

TESTIMONY PROVIDED TO: Senate Education Committee  
FROM: Dr. Amy Fowler, Deputy Secretary Agency of Education  
TOPIC: Miscellaneous Education Bill, SLP Licensure  
DATE: March 1, 2017

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Testimony is based on this version of 17-0763:

<http://legislature.vermont.gov/assets/Documents/2018/WorkGroups/Senate%20Education/Committee%20Bills/17-0763%20Misc.%20Ed.%20Bill/W~James%20DesMarais~D.R.%2017-0763%20Draft%20No.%203.1,%202-22-2017~2-23-2017.pdf>

**Summary of the bill:**

1. Amends Title 26 to create a new definition for “School-based speech-language pathologist” who would be exempted from requiring a clinical license for Speech Language Pathology through the Office of Professional Regulation (OPR). These individuals would be solely licensed by the Agency of Education.
2. Directs the Agency of Education to issue new licenses to “School-based speech-language pathologists” on September 1, 2017.

**Position:** The Agency of Education is open to this legislative change in practice with the following amendments:

1. We would like to recommend replacing “School-based speech-language pathologist” with “Educator: Educational Speech Language Pathologist” as this is the current title of the Educator license and endorsement. By using consistent language we will be reducing changes and confusion for constituents.
2. The AOE will need time to appear before ICAR and LCAR to adjust the rules related to this endorsement. Those rules currently require a clinical license with OPR a pre-requisite for educator licensure. This could be replaced with OPR’s current requirement for national certification through ASHA. If the effective date were January 1, 2018 it would reduce confusion in the field during renewal season which has already started.
3. Currently, all SLPs who were originally licensed as educators through AOE before the transfer to OPR have an active Educator License with an SLP Endorsement so there is no need to “re-issue” licenses. We recommend deleting Section 28 Transitional Provision (a)(1) and (a)(2).
4. We would not oppose inserting language that makes it clear that Educator: Educational Speech Language Pathologists are not permitted to provide SLP services outside of a school environment to make this more amenable to OPR.
5. Currently contracted services for Speech Language Pathology in schools can be performed by those with only a clinical license. The definition would alter this current arrangement. We recommend reconsidering this passage.

**Potential Risks and Benefits to the Bill as written:**

**Risks:** In prior discussions both the Senate Committee for Government Operations and the Secretary of State’s office objected to the bifurcation of licensing for profession based on the location where that work was performed.

**Benefits:** This bill would reduce the double license fee and process for the approximately 500 Educator-Educational Speech Language Pathologists in the state without incurring additional costs related to processing licenses and no risk to their educator benefits. This bill keeps all educator licenses under the jurisdiction of the Vermont Standards Board for Professional Educators avoiding bifurcation that impacts participation in the teacher retirement system.

## Additional Background:

### *Why the need for two licenses?*

The Office of Public Regulation confers licenses for professions- in the case of SLPs we refer to this as the “clinical license.”

The Agency of Education confers educator licenses with a series of different endorsements, among them the SLP endorsement. In order to be considered an educator for purposes of working under an educator contract and to participate in the benefits, including the retirement system individuals must have a license assigned by the AOE on behalf of the Vermont Standards Board for Professional Educators. See definition of “teacher (20)” here: <http://legislature.vermont.gov/statutes/section/16/055/01931>.

### *What does the Educator License require beyond the Clinical License?*

The clinical license looks at the specific skill set required to engage in SLP work. The Educator license adds additional requirements for what it means to do this work in a school setting. Below is a screen shot of the requirements that are validated by AOE licensing staff for SLPs. The requirements listed below are not required for OPR licensure or ASHA certification.

Category	Competencies
General Requirements	A conferred master’s degree or doctoral degree in Speech Language Pathology from an educational institution approved by the American Speech Language-Hearing Association (ASHA)
	A current Clinical license as a Speech Language Pathologist in the state of Vermont
Professional Knowledge	Special Education Law: Current state and federal laws, regulations, and procedures governing the referral, identification, evaluation, eligibility determination, educational placement and accommodation of individuals with communication delays and disorders
	The relationship of language and literacy and role of school based SLP: Teaching strategies and accommodations which support the learning of individuals with communication delays and disorders, including instructional methodologies and augmentative or alternative communication systems that support language development and/or communication in all modalities
	The relationship of language and literacy and role of school based SLP: The impact of communication delays and disorders on development across the domains and on the results of other forms of assessment (e.g., psychosocial, cognitive, or vocational)
	The relationship of language and literacy and role of school based SLP: The impact of receptive or expressive language delays or disorders (including hearing loss or auditory processing disorder) on the acquisition of literacy

Most frequently, SLP services are provided to students under their special education plans. Jo-Anne Unruh from VCSEA would be a valuable contact if the Committee is interested in hearing more information.

