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MEMORANDUM

To: Hon. Senator Jeanette White, Chair, and the
Senate Committee on Government Operations
From: Colin Benjamin, Director, Office of Professional Regulation
Re: Smarter Government Licensing Solution through S.217
Date: March 7, 2016

I would like to address Ms. Fowler's most recent and grossly misleading submissions to you, including her proposed revisions to the bill. Let me be clear:

- No one has proposed removing or diminishing teacher certification standards;
- No one questions the AOE's and VSBPE's important role and authority in setting standards and monitoring teacher quality – this bill does not affect either;
- AOE's concerns stem from a misguided, inconsistent, unwarranted and unevenly applied view of licensing, re-enforcing the need for S.217;
- As public servants, we owe it to our licensees, employers, and school systems to make this process as simple as possible;
- This is quite simply about smart government and the duplicate licensure of clinical treatment professionals *already licensed* under Vermont's Title 26.

I have been present for every Committee hearing on S.217 thus far, and I have never heard anyone involved say, or suggest, that the White House supported "this" consolidation. Whatever Ms. Fowler thinks she heard, her "surprise" is worth examination since she erroneously believes, and in turn has communicated her mistaken belief to various federal officials, that S.217 in some way diminishes educator licensing standards. Nothing could be further from the truth.

S.217 simply eliminates duplicate, overblown and unnecessary licensing administration, otherwise known as red tape, for a large group of teachers by allowing one state agency, not two, to license them. Educational licensing standards are unaffected by the bill and AOE continues to have jurisdiction to establish and further revise them. The White House report does not address teacher licensing standards at all. Rather, the report recommends broad solutions meant to address unnecessary restraints of trade caused by state professional licensing requirements.

Among the recommendations are the use of sunrise and sunset criteria for initial and continuing regulation and the creation of umbrella licensing agencies such as OPR that can provide

appropriate and consistent state supervision and less red tape for the marketplace.

Despite the fact that S.217 in no way diminishes licensing standards, Ms. Fowler elicits a response from an official at the U.S. Department of Education, Blake Harden, who somehow falsely believes that “this” consolidation, apparently some fictional version of S.217, gets rid of “teacher certification agencies” and “teacher certifications.” Set up by Ms. Fowler as a threat to “high quality teachers,” is it any wonder Department of Education officials question the merits of S.217?

It would be interesting to know the substance of the information and summary of testimony that was provided to the Department of Education regarding S.217 prior to eliciting a response. It seems clear that these federal officials did not understand that the teachers covered by the bill are speech language pathologists, occupational therapists, nurses, social workers, behavior analysts, physical therapists, and other clinical treatment professionals licensed under Vermont’s Title 26. Of course, S.217 has nothing to do with math and social studies teachers, and the like, who are singularly licensed at AOE pursuant to Title 16.

It also seems clear that it was not understood by these federal officials that the teachers covered by S.217 and currently licensed through two separate Vermont state agencies with two separate fees, are *primarily licensed* through OPR, not AOE, and in fact *do not need the educational license or the approval of AOE to practice in Vermont’s public schools*. In other words, these federal officials do not appear to have taken into account that *OPR’s license is required to practice in public education, but AOE’s endorsement is not*.

Finally, and most importantly, it does not appear that Ms. Fowler clearly explained that nothing in the bill harms educational licensing standards. As the Committee by now appreciates, S.217 doesn’t get rid of teacher licensing agencies or teacher licensing. All S.217 does is authorize OPR to provide the licensing administration services to meet the licensing standards already established.

The proposed amendments offered by Ms. Fowler reflect the lack of understanding outlined above and are completely misguided. Briefly, her solution to the present problem of a board of teachers at AOE redundantly licensing professionals already licensed through OPR is to have this same teacher board, with no medical training, background, or expertise whatsoever, license professionals whose primary training is in the area of speech language pathology, occupational therapy, nursing, social work, behavior analysis, and physical therapy simply because these clinical treatment professionals find their way into public education.

Ms. Fowler suggests to the Committee that, under her proposed amendments, only if one of these professionals chooses to work in both education and in the private sector would they then be required to have two state agencies involved in their professional licensing. Lost in her analysis is the glaring fact that presently these professionals can *already work in both sectors without approval from AOE* as long as they possess the underlying license from OPR. It is only if the OPR-licensed professional and a school district wish to have said licensee employed as a full-

time school staff member eligible for retirement benefits that the AOE *endorsement* becomes necessary.

The Secretary of State's Office takes great pride in providing excellent customer service and good government solutions. We have an obligation to listen to our customers and continuously improve how we serve them. In sum, Ms. Fowler's proposals do not advance smarter government.

I will also be present on Wednesday should the Committee have questions related to this response.