

Agency of Education Comments Regarding S. 217

S. 217 contains several (major) significant policy proposals that directly affect public education. These proposals include (i) a proposal to transfer licensure of certain educators to the exclusive (licensure) jurisdiction of the Secretary of State/OPR; (ii) a study to evaluate whether educator licensing should remain with the Agency of Education; (iii) changes to how certain educators are classified for purposes of the Vermont State Teachers' Retirement System.

Key Summary Points

- There is no evidence this proposed change in law will do anything, or is even geared to improving student outcomes
- The legislature has not heard testimony from any representatives of the vast majority of educators affected by this legislation (over 1,000)
- This legislation would make substantive changes to determining eligibility for the State Teachers' Retirement System yet there has been no testimony taken from the State Treasurer's Office.
- This legislation directly affects the operations of the Agency of Education and Vermont's school districts and supervisory unions, yet the matter has not had a full debate in either education committee of the General Assembly
- There is no evidence to support the need for a study, by OPR, to determine if all educator licensing should be transferred to OPR
- AOE will experience a significant loss in revenue.

Transfer of Certain Educators from AOE to OPR for Licensure

S. 217 proposes the immediate transfer of about 1,200 educator licensees who also hold a clinical license with OPR to the sole jurisdiction of OPR. This includes, for example, speech language pathologists, school nurses, school psychologists, and CTE instructors like architects, engineers, and cosmetologists.

The impetus for the bill is dissatisfaction among some SLP's with Act 38 of 2015. Act 38 transferred clinical licensure from AOE to OPR. This change made sense. OPR is in the business of clinical licensure and issues clinical licenses for other educators like school nurses, school psychologists, and various CTE instructors.

Some SLP's who teach in the public schools argue that it is unfair for SLP's to have to pay a fee to two licensure bodies for distinct licenses.

There are about 500 educators in Vermont that are school based SLP's. Based on the feedback we have received at AOE from SLP educators and various key stakeholder

groups, AOE believes that a minority of SLP educators support this change. Even assuming SLP educators are evenly divided (or even a small majority supports this move), how does that correlate to moving an additional 800-900 educator licensees to OPR, who have not even weighed in on this proposal?

Moreover, the legislature has not taken testimony from a single school administrator on how this change might impact local systems. WCSU Superintendent Steven John is also Chair of the Vermont Standards Board for Professional Educators (VSBPE). VSBPE is the Board that was created in 2006 by Act 214. It is a teacher majority board that established a peer based system for developing licensure standards and rules for educator licensure. Mr. John has submitted written comments in opposition to this bill. His comments speak for themselves. Of particular note are Mr. John's comments, from the perspective of a superintendent, as to how changing licensure from AOE to OPR would affect school administrators:

"The role of the AOE is not merely ministerial in administering the policies of the Standards Board, and issuing licenses. It is much more than just checking off a box that certifies someone is eligible to teach in the public schools. It is critical that AOE retains its administration role. This is not about form. This is about substance. The AOE has highly trained staff that can respond to the unique needs of Vermont's school leaders and classroom teachers with highly technical and individual questions. This expertise will be lost to the field under the proposed bill. This is not in the interests of school administrators and educators. As a superintendent of schools and longtime administrator and teacher in Vermont, I can assure you that we (teachers and administrators) need the resources of the AOE and the Local Standards Boards to insure compliance with and the values of Vermont's standards for a professional educator's license."

First and foremost, Chairman John points out that any change along these lines should be driven by a policy purpose that directly relates to improved outcomes for our students.

The Proposed Study

AOE believes that the legislature should not order a study by OPR, as to whether educator licensure should remain with AOE, or be transferred to Secretary of State/OPR. At the very least, this proposal, which carries huge public policy implications, should be fully considered by the education committees of the General Assembly. AOE strongly opposes any effort to transfer educator licensure from AOE to OPR.

From a policy perspective, AOE believes it makes no sense to go through the exercise of a review of our licensure processes by OPR. Federal law requires that educator licensing and teacher quality function as an integrated process through the State's Education Agency. See Pub. L. 114-95. Accordingly, federal funding for AOE is tied to these requirements, including a robust licensure process within the State's Education Agency that credentials high quality licensees ("high quality teachers") to lead and teach in our public schools. Any outcome of the proposed study that recommends a change to the *status quo* would likely be unaligned with federal law. Furthermore, a recent federal study on professional licensure consolidation (as

OPR proposes at our state level) was explicitly rejected in the educator context for these very reasons.

Practically speaking, AOE's licensing process is ranked first in the nation by for promoting student safety, according to a long term 50 state study of educator licensure systems by *USA Today*, which was just published in February 2016 (see attached summary). Of equal import is the fact that we have amazing, high quality teachers in the State of Vermont. This is due in large part to our robust (but fair) educator licensure process which is a peer-based system established by the (teacher majority) Vermont Standards Board for Professional Educators. There is no evidence that the current system is broken and in need of being fixed. A call for a study about the very existence of the present scheme should be supported by the evidence.

Impact on VSTRS

S. 217 would have major ramifications for the Vermont State Teacher Retirement System. Presently, the State Treasurer/VSTRS is able to identify member eligibility for these educators by verifying public school district (or supervisory union) employment and an educator license issued by the VSBPE. Under S. 217, this simple and highly functional system would fundamentally change. If these educators are licensed by OPR exclusively, VSTRS (under S. 217) would have to review the contractual terms of individual employees in a school district or supervisory union, and verify the terms of employment, and make an eligibility determination. This would be cumbersome and fraught with the potential for human error. The last thing we should be doing is making it more difficult for VSTRS to identify eligible participants. And we certainly want all of our educators who have rightfully earned a teacher pension to collect that pension without the kind of confusion that this proposed change in licensure process will likely cause.

Fairness for All Teachers in Conduct Expectations

By removing these 1,200 educators from the definition of educator in the education laws, the Code of Ethics for Educators would no longer apply. The Code of Ethics is part of the Administrative Rules of the Vermont Standards Board for Professional and serves an important guidepost for all educators in understanding professional conduct obligations and expectations, as set forth in the education laws, at Chapter 51 of Title 16. AOE does not believe it would be good public policy to have two different classes of teachers in a school building regarding in the application of licensing conduct rules for all educators. This would be bad public policy and cause confusion in an area where we cannot afford to have any confusion about professional conduct expectations.

Executive Role of the Standards Board for Establishing Licensing Standards

VSBPE's role, *vis a vis* the educators that would transfer to OPR's sole jurisdiction, would become advisory. Presently, AOE administers the rules, policies and procedures of the VSBPE. The teacher majority VSBPE does the policy, AOE does the administration. Under S. 217, OPR would gain executive authority and VSBPE's role would be advisory, as to educator licensure for these educators. This is contrary to the policy purpose of Act 214.

The public deserves to have professional educators determining these standards, not OPR, which is a clinical licensure office. Moreover, all of these affected educators deserve to have a seat at this table. SLP educators, school nurses, school psychologists and CTE instructors are as much a teacher and educator as their colleagues.

Loss of Revenue to AOE

AOE will experience a significant loss of revenue if S. 217 passes and is enacted. We expect losing annual license fees in the amount of (about) \$100,000. These fees directly pay for positions in our Licensing Office. We would need a commensurate general fund increase or evaluate which state activities to terminate to compensate for the lost revenue, or we would have to ask the legislature to increase fees on the remaining educators. We gained some operational efficiencies with the transfer of clinical licensure for (just) SLP's to OPR, this year. However, those efficiencies have been harvested. We will be left with work we need to do, but with reduced funding to support staffing necessary to do the work.