### *Prior Testimony in 2015-16*

1. Initial review of S 2017:  
<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Government%20Operations/Bills/S.217/S.217~Amy%20Fowler-Testimony~2-17-2016.pdf>
2. Alternative language for exemptions to Title 26 licensure requirements:  
<http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Government%20Operations/Bills/S.217/S.217~Amy%20Fowler-Proposed%20Alternate%20Language%20to%20S.217~3-8-2016.pdf>
3. Outline of three different options for SLP licensure:  
[http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Government%20Operations/Bills/H.562/H.562~Rebecca%20Holcombe~AOE%20Testimony%20\(follow%20up\)~4-26-2016.pdf](http://legislature.vermont.gov/assets/Documents/2016/WorkGroups/Senate%20Government%20Operations/Bills/H.562/H.562~Rebecca%20Holcombe~AOE%20Testimony%20(follow%20up)~4-26-2016.pdf)

\* \* \* Speech-Language Pathologists \* \* \*

Sec. 26. 26 V.S.A. § 4451 is amended to read:

§ 4451. DEFINITIONS

As used in this chapter:

(5) "Educational Speech Language Pathologist" ~~school based speech language pathologist~~ means a speech-language pathologist who is employed by or contracts with, for the purpose of providing speech-language pathology, to a supervisory union or public school district in Vermont or an independent school approved for special education purposes.

~~(5)~~(6) "Secretary" means the Secretary of State.

~~(6)~~(7) "Speech-language pathologist" means a person licensed to practice speech-language pathology under this chapter, but shall not include an Educational Speech Language Pathologist ~~school based speech language pathologist.~~

~~(7)~~(8) "Speech-language pathology" means the application of principles, methods, and procedures related to the development and disorders of human communication, which include any and all conditions that impede the normal process of human communication.

Sec. 27. 26 V.S.A. § 4454 is amended to read:

§ 4454. CONSTRUCTION

(a) This chapter shall not be construed to limit or restrict in any way the right of a practitioner of another occupation that is regulated by this State from performing services within the scope of his or her professional practice.

(b) This chapter shall not be construed to apply to an Educational Speech Language Pathologist ~~a school based speech language pathologist~~, even if the Educational Speech Language Pathologist ~~a school based speech language pathologist~~ also provides speech-language pathology outside a school environment. An Educational Speech Language Pathologist ~~a school based speech language pathologist~~ shall be subject to the licensing, training, and professional standards provisions of 16 V.S.A. chapter 51.

Sec. 28. TRANSITIONAL PROVISION 13

~~(a)(1) As of September 1, 2017, any school based speech language pathologist licensed and in good standing with the Secretary of State's Office of Professional Regulation shall be deemed licensed by the Agency of Education.~~

~~(2) The Agency of Education shall reissue initial speech language pathologist licenses at no charge after September 1, 2017 to school based speech language pathologist and shall establish a single expiration and renewal date for all of those licensees.~~

(a)(b) An individual holding an Educator License with an endorsement for Educational Speech Language Pathologist from the Agency of Education shall retain that endorsement and shall renew it with the Agency as required by law, in addition to licensure with the Agency of Education.

\* \* \* Effective Dates \* \* \*

Sec. 29. EFFECTIVE DATES

(a) This section, Secs. 1-3, 5-10, and 15-25, and 28 shall take effect on passage.

(b) Sec. 4 (State-placed students) shall take effect beginning with the 2017-2018 school year.

(c) Secs. 11-14 (criminal background checks) shall apply to persons hired or contracted with after June 30, 2017 and to persons who apply for or renew a teaching or child care provider license after June 30, 2017. 1

(d) Secs. 26-~~27~~28 shall take effect on ~~September 1, 2017~~ January 1, 2018.