

TESTIMONY PROVIDED TO: Senate Education
FROM: Amy Fowler, Deputy Secretary Agency of Education
TOPIC: S. 217 and H. 562
DATE: April 12, 2016

RE: S. 217 and H. 562

AOE states as follows in regard to S. 217 and H. 562:

Factual Background

1. The AOE agreed to moving clinical licensure for SLP's to the Secretary of State/OPR in 2015. All parties understood that with the enactment of Act 38 of 2015, SLP's would receive a clinical license through OPR, and an educator license through AOE. This change aligned SLP educator licensure process with school nurses, school psychologists, certain CTE instructors, etc. OPR handles clinical licensure for these occupations. Individuals who want to work in the public schools are still required to hold an educator license. This has always been the case. Changes made last year at the request of OPR did not disturb the status quo of educator licensure for SLP educators. Act 38 of 2015 preserved the education policy status quo and simply transferred a non-education function, the clinical licensure of SLP's, to OPR (a clinical licensure body). This was a logical, non-controversial change.
2. Act 38 of 2015 took effect on September 1, 2015. Some SLP educators (there are about 500 in Vermont) have voiced dissatisfaction that there is now a requirement for licensure (clinical and educator) with two (2) bodies in state government, AOE and OPR. There is no evidence that this sentiment reflects a majority view of SLP educators. AOE believes it is a minority viewpoint among SLP educators. In fact in our recent rule making around SLP licensure no comments were received regarding dissatisfaction with SLP licensing procedures at AOE.

This Legislation Affects Far More Licensees than just SLP educators

3. There are over 1,000 dual licensees affected by this legislation. Despite the SOS assertion that this applies only to SLPs, the language in the amended bill does not clearly specify that it applies only to that particular endorsement. Actual language requires that any individual with dual licenses would be subjected to this change.

It does not make sense to extrapolate dissatisfaction among a few SLP educators (perhaps 100-200) as a basis to transfer the educator licensure of over 1,000 licensees from AOE to OPR. That is not evidence of a need to change the educator licensure process for at least 1,000 other educators who are not voicing concerns about the process. Moreover, there are many SLP educators making their voice heard in opposition to S. 217. At a minimum, the voices of all affected educators, including the superintendents and principals who supervise these educators, should be heard in this debate-- not just SLP educators.

S. 217 Proposes to Study the Transfer of All Educator Licensure to OPR

4. The position of the Administration is to strike Section 2 of S. 217 and combine this reporting with reporting sections of OPR bill (H.562); here is the related language for H. 562 the Administration supports:

H.562:

1. Add "and committee of jurisdiction for the underlying field of regulation" as recipient of reports in sec. 1 of bill, 26 V.S.A. § 3104(d) of existing law

2. Add an additional sub-section to 3104 stating that:

"For review of any regulatory law outside of its jurisdiction, the Office shall submit a report pursuant to subsection (b) in conjunction with the agency with jurisdiction over the licensing of the relevant profession. In the event the Office and the agency with jurisdiction do not agree on any aspects of the report, the report shall incorporate separate responses of the Office and agency with jurisdiction."

Role of the Vermont Standards Board for Professional Educators (VSBPE)

5. The revised text of S. 217 would create a co-executive between the Secretary of State/OPR and VSBPE on development of standards and requirements for an educator license for the (over) 1,000 licensees OPR seeks to receive under its jurisdiction. VSBPE is the sole executive authority for teacher licensure in Vermont. Why would a clinical licensure office share executive duties with VSBPE? AOE administers VSBPE's rules, policies, etc. We are the Education Agency and do not share executive authority for licensure with VSBPE; it is unclear why VSBPE would share this policy making duty with a clinical licensure office. It is also unclear who would provide the financial support for this dual process and guidance to the VSBPE.

Lost Revenue and increased costs for AOE

6. The fees collected by AOE from these educators are far greater than \$20,000 per year, which is the figure SOS is using. The simple arithmetic puts the figure more in the range of \$80,000 to \$100,000. AOE would lose the following fees, among these educators:
- A. application processing fee of \$50 (for either a 3 or 5 year license term)
 - B. \$50 per year for the term of the license (for either a 3 or 5 year license term)
 - C. \$10 fee for official copy of license

We anticipate between 5 and 8% reduction in fees in any given year. The AOE will have to terminate existing state services to compensate for this lost revenue, or seek a fee increase among remaining educator licensees from the legislature. The AOE does not have a surplus of general funds that can be repurposed without eliminating services.

Beyond the lost revenues, resources (time and money) will need to be set aside to support data transfer protocols and collaboration between the SOS and the AOE. The Committee is well aware of the limited general funds supporting the AOE. In addition, asking us to dedicate any amount of time and energy to something that does not promise to improve educational outcomes is a distraction from the critical work with which we are charged. Obligations include:

- A. *Establishing a secure data sharing agreement and methods for exporting data between OPR and AOE including the formal infrastructure, staff time for creating agreements and for managing the data set up.* These are likely one-time costs but they are costs that must be met. Given there is no mechanism for OPR to cover these costs in the current bill, we assume the costs will be borne by the AOE by postponing core work that would otherwise be accomplished.

- B. *Financial costs incurred by the Agency when the VSBPE seeks to exercise its statutory authority over these licensees.* The AOE is tasked as the administrative support for VSBPE. If the bill passes, the AOE will continue to fund the VSBPE costs in full (despite a 10% reduction in fees) and will have to cover integrated support to OPR.
- C. *There are clear costs to creating the report requested by S. 217 for the Agency.* If the bill passes, the likely time frame for completing the report coincides with the busiest time for licensing for educators (summer) and during the same times that we are also preparing our State Plan for the new federal Every Student Succeeds Act. The AOE cannot afford to divert attention from these two critical functions to complete this report if there is no intention to move licensing to OPR as Deputy Winters recently testified. The legislature is well aware that the AOE is thinly staffed. Asking us to do work that is not intended to lead to change is a waste of valuable resources for the state.

Simplicity for Some, Confusion for Many

- 7. The argument that this change would streamline a cumbersome licensure process or result in efficiencies is not supported by the evidence. These proposed changes to state law will cause duplicative efforts in data collection and federal reporting and result in new costs associated with creating a reporting system.
- 8. School administrators will now have to deal with two different licensure bodies for educator licensure. This will undoubtedly create process issues that do not presently exist for the field. Currently, a superintendent of schools can work through AOE's licensing office for any/all educator licensure questions affecting an educator employee or a prospective hire. This specialized expertise will be lost if OPR absorbs educator licensure into its general operations.
- 9. The revised text of S. 217 does not resolve the issues already identified with respect to VSTRS and conduct expectations for all educators. It only confuses them. If OPR and the VSBPE cannot agree on the need for any specialized educator endorsement, as the language of this bill requires, then the same issues relative to VSTRS eligibility and conduct expectations remain. Why would we want to inject this confusion and uncertainty into these processes, where none presently exist?

Conclusion

10. There is no clear public policy rationale for the changes to educator licensure being proposed by the Secretary of State's Office. No one has made any suggestion it is geared toward improving student outcomes. The legislation is complex and will have many consequences, foreseen and unforeseen. The evidence should support any changes of this magnitude to existing practice, especially considering that there is good evidence that the existing system works well. The Secretary of State's Office has not made the case that there is any pressing need for these sweeping changes, nor is there any acceptable level clarity with regard to serious collateral consequences relating to this legislation (i.e., VSTRS confusion, lost revenue to AOE, the role of the VSBPE, etc.).