

Appendix B to OPR Testimony re: H.472
OPR'S SUNRISE ASSESSMENT OF EARLY CHILDHOOD
EDUCATORS IN GREATER DETAIL

May, 2024: Sunrise Review Application submitted to OPR by the Vermont Association for the Education of Young Children (VTAEYC)

OPR Sunrise Review Process

Upon receiving the Application filed by VTAEYC, OPR engaged in the following efforts as part of its thorough review of the proposed regulatory program for Early Childhood Educators working in non-public settings:

- Engaged in significant research;
- Engaged with stakeholders in numerous meetings and communications, including VTAEYC, AOE, Let's Grow Kids, DCF and its Child Development Division, Building Bright Futures, CCV, Northern Lights at CCV, NAEYC;
- Accepted public comments to the Agency's public comments email address (sos.opr.comments@vermont.gov) through October 2, 2024, which yielded 30 written comments;
- Noticed two public hearings to over 1,000 FCCH's and CBCCPP's in the Building Bright Futures Database, stakeholder organizations DCF/CDD, NAEYC, BBF, Head Start, National Commission on Professional Excellence in Early Childhood Education, and AOE (AOE also included the public hearing information in a newsletter to their licensees);
- Conducted two hybrid public hearings (four hours total) where over 100 stakeholders and interested parties attended in person, via phone, or online; and
- Reviewed and considered the written comments and oral testimony from stakeholders and interested parties.

January, 2025: OPR Report Submitted to Legislature

Report Link: [Early Childhood Education Sunrise Review Assessment](#)

Sunrise Review Criteria

Vermont law requires OPR to assess through statutory criteria whether occupational regulation of a profession is necessary to protect the public. This process is called a "Sunrise Review." The criteria are found in Chapter 57 of Title 26. In this review, professional regulation is appropriate if:

- Unregulated practice clearly poses harm or endangers the public health, safety or welfare;
- The public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and
- The public cannot be effectively protected by other means.

26 V.S.A. § 3105(a). If, based on those factors, regulation is appropriate, then the analysis proceeds to consider **the least restrictive form necessary to protect the public** – either registration, certification, or licensure. See 26 V.S.A. §§ 3105(b), 3107. Sunrise reviews can be triggered by a directive from the legislature or by petition filed by an individual or professional organization.

Background – Child Care Crisis in Vermont

It is worth noting that early childhood care and education in Vermont has been extensively studied by the State in the last decade because of the declining child care workforce and lack of access to affordable, quality early child care for Vermont families. This lack of access has negatively impacted all Vermonters in some way. Young children do not have access to quality early programs that support their growth and development. Many Vermont families do not have access to full-time care that is needed so that both parents can participate in the workforce. Businesses struggle to hire enough workers because parents without access to full-time child care must stay home and out of the workforce some or all of the time. Vermont taxpayers shoulder the burden of young families being deterred from relocating to the State due to the lack of access to quality child care. The government bears the burden of having fewer taxpayers. We all bear the burden of paying for the State's necessary infrastructure, costs which increase for working families as the State's high population of baby boomers move into retirement.

In the first ten or so pages of OPR's sunrise review, the Report briefly surveys four bills passed by the General Assembly aimed at improving access and quality to early care and education since 2014. These include Acts 166, 58, 45, and most recently Act 76 (2023), Vermont's historic legislation creating sustainable public funding of expanded subsidies for families and financial supports for the early child care workforce through a payroll tax. The report also highlights findings and studies commissioned by the State to explore quality, workforce, and funding issues relating to early child care. Importantly, the Rand Corporation's Vermont Early Care and Education Financing Study, which laid the groundwork for Act 76, projected costs of achieving a high-quality ECE system with increased wages for a well-compensated workforce assuming increased qualifications at the Early Childhood Educator I, II, and III levels, as proposed in S.119. We will not be reviewing the State's decade of work on this subject matter in our testimony today; however, I would encourage you to read those ten pages, as OPR's recommendations and S.119 are consistent with the legislation and reporting that so many legislators, state agencies, professional organizations, and stakeholders have worked on for a decade to achieve access for all Vermont families to quality early childhood education.

Principal Findings

1. Regulation of early childhood educators in non-public settings, with clearly articulated qualifications and standards, will positively impact the health, growth, and development of Vermont's infants, toddlers, and young children.
2. There is a public protection need to ensure the profession is qualified to care for and educate our youngest and most vulnerable population and to create individual accountability for meeting standards of practice and conduct standards.
3. Licensure (mandatory with qualifications) is the appropriate form of regulation as opposed to certification (voluntary with qualifications) or registration (mandatory without qualifications).

