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MEMORANDUM

TO: Superintendents, Principals, Headmasters and Special Education Administrators
COPY: VSA, VPA, VCSEA, VT-NEA, VSBA
FROM: Chris Case, Interim Director, Student Support Services Division
Cindy Moran, State Director of Special Education
SUBJECT: Vermont Special Education Rules Update
DATE: October 30, 2018

In a [memorandum](#) dated August 21, 2017, then Secretary Holcombe advised the field that the Vermont Agency of Education (AOE) had discovered some discrepancies between Special Education Rules 2360 - 2368 approved by the State Board of Education in 2013 and those linked to the Secretary of State website. The problem was traced to the fact that the final filing of the rule in 2013 mistakenly included a version of the rules that did not include all of the changes made during the 2012/2013 rulemaking process. This was a clerical error in the rule filing process. Many of the discrepancies were minor, being grammatical or format-related, but some were not, as addressed in Secretary Holcomb's [memorandum](#).

During the 2018 legislative session, the General Assembly enacted Act 156, sec. 4, which authorized the AOE to make a special, corrective filing of the [State of Vermont Special Education Rules](#) with the text that includes all of the 2012/2013 Board-approved changes (the "pink book" version of the rules). However, under the corrective legislation, the AOE was only able to do the shortcut filing for the rules approved by the Board in 2013. This filing excluded the supplemental rules originally published in 2013. This does not mean the supplemental rules are not valid. They just were not part of this filing. [Supplemental Rules](#) can be view online.

This process is now complete and the adopted rule – which is the same rule that appears in the pink book – is on the [Agency of Education's website](#). The link to the rule provided on the Secretary of State's website will be updated as well. However, since that involves an outside publisher, it may not happen immediately. Therefore, please refer to the corrected, adopted rule on the AOE site until the Secretary of State link has been updated.