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Agency of Education

February 3, 2022

Hon. Kathryn Webb, Chair, House Committee on Education
Hon. Brian Campion, Chair, Senate Committee on Education

Re: Legislative intent and support for AOE local foods work

Dear Chairs Webb and Campion:

Last year, the General Assembly, in Act 67, established a Locally Produced Foods program (Sec. 7) in schools, creating a new section in Title 16 (16 V.S.A. § 1264a). The goal of this program is to ensure that at least 20 percent of foods purchased by Vermont supervisory unions (SU/SDs) should be locally produced by 2023. This program creates a new requirement, effective the end of 2021, that SU/SDs report local food purchasing to the Agency of Education, as well as an incentive grant program that provides a sliding scale of additional funding per reimbursable school meal based on the percentage of locally produced food purchased by the SU/SD. To support this program, the General Assembly designated a position to support the program (Sec. 8 of Act 67), and separately appropriated (in Act 74, Sec. Sec. B.1106(a)(19)) \$500,000 to support this program.

The Agency of Education fully supports the goal of this initiative, and greatly appreciates the legislature's interest in supporting local food production and in providing healthy, sustainable meals to Vermont students. During consideration of Act 67, the Agency was clear with relevant committees that this work would need adequate support in order to be successful. We appreciate legislators' attention to this request, and the resulting designation of a position (and accompanying FY22 appropriation) to support this work. This position has been filled and is active, with the report referenced above due to the General Assembly at the end of the month.

I do, however, want to make you aware of an issue we identified while preparing the administration's FY23 proposed budget, which adds complexity and lack of clarity to this program. The use of the term "designated" above is intentional; the General Assembly did not create a position in the Agency of Education to support this work, but rather directed us to seek a vacant, pre-existing position in state government. This is a deviation from recent legislative practice in how staff resources are allocated to the Agency to support legislative initiatives. In addition, Act 67 also lacks the usual session-law language that directs the Agency to include funding for the position in future budget requests. This, coupled with the fact that the appropriation for the grant came in a separate Act, led to confusion regarding resourcing the program in the out years.



The Agency understands from our work with the General Assembly last year, that legislative intent was to create a durable, ongoing program, as well as a full time, classified service position to support it. We know that the General Assembly was mindful of our clear communication during the policy development process that this program needed commitment of financial and staff resources to be implementable and acted accordingly when structuring the program. However, the way the language in Act 67 was structured as outlined above resulted in operational confusion during the FY23 budget development process, and lack of clarity as to whether or not this was intended as an ongoing appropriation.

Working with our state government partners, we have been able to correct this issue for the coming fiscal year as a one-time appropriation. Please refer to the [Governor's Recommended Budget](#) (page 4) for proposed language. Pending legislative approval, this solves the problem in the short term; however, we remain concerned that the lack of clarity in the original act may cause further confusion during future budget development processes. In order to ensure the program is sustainable and prevent potential future RIF action of the role created to support this work, the Agency would greatly appreciate clear legislative direction that this should be an ongoing appropriation and a permanent classified service role.

If the General Assembly sees fit to provide this clarification in an appropriate legislative vehicle, we would be greatly appreciative, as we recognize the value of this program and would like to be able to sustain it going forward. Myself and my staff would be happy to help in any way we can to facilitate a positive resolution.

Thank you for your consideration of this request.

Sincerely,



Daniel M. French, Ed.D.
Secretary of Education

cc: Hon. Robin Scheu, House Committee on Appropriations (AOE Budget Liaison)
Ms. Catherine Benham, Director, Joint Fiscal Office

