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To: House Education Committee
From: Nicole Mace, Executive Director
Re: S.217
Date: April 6, 2016

S.217 proposes to move all elements of professional licensure of educational speech-language pathologists (SLPs) to the Office of Professional Regulation (OPR). Under current law, OPR provides the clinical license for SLPs, which is a prerequisite of the educational endorsement that the Agency of Education provides. The endorsement is necessary for an SLP to work in an educational setting.

The Agency of Education is the appropriate home for the credentialing of professionals who work in our public schools. The implications of taking that authority away from the Agency of Education are potentially detrimental for educational quality around the state.

The issue I would like to address today are implications of the proposed changes in Section 3 of the amended version of S.217 submitted by Deputy Secretary of State Chris Winters. The relevant language is as follows:

§ 1691a. DEFINITIONS. As used in this chapter:

*(10)(A) "Teacher" means an individual licensed under this chapter or **an individual licensed under Title 26 who holds a corresponding endorsement under this chapter**, the majority of whose employed time in a public school district or supervisory union is assigned to furnish to students direct instructional or other educational services, as defined by rule of the Standards Board, or who is otherwise subject to licensing as determined by the Standards Board.*

My understanding is that this language has been proposed by the Vermont-NEA for the purpose of ensuring that SLP's who are currently covered by a collective bargaining agreement and are eligible for the State teachers' retirement system will continue to be covered in the transition from AOE to OPR. It is not precisely clear to me how changing this definition affects the definitions in 16 VSA 1931(20) and 16 VSA 1981(5). However, assuming this proposed language change accomplishes that

goal, it could extend eligibility for those benefits well beyond those that are currently covered to other professionals licensed under Title 26.

The language in Section 4 states, “Where the Standards Board finds that a class of individuals licensed pursuant to Title 26 performs services within schools that constitute direct instructional or other educational services, the Standards Board shall develop an appropriate endorsement...”. Among the professions licensed under Title 26 are: Occupational Therapists, Social Workers, Alcohol and Drug Abuse Counselors, Clinical Mental Health Counselors, and Applied Behavior Analysts. Many of these professions perform services in schools but not all currently have the ability to obtain an endorsement. This language appears to require the Standards Board to provide an endorsement to anyone working in schools. Working together with the language in Section 3, it could significantly increase the number of professionals eligible for the teachers’ retirement system and collective bargaining rights.

The proposed language in S.217 could have a significant impact on the quality of the system designed to ensure we have the highest quality professionals providing educational services to students. It could also significantly raise costs by increasing the number of individuals eligible for VSTRS and benefits under a collective bargaining agreement.