

AOE Comments on S.233 – Uniform Licensing Standards

The Agency of Education Supports S.233

[S.233](#) provides two new advantages to individuals who would seek a Vermont Professional Educator’s license.

- License by Reciprocity – The bill directs the Standards Board to develop new rules that enable applicants who can demonstrate three or more years of practice in good standing in another state.
- Pre-application Criminal Background Determination – The education statutes have stringent requirements related to criminal history. Conviction of certain violent and/or sex crimes offenses is an absolute bar obtaining an educator license. (See, 16 V.S.A. § 254.) The Agency of Education is also charged with evaluating whether a substantiation of abuse or neglect of a child or vulnerable adult is serious enough to prevent an applicant from receiving an educator’s license. This bill would allow an applicant to preview whether the time, effort and expense of seeking a license is likely to result in a denial based on application of these licensure statutes.

Practical Application of S.233 on Educator Licensure

Provisions of S.233, Sec. 6

First, Section 6 requires a review of requirements for educators to receive continuing education in order to maintain or renew a license. The review will take place every five years. Five years is an appropriate cycle because Level I licenses have a three-year duration, while Level II and retired educator licenses have a five year duration. (Note, this is a relatively recent change from a former 7-year Level II license.) This review work will be staffed by the AOE on behalf of and at the discretion of the Vermont Standards Board for Professional Educators (VSBPE).

Second, Section 6 expands the use of reciprocity as a path to licensure. Currently, Vermont participates in reciprocity through the National Association of State Directors of Teacher and Education Certification (NASDTEC) Interstate Agreement. All 50 states except for New York, New Mexico and South Dakota are members of the NASDTEC agreement. For out of state applicants who meet the criteria, this will mean a more streamlined process of entering Vermont licensure. For New York, New Mexico and South Dakota educators that meet the criteria, this will give a new, easier path to licensure in Vermont. For the AOE and VSBPE, the change will require a new VSBPE rule and accompanying AOE procedures to verify licensure in the home state and three years of practice in good standing.

Request for amendment: The bill would make changes to reciprocity by amending 16 V.S.A. § 1694, which enumerates the duties of the VSBPE. However, there is language in current law, § 1696(b) that is contrary to the bill on page 12, lines 7-14. The existing statutory language should be amended or struck in order to avoid a conflict between the two provisions.

Provisions of S.233, Sec. 7

The new pre-application determination option for potential applicants will be helpful to individuals who might be eligible for licensure, but are wary of being turned away due to a criminal conviction or substantiation. It will not alter the standard by which the AOE grants or denies licensure based on information in an applicant's background check. As stated above, Vermont law is very clear that some offenses must disqualify an individual from working as an educator. For those with less serious, and sometimes very old, convictions for unrelated offenses, this bill will be helpful in allowing them to seek licensure with the knowledge that they will not be denied at the end of the licensure process.

This new process will require the legal staff to conduct at least some additional number of preliminary investigations into the circumstances of a criminal conviction or a substantiation. We do not expect the additional number of investigations to be very large, but we assume that at least some potential applicants who would *not* have normally submitted an application *will* seek a pre-determination.

Finally, Section 7 includes a process to verify that an applicant holds an equivalent foreign credential that ought to enable the applicant to receive a Vermont educator's license.

Request for amendment: The following change to Section 7(b) is necessary in order to reflect the statutory duties of the Secretary and the VSBPE:

(b) Uniform process for foreign credential verification.

(1) ~~The Secretary~~ Standards Board shall adopt rules in consultation with the ~~Standards Board~~ Secretary that prescribe a process for the Secretary to assess the equivalence of an applicant's professional credentials earned outside the United States as compared to State licensing requirements for professional educators.

(2) Any determination of equivalence by the Secretary under this subsection (b) shall be in consultation with the Standards Board, recorded in the applicant's licensing file, and binding upon the ~~Standards Board~~ Secretary.

(3) In administering this subsection, the Secretary may rely upon third party credential verification services. The cost of such services shall be paid by the applicant.

(4) The provisions relating to preliminary license denials set forth in subsection 1704(a) of this chapter shall apply to a license application that is preliminarily denied for nonequivalence under this subsection.

Our rationale for requesting this change is that the VSBPE is the current rulemaking authority for educator licensure. The AOE processes and issues/denies licenses. (See, 16 V.S.A. § 1696.)

Provisions of S.233, Sec. 8

Section 8 adds a fee for the pre-application determination process of \$25.00 This fee is to be deducted from the total fee for licensure, if the applicant is approved for a license. This fee is appropriate.