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To: Hon. Matt Birong, Chair
Senate Committee on Government Operations

From: S. Lauren Hibbert, Deputy Secretary of State
Jennifer Colin, General Counsel, Office of Professional Regulation

Re: H.472 Amended – Including S.119, An Act Relating to Licensure of Early Childhood Educators

Dear Committee Members:

Thank you for the opportunity to offer testimony on H.472, the amended OPR Bill. In our testimony today, we will first review one minor amendment to the bill and also request another minor revision. Then we plan to spend the bulk of our time today talking about the addition of S.119, An Act Relating to Licensure of Early Childhood Educators.

H.472 Revision Request: *Sec. 12, Office of Professional Regulation, Position; Appropriation*

(a) The position of one new, permanent, full-time, **exempt classified** Executive Officer for the Regulation of Mental Health Professions is created in the Office of Professional Regulation.

H.472 Amendment

Sec. 19, 3 V.S.A. § 131(c): Accessibility and Confidentiality of Disciplinary Matters.

OPR is required to maintain a public registry of all complaints against practitioners in the professions the agency regulates. For the registry, the identity of the licensee is confidential because of the policy decision to protect the reputation of licensees unless and until public charges against their license have been filed by the enforcement unit. For some context, OPR receives between 800-900 complaints each year; however, charges are filed in 150-200 cases. As this statute is currently written, the identity of the complainant is public record in the registry of complaints and the name and address of the complainant is public record for cases that have been charged.

The proposed change to (1)(A) protects the identity of the complainant on the registry of complaints. The proposed change to (2)(A) protects the name and address of the complainant and makes clear that the sole address for the licensee that is available to the public is the address designated as their public address in OPR's licensing system. These changes ensure that the confidentiality statute does not inadvertently create a chilling effect on an individual's willingness to come forward and report unprofessional conduct of an OPR licensee.

H.472, Sections 14-18 – Relating to Licensure of Early Childhood Educators

To present the information in a thorough and digestible way, the written testimony is organized as follows:

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 - Benefits of Regulating Early Childhood Educators at OPR
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 - Sunrise Review Criteria and Process
 - Principal Findings
 - Detailed Findings Regarding Risk of Harm to Children
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HIGH-LEVEL SUMMARY

OPR Sunrise Review Assessment Process:

- May 2024 - As the result of a 10-year, workforce-led effort, VTAEYC filed a petition under Chapter 57 of Title 26 requesting that OPR conduct a sunrise assessment to recognize Early Childhood Education as a licensed profession in Vermont at three levels, Early Childhood Educator I, II, and III, for educators working with young children, ages 0-8 in private settings regulated by the Child Development Division of the Department for Children and Families.
- June-December 2024 - OPR engaged with stakeholders, professional organizations, state agencies, the workforce, and the public and conducted significant research.
- January 2025 - OPR issued its 86-page Sunrise Review Assessment [Report](#).

Conclusion:

OPR supports H.472 incorporating S.119 and the proposed structure of licensure into four categories, ECE I, ECE II, and ECE III, as well as the legacy pathway for Family Child Care Providers, with uniform preparation pathways and scopes of practice for each license type. Phased implementation beginning in 2027 and transitional measures, such as transitional licenses for those who do not initially meet qualifications, will be critical to provide current practitioners sufficient time to satisfy licensure requirements.

Key Findings:**Early Childhood Educators in non-public settings should be regulated in Vermont at OPR.**

Primarily, a uniform regulatory system of early childhood educators in non-public settings will ensure public protection by:

- Improving quality through increased educational and experiential requirements for early educators who bear primary responsibility for the care and education of young children from ages 0 to 8 in CDD-regulated Family Child Care Homes and Center-Based Child Care facilities;
- Reducing harms of low-quality early childcare, including children unprepared to enter public education, poor physical and mental health, and poor developmental outcomes in the short and long term, including disease, addiction, and increased high school drop-out rates;
- Establishing streamlined preparation pathways for early educators to ensure practitioners working in non-public settings have necessary minimum qualifications to provide quality early care and education for Vermont's youngest and most vulnerable population;
- Establishing clearly articulated, uniform standards of practice and ethical conduct across the early education profession in private settings that align with the standards in public education;
- Requiring individual accountability for meeting standards of practice and conduct through a transparent, well-established public disciplinary process for early educators in private settings who engage in unprofessional conduct.