Detailed Findings Regarding Risk of Harm to Young Children

Quality early childhood education beginning at birth goes “beyond basic health and safety requirements to provide warm, responsive relationships with educators, stimulating and developmentally appropriate curricula, and ongoing training for educators. These features... enhance children’s cognitive and social-emotional development.”¹ Quality early education is skilled, complex work that requires “a sensitive and responsive caregiving relationship between educator and child” on a consistent basis.² Quality early education includes supportive environments, age-appropriate instruction, intentional use of enriching play and activities, and use of curricula by prepared educators who adhere to quality practices, standards and regulations established from within the profession. Practitioners need to be prepared through education, training and professional development to provide appropriate education, responsive care and curriculum-based support that facilitates children’s early learning. These professional skills for early care educators help children make gains in cognitive and academic areas, such as literacy, language, mathematics, social skills, self-regulation, and behavior.³ Furthermore, infants and toddlers who have continuity of care in early care and education programs, i.e. the same care provider throughout the day or weeks or from year to year, demonstrate better long-range socio-emotional development and self-confidence derived from consistent, trusting, strong, nurturing relationships built over time.⁴ The long-term positive impacts of children participating in high-quality early childhood education include better physical health, increased higher education, higher earnings, and lower involvement in crime.⁵

Just as quality early care and education provides strong, lifelong foundations for learning, physical and mental health, emotional stability, and behavior, low-quality child care provided by unprepared and/or minimally trained individuals has lasting impacts on children into adulthood. In such environments, children are more likely to have *adverse early experiences*, which create a weak developmental foundation that compromises a child’s brain architecture, resulting in enduring impacts.⁶ When the brain is developing rapidly during early years of life, it is “highly sensitive to the disruptive effects of elevated stress activation, which releases a flood of hormones,

¹ Davis Schoch, A., Simons Gerson, C., Halle, T., & Bredeson, M. (2023). Children’s learning and development benefits from high-quality early care and education: A summary of the evidence. OPRE Report #2023-226. Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services. Retrieved from:

<https://www.acf.hhs.gov/sites/default/files/documents/opre/%232023-226%20Benefits%20from%20ECE%20Highlight%20508.pdf>.

² *Id.*

³ *Id.*

⁴ National Scientific Council on the Developing Child (2020). *Connecting the Brain to the Rest of the Body: Early Childhood Development and Lifelong Health Are Deeply Intertwined* Working Paper No. 15. Retrieved from www.developingchild.harvard.edu.

⁵ Davis Schoch, A., Simons Gerson, C., Halle, T., & Bredeson, M. (2023). Children’s learning and development benefits from high-quality early care and education: A summary of the evidence. OPRE Report #2023-226. Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services. Retrieved from: <https://www.acf.hhs.gov/sites/default/files/documents/opre/%232023-226%20Benefits%20from%20ECE%20Highlight%20508.pdf>.

⁶ Harvard University Center on the Developing Child. Retrieved from: <https://developingchild.harvard.edu/key-concept/brain-architecture/>.

immune responses, and neurotransmitters...”⁷ Infants and young children persistently exposed to stressors like unstable or unsupportive environments, inadequate care, and adverse experiences, have an overactive fight or flight response, which leads to the sympathetic nervous system consistently sending stress signals back to the brain, which signals other developing systems in the body.⁸ Excessive stress feedback on a prolonged basis leads the body to adapt its systems to manage threats as part of stress response.⁹ This adaptation impacts “not just the developing brain, but also many other physiological systems, including cardiovascular function, immune responsiveness, and metabolic regulation.”¹⁰ Such suboptimal development in growing babies and young children results in increased lifelong risk for stress-associated illness and disease, such as diabetes, immune disorders, cardiovascular disease, mental health problems,¹¹ and addiction. Furthermore, children who do not have access to quality early education have a 25% higher rate of dropping out of school.¹² This statistic is particularly important in Vermont, where high school graduations rates have declined in the last decade. Vermont used to graduate 90% or more of its high school students. That number dropped to 83% in 2022-2023.¹³ Sustained access to quality early education with a stable workforce will improve developmental and health outcomes for children and reduce poor short- and long-term outcomes.

⁷ National Scientific Council on the Developing Child (2020). *Connecting the Brain to the Rest of the Body: Early Childhood Development and Lifelong Health Are Deeply Intertwined* Working Paper No. 15.

Retrieved from www.developingchild.harvard.edu.

⁸*Id.*

⁹ *Id.*

¹⁰ Harvard University Center on the Developing Child (June 2020). In Brief: Connecting the Brain to the Rest of the Body. Retrieved from: <https://developingchild.harvard.edu/resources/inbrief/inbrief-connecting-the-brain-to-the-rest-of-the-body/>.

¹¹ *Id.*

¹² Cox, I. & Gallego, I. Lost Potential: The Hidden Cost of Barriers to Early Childhood Education. (April 2024). Retrieved from <https://www.piqe.org/lost-potential-the-hidden-cost-of-barriers-to-early-childhood-education/>.

¹³ Vermont Agency of Education (August 30, 2024). Vermont State Education Profile. Retrieved from <https://education.vermont.gov/sites/aoe/files/documents/edu-listen-and-learn-state-education-profile-report-2024.pdf>.