>
December 2021	<p>early/mid-December: <u><i>LCAR to conduct hearing on SBE FINAL RULES.</i></u></p> <p>15 December SBE meeting: AoE to brief SBE to on status of LCAR review.</p>
<u>SBE FINAL RULES AT LCAR >>> SBE RULES GO INTO EFFECT</u>	
January 2022	<p>late-January: (allowing 45 days for LCAR review): <u><i>*SBE* to file SBE FINAL ADOPTED RULES with SoS.</i></u></p>
February 2022	<p>early/mid-February (fifteen days after filing with SoS):</p> <ul style="list-style-type: none"> - <u><i>SBE FINAL ADOPTED RULES to become effective unless a later date is specified in the text of the rules.</i></u> - *SBE* to notify School districts
March 2022	<p><i>(early/mid-March: eight-month maximum allowable APA Rulemaking period expires).</i></p>