Licensure is the appropriate form of regulation based on the following:

1. The risk of harm to the health, safety, and welfare of young children (ages 0 to 8), our most vulnerable population, is high and bears long-term consequences;
2. Regulation at the facility or child care home level leaves significant gaps where individual accountability for unprofessional conduct is not addressed through a publicly accessible process with disciplinary action is readily accessible online;
3. Children and families, as consumers of the services, have a significant interest in the qualifications of early educators who bear primary responsibility for care and education of young children in non-public settings;
4. Other forms of occupational regulation do not provide adequate safeguards to ensure early educators meet the necessary qualifications for providing high-quality early education in regulated child care settings;
5. Licensure with increased educational requirements will ensure the workforce is prepared to provide high-quality education and meet professional standards that align with public school.

Benefits of Regulating Early Childhood Educators in Non-Public Settings Regulated by CDD:

- Ensured quality (evidence-based curriculum and developmentally enriching learning activities) resulting from increased educational and experiential requirements
- Reduced short- and long-term harms of low-quality early care on young children, increased effective outcomes in education, health and well-being
- Return on investment of \$4-\$13 for every dollar spent on early education
- School readiness for children, higher graduation rates, higher educational/professional achievement
- Professionalizing the workforce requiring adherence to the same professional standards across all early childhood settings, in public schools and private state-regulated family child care homes and center-based facilities

- Increased pay and benefits for the early education workforce resulting in greater workforce stability and attracting professionals who want a career
- Increased access to early childhood education
- Transparency for consumers and program providers to see individual qualifications and disciplinary history through a publicly accessible system, providing greater confidence to families
- Increased workforce for all Vermont businesses resulting from greater access to quality early education and increased workforce stability in the early education sector
- Streamlined preparation pathways for the early education workforce to ensure necessary minimum qualifications to provide quality education
- Potential future license portability to other states
- Improved workforce health, reduced burnout, healthier professional environments
- Individual accountability for unprofessional conduct through a public disciplinary process

Benefits of Regulating at OPR:

- Experience in establishing and administering occupational regulation with the help of professional boards comprised of licensees that will assist in developing and overseeing the regulatory program
- Expertise in licensing with established IT system and easily accessible data
- Well-established enforcement processes through publicly accessible hearings and OPR's experienced in-house team of investigators, prosecutors, case managers, legal staff, docket clerk, and administrative law officers
- Efficiency achieved through streamlined licensure processes
- Stakeholders supporting the regulation prefer the regulatory program to be at OPR

Recommended Licensure Structure

The licensure structure recommended in OPR's Sunrise Report initially included three license types (see attached chart):

- Early Childhood Educator I (ECE I) – Assistant Teacher, Supervised by ECE II or III
120 hours of training and field experience;
- Early Childhood Educator II (ECE II) – Lead Teacher, Supervises ECE I, Guided by ECE III
Associate's degree in early childhood education or related field and experience or
Associate's degree in unrelated field plus 21 college credits in early education plus experience;
- Early Childhood Educator III (ECE III) – Lead Teacher, Supervises ECE I, Guides ECE II
Bachelor's degree in early childhood education or related field and experience or
Bachelor's degree in unrelated field plus 21 college credits in early education plus experience.

A fourth license type has been developed during the legislative process, a legacy pathway offered only for current Family Child Care Providers in Family Child Care Homes actively licensed or registered with the CDD and in good standing. This added measure was to ensure this transition does not result in the loss of workforce.

The licensure qualifications represent an increase in current educational and experiential requirements. Approximately 7,000 individuals work in regulated, non-public early education settings. The application filed by VTAEYC is the culmination, to date, of the movement led by the early educator workforce to gain licensure and thereby increase quality and access to early childhood education. In recent years, the numbers of early educators in private settings achieving degrees have significantly increased. Early education degree programs have substantial scholarship assistance and financial support, and many graduates complete their degrees with no debt. According to VTAEYC's application, approximately 30% of the current field would not qualify for licensure, which is the reason we offer numerous transitional measures and a lengthy on-ramp. We hope this committee will schedule testimony by VTAEYC and other interested stakeholders because their efforts in this workforce-led movement have been ongoing for many years, and they can provide additional information and unique perspectives from within the workforce.

Stakeholders and members of the public who participated in the review process through public hearings, public comment and stakeholder meetings largely supported regulation through licensure at OPR.

It is also important to note that OPR's sunrise review and recommendations do not pertain to:

- After School Program Staff;
- Universal Pre-K Teachers;
- Active AOE Licensees with endorsements in Early Childhood Education, Early Childhood Special Education, or Elementary Education (No mandatory dual licensure from the OPR side, meaning if you are an AOE licensee, you would not be required to obtain an OPR license to work in a state-regulated setting. However, this is not reciprocal. If an OPR Early Childhood Educator wants to be an educator in a public school, AOE licensure would be required);
- Individuals required to have an AOE license;
- Individuals whose child care homes are exempt from DCF's Child Development Division ("CDD") requirements (serving no more than 2 families); or
- Settings exempted from CDD regulation (hospitals/churches).

