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TESTIMONY PROVIDED TO: House Education

FROM: Amy Fowler, Deputy Secretary Agency of Education and Debi Price, Director of Educator Quality

TOPIC: H.612

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House Bill H.612 introduced by Representative Shaw seeks to modify a portion of Title 16 related to Speech and Language Pathologists.

The Agency of Education opposes this bill.

Background

Until 2003, there was a single endorsement issued by the Agency of Education for Speech and Language Pathologists (SLP). At the time, the primary location for employment of SLPs was in schools and educational preparation was typically focused on delivery of services within school settings. Beginning in 2003, the Agency of Education responded to requests from the field to provide different types of SLP licenses including separate clinical licenses and the educator licenses. This practice continued until 2015 when the Secretary of State requested the transition of the clinical license to their office. Given that clinical SLPs do not interact with schools, this transfer was a logical move.

However, as the Agency began working with the Office of Professional Regulation, it became clear that the responsibility for licensing SLPs was more complicated than it first appeared. The Agency had operated under the belief that we were transferring clinical licenses only; some SLPs and the OPR believed all licensing would transfer. Upon realization that dropping an educational endorsement under the auspices of the Vermont Standards Board for Professional Educators (VSBPE) would jeopardize the eligibility of school based SLPs to participate in the teacher retirement system, OPR amended their bills to transfer all clinical licensing to their office and expressly stated that an educational endorsement for SLPs would still be required from the Agency of Education.

Since the transfer of the SLP clinical license to the Secretary of State, the Agency of Education has supported the VSBPE in formal rule making including the request for public comments related to the requirements to license that came about as a result of the move of clinical licensure to Secretary of State's office and recently presented these Rules to ICAR and are in the phase of public comment until March 2, 2016. The Agency believes that providing all affected SLPs with the opportunity to comment on the Rules provides for the greatest input to decisions which impact their professional identities.

During this same time, it appears that the legislature has been working to address the issue differently through legislation. In this bill, the powers and duties of the Standards Board are amended to preclude licensing of SLPs or Audiologists through the Agency of Education, the body charged with carrying out the administrative functions of that board. The VSBPE does not currently offer an endorsement for Audiologist and does not consider them to be educators. VSBPE does confer an educator's license for SLPs.

SLPs who possess a clinical license conferred by OPR can determine if they also want an educator's license. An educator takes on specific roles related to managing special education cases, integrating their work in the academic instruction of students, supporting teaching staff in adapting curriculum and instruction and in supporting the student receiving services to improve in the specific areas of speech disorders which qualify them for services. Clinicians, on the other hand, provide direct service to students on their specific speech challenges without necessarily integrating with the educational setting. Both types of services are appropriate for schools to utilize depending on local needs.

The Agency of Education is the institution charged with conferring all educator licenses; we believe it is inappropriate to treat one educator endorsement differently than the other endorsements.

If, however, the legislature chooses to endorse this bill over the Agency's objection, we note the following gaps which remain:

1. The current bill runs the risk of not addressing the issues related to the Teacher Retirement System. This system requires that "teachers" practice in Vermont schools over a period of time. The definition of a teacher (e.g. §1691a and §1931) relates specifically to licensees overseen by the VSBPE. Amending §1694 as suggested without addressing the multiple locations in statute where definitions of "teachers" are implicated creates the opportunity for unintended consequences.
2. The current bill does not explicitly state which entity is charged with investigating cases of SLP misconduct should they occur; by statute the VSBPE is charged with investigating cases of misconduct by "teachers" while OPR is charged with investigating clinically licensed SLPs. If it is the intent that OPR will take full responsibility for investigating these cases, defining them as teachers without explicitly exempting them from the sections of Title 16 that address investigations leads to confusion.
3. The current bill would only exempt SLPs who are employed by public schools/districts/unions from applying for the second license (educator endorsement). The teacher retirement system confers credit for VSBPE endorsed educators who work in other school settings in Vermont. This language creates a further inequity and confusion about what those working in other settings would do in regards to retaining their license as educators.

The Agency would support the legislature in requesting a study to survey the field of Speech and Language Pathologists in much the same way that the Secretary of State conducted a review of the term "social worker" prior to enacting statutory changes as currently proposed. The Agency of Education would defer to the results of the findings of that study as to whether or not Speech and Language Pathologists believe there should be a separate license or endorsement for education related Speech and Language Pathologists executed by either OPR or the Agency of Education or both.

Further, the Agency recommends that the legislature request testimony from the Treasurer's office to understand the full implications of making changes to definitions which impact the teacher retirement system. The Agency is not well versed enough on their practice to know what, if any, financial impact this change may affect for taxpayers in the long run.