Transitional Measures

The most significant concern expressed in the sunrise process was retention of family child care homes and center-based child care facilities. In recent years, the number of family child care homes and providers has decreased, though the impacts of Act 76 have shown promising reversal of that trend. For our rural state, family child care homes are a critical part of the early education system in Vermont.

To mitigate retention concerns, OPR recommended transitional measures that are vitally important to the legislation, namely:

- Implementation Phases:
 - Bridge with up to 8 years of transitional licensure for all those currently in the workforce who may not meet increased qualifications;
 - Incorporation of Community College of Vermont Career Ladder into assessment of qualification for the full (not transitional) ECE licenses for a specified initial time of the OPR licensure program;
 - Waiver process available at the end of six year transitional license period for documented extenuating circumstances and demonstrated progress toward meeting qualifications.
 - Educational Programs that recognize and count experience toward educational requirements, i.e. multiple/flexible pathways to enter the profession.

Implementation

Timing

A phased implementation with purposeful effective dates will be required for onboarding this new profession. If the bill passes, at that time OPR needs the authority to hire new positions, conduct rulemaking, establish a Board, and work closely with CDD and CCV to build a framework for OPR to share or take over the current tracking of individual qualifications. To begin regulating, OPR would engage with stakeholders as soon as practicable upon the passage of a bill. It is important to emphasize this is an extensive effort that necessitates outreach to many stakeholders, sister agencies, higher education institutions, workforce, and the public from the time of legislative enactment, through rulemaking, and beyond.

The effective date for legislation authorizing the issuance of licenses must be carefully contemplated in light of significant outreach that will be necessary, as well as an appropriate time to administratively onboard this large profession. OPR recommends an effective date for the issuance of licenses no earlier than July 2027. The remaining required three full-time employees will be necessary six months prior to when OPR is required to issue licenses. Six months is sufficient to ensure that OPR has adequate lead time for hiring and training. Therefore, if OPR begins issuing licenses July 1, 2027, it needs authorization to hire the three remaining full-time employees on January 1, 2027.

Resources Required

For IT set up, rulemaking and establishment of a nine-member Board, OPR would need funding in the amount of \$45,000.00. To establish this profession with intention, collaboration, and stakeholder engagement, OPR would also require five new full-time positions authorized in legislation:

- An Executive Officer who would have experience in this profession;
- One Licensing Staff;
- One Enforcement Staff;
- One Staff Attorney; and
- One Licensing Administrator/Case Manager.

However, only two of the five positions would be necessary and filled in SFY26 upon the passage of legislation – the Executive Officer and the Staff Attorney would be required for rulemaking and establishment of the Board. The estimated cost for these two positions in SFY26 is \$262,000. The remaining positions would be filled in FY27, and with the two positions created in SFY26, the estimated SFY27 cost would be \$628,867. After SFY27, these positions would be paid for through licensing fees and not a General Fund appropriation.

Concerns/Objections Expressed by Stakeholders and Participants

- Licensure will increase cost of early child care and education. However, increased cost of service is the direct consequence of early educators being paid a professional wage and receiving benefits, such as insurance and leave. Also, the 2023 Rand Corporation Early Education Financing Study took increased cost of service resulting from increased qualifications into account when estimating the cost of achieving accessible quality early childhood education in Vermont. The Financing Study used the assumption that the workforce would be at the ECE I, II, and III levels with the qualifications proposed in S.119.

- Resources required of providers to meet increased qualification requirements. Though some providers acknowledged the substantial financial assistance available to mitigate the cost of achieving degree/educational requirements, others expressed frustration regarding the perceived cost of education, as well as the time investment required to achieve a degree.
- Title protection for AOE-licensed educators with endorsements in Early Childhood Education and Early Childhood Special Education. A few AOE-licensed educators, the Vermont NEA, and the public school administrator associations expressed that AOE statutes protect the title of educator and non-AOE licensed individuals should not be able to use the titles “teacher” or “educator” because they have not achieved the qualifications required by AOE. OPR intentionally used the term “Educator” in its report to connote formal education, qualifications, standards, and preparation enabling an individual to participate in the professional educator workforce. We determined that OPR-licensed Early Childhood Educators would be required to meet the very same VTAEYC/NAEYC competencies and standards used for AOE-licensed educators with the various endorsements. Regulation of Early Childhood Educators working in CDD-regulated settings as proposed promotes consistency in competencies and standards for early education across the board, irrespective of whether that education takes place in public or in private programs.
- Concerns about duplication between the ECE III credential and AOE educator license with endorsements, as well as confusion for potential applicants and the public about which entity regulates public school educators versus educators in CDD-regulated settings.

Amendments to S.119

There have been numerous revisions to S.119 since it was introduced. Those changes have come about through OPR’s continued engagement with members of the workforce, the Child Development Division of Department for Children and Families, the Agency of Education, the Vermont NEA, public school administrator associations, and professional associations supporting this workforce.

Notable changes include:

- Revision to the chapter name to include reference to programs regulated by the Child Development Division.
- Creation of a fourth credential for Family Child Care Providers who do not want to earn an Associate’s Degree or make the transition to ECE II. This compromise measure is a legacy pathway only and will not be offered to practitioners entering the field.
- Increase in transitional licensure availability from six years to eight years.
- Revision to underscore that universal pre-kindergarten teachers must have AOE licenses.
- Exemption for AOE educator licensees with endorsements in Early Childhood Special Education and Elementary Education.
- Exemption for After School Programs and programs exempted from CDD regulation.
- Increase in professional pathways to include Associate’s degrees and Bachelor’s degrees in unrelated fields; and
- Disclosure to current and prospective families that will identify the different license types and qualifications for each, what type of credential the practitioner has, and where to make complaints about OPR licensees, Universal Pre-K teachers (AOE), and the Facility or Program (CDD).

License Titles Using “Educator”

OPR has had meetings and conversations with AOE, Vermont NEA, and the public school administrator organizations about their concerns of having the word “Educator” in the title. Also, AOE Secretary Saunders submitted written testimony last week expressing the same concern. Our understanding of the issue is that state and federal law use the term “educator” to mean AOE-licensed educator with an endorsement in early childhood education or early childhood special education in public settings and that having “educator” in the title of the OPR-regulated license could cause confusion. And one or two participants expressed the perspective that allowing individuals who did not go through AOE’s process for licensure to be called “educator” disrespects and insults those who did.

The S.119 licensure title of “educator” is not intended to disrespect anyone. In fact, the opposite is true – it is intended to convey professional preparation, education, and training, as well as adherence to professional standards. The workforce impacted by S.119 is asking to be recognized, lifted up and professionalized. They understand that with an increase of public funding for subsidies through Act 76 to help families afford the actual cost of quality child care, they will be accountable for delivering quality education and care. Increasing educational qualifications in the field and requiring degrees for lead educators is an important step in the process. We all agree these folks are educators, so honoring that professional preparation with the title of “educator” is important. Not permitting “educator” to be in the title diminishes that preparation and conveys the impression that they are “less than.”

There have been some alternative titles discussed and because this is a national movement, OPR’s strong preference remains to keep the titles as they are proposed in S.119 so as not to disrupt the national efforts. It is important also to note that the National Education Association supports this legislation and has been a driving member of the Commission on Professional Excellence in Early Childhood Education. We worked with Legislative Counsel on S.119 language revisions to ensure practice settings in the legislation are crystal clear and to avoid any potential confusion.

ECE III Credential

During this process, we have heard from the public educator associations that the ECE III credential should not exist and the workforce in private settings with bachelor’s degrees should go through AOE for licensing and endorsement. However, AOE does not have the authority, currently, or the capacity at this time to take on licensure of the group of individuals this bill professionalizes.

As OPR expressed in its Sunrise Review Report, the ECE III designation is not duplicative. The Agency of Education licenses educators for public schools PreK - Grade 12. The licensure structure proposed in S.119 is intended for educators in CDD-regulated private settings and programs who do not want to teach in public schools and who will not get the benefits of teacher retirement, union representation and collective bargaining, pay steps, summers off and the like. Furthermore, OPR will have a hard stop in the ECE license applications at the beginning of our forms that ask the question: “do you want to teach in public school or in a universal pre-k program.” If the answer is “yes,” the applicant will be given a message that they need to go to AOE for licensure and the application will terminate.

ECE III is a designation the workforce is asking for in Vermont and nationally because many practitioners with bachelor’s degrees in early education fields are devoting their careers to education in private settings and not the public education system. Throughout OPR’s year-long process learning about this field and engaging with the workforce, we have learned that overwhelmingly these practitioners want to be licensed, they want accountability, and they want to be licensed at OPR and not AOE.

Conclusion

The Office of Professional Regulation takes to heart the role of conducting sunrise reviews and resulting recommendations. We firmly believe in limited governmental intrusion into the marketplace unless public health and safety demands our oversight. The Office recommends licensure for Early Childhood Educators having affirmatively answered that public health and safety require regulation for this profession. A licensing structure would provide the public, children, families, employers, and the profession with clear qualifications for entry into the profession, established standards to follow, and transparent accountability for when standards are violated. The Office, understanding that this is a significant and consequential transition, recommends immediate stakeholder engagement and rulemaking before requiring licensure. And, when licensure is required in 2027, bridge licensing must be created to ensure that Vermont does not lose providers and, instead, builds up this critical workforce.