

1 S.206

2 An act relating to licensure of early childhood educators by the Office of
3 Professional Regulation

4 It is hereby enacted by the General Assembly of the State of Vermont:

5 Sec. 1. 3 V.S.A. § 122 is amended to read:

6 § 122. OFFICE OF PROFESSIONAL REGULATION

7 The Office of Professional Regulation is created within the Office of the
8 Secretary of State. The Office shall have a director who shall be qualified by
9 education and professional experience to perform the duties of the position.

10 The Director of the Office of Professional Regulation shall be a classified
11 position with the Office of the Secretary of State. The following boards or
12 professions are attached to the Office of Professional Regulation:

13 (1) Board of Architects

14 * * *

15 (55) Early Childhood Educators

16 Sec. 2. 26 V.S.A. chapter 111 is added to read:

17 CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS

18 REGULATED BY THE CHILD DEVELOPMENT DIVISION

19 § 6211. CREATION OF BOARD

20 (a) The Vermont Board of Early Childhood Educators is created.

1 (b) The Board shall consist of nine members appointed for five-year terms
2 by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two
3 public members; two each of individuals licensed as an Early Childhood
4 Educator I, an Early Childhood Educator II, and an Early Childhood Educator
5 III; and one Family Child Care Provider. All members shall be Vermont
6 residents. The members who are early childhood educators shall have been in
7 active practice in Vermont for not less than the preceding three years and shall
8 be in active practice during their incumbency. The public members shall be
9 individuals who have no financial interest personally or through a spouse,
10 parent, child, or sibling in the activities regulated under this chapter, other than
11 as a consumer or a possible consumer of its services. Appointments shall be
12 made without regard to political affiliation and on the basis of integrity and
13 demonstrated ability.

14 (c) Vacancies shall be filled in the same manner as initial appointments.

15 (d) Board members shall not serve more than two consecutive terms.

16 § 6212. BOARD PROCEDURES

17 (a) Annually, the Board shall meet to elect a chair, vice chair, and a
18 secretary.

19 (b) Meetings shall be warned and conducted in accordance with 1 V.S.A.
20 chapter 5.

1 (c) A majority of the members of the Board shall constitute a quorum.

2 (d) All business shall be transacted by a majority vote of the members
3 present and voting, unless otherwise provided by statute.

4 § 6213. POWERS AND DUTIES OF THE BOARD

5 (a) The Board shall:

6 (1) adopt rules, pursuant to 3 V.S.A. chapter 25, that are necessary for
7 the performance of its duties in accordance with this chapter, including
8 activities that must be completed by an applicant in order to fulfill the
9 educational and experiential requirements established by this chapter;

10 (2) provide general information to applicants for licensure as early
11 childhood educators;

12 (3) explain appeal procedures to licensees and applicants and complaint
13 procedures to the public; and

14 (4) use the administrative and legal services provided by the Office of
15 Professional Regulation under 3 V.S.A. chapter 5.

16 (b) The Board may conduct hearings and exercise its authority as provided
17 in 3 V.S.A. chapter 5.

1 Sec. 3. 26 V.S.A. chapter 111 is amended to read:

2 CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS

3 REGULATED BY THE CHILD DEVELOPMENT DIVISION

4 Subchapter 1. General Provisions

5 § 6201. DEFINITIONS

6 As used in this chapter:

7 (1) “Board” means the Vermont Board of Early Childhood Educators.

8 (2) “Early childhood educator” means an individual providing care and
9 educational instruction to children from birth through eight years of age in a
10 program regulated by the Child Development Division, including:

11 (A) planning and implementing intentional, developmentally
12 appropriate learning experiences that promote the physical health and social,
13 emotional, linguistic, and cognitive growth of children;

14 (B) establishing and maintaining a safe, caring, inclusive, and healthy
15 learning environment;

16 (C) observing, documenting, and assessing children’s learning and
17 development;

18 (D) developing reciprocal, culturally responsive relationships with
19 families and communities; and

20 (E) engaging in reflective practice and continuous learning.

1 (3) “Early Childhood Educator I” means an individual who practices
2 early childhood education as an assistant educator in a program under the
3 supervision of Early Childhood Educators II or III or a teacher who is exempt
4 from this chapter and licensed by the Agency of Education under 16 V.S.A.
5 chapter 51 with endorsements in early childhood education, early childhood
6 special education, or elementary education.

7 (4) “Early Childhood Educator II” means an individual who practices
8 early childhood education as the lead or primary educator in a program,
9 supervises the practice of individuals licensed as an Early Childhood Educator
10 I, and receives guidance from individuals licensed as an Early Childhood
11 Educator III.

12 (5) “Early Childhood Educator III” means an individual who practices
13 early childhood education as the lead or primary educator in a program,
14 supervises the practice of individuals licensed as an Early Childhood Educator
15 I, and provides guidance to individuals licensed as an Early Childhood
16 Educator II.

17 (6) “Family child care provider” means an individual who provides
18 developmentally appropriate care, education, protection, and supervision of
19 children from birth through eight years of age and is authorized by the Child
20 Development Division to operate a family child care home as defined in
21 33 V.S.A. § 3511.

1 (7) “Guidance” means direct or indirect consultative support in which an
2 Early Childhood Educator III provides feedback to an Early Childhood
3 Educator II.

4 (8) “Program” or “program regulated by the Child Development
5 Division” means a program or facility approved by the Department for
6 Children and Families’ Child Development Division as a licensed or registered
7 family child care home or a licensed center-based child care and preschool
8 program and is not operated by a public school.

9 (9) “Supervision” means on-site, direct oversight in which an Early
10 Childhood Educator II or III observes the practice of an Early Childhood
11 Educator I and provides feedback, support, and direction to an Early Childhood
12 Educator I.

13 § 6202. PROHIBITIONS

14 (a) An individual shall not hold themselves out as an early childhood
15 educator in this State unless the individual is licensed under this chapter or
16 exempt from this chapter pursuant to section 6203 of this chapter.

17 (b) An individual shall not use in connection with the individual’s name
18 any letters, words, or insignia indicating that the individual is an early
19 childhood educator unless the individual is licensed under this chapter or
20 exempt from this chapter pursuant to section 6203 of this chapter.

1 § 6203. EXEMPTIONS

2 (a) The provisions of this chapter shall not apply to the following persons
3 acting within the scope of their respective professional practices:

4 (1) a teacher actively licensed under 16 V.S.A. chapter 51 by the
5 Agency of Education with endorsements in early childhood education, an early
6 childhood special education, or an elementary education;

7 (2) an individual who provides care in an afterschool child care program
8 that is regulated by the Child Development Division or any other child care
9 program that is exempt from regulation by the Child Development Division;

10 and

11 (3) an individual who works exclusively in a public school.

12 (b) This chapter shall not be construed to alter or amend the requirements
13 of publicly funded prekindergarten education programs operated in accordance
14 with 16 V.S.A. § 829.

15 (c) This chapter shall not be construed to limit or restrict in any manner the
16 right of a practitioner of another profession or occupation from carrying on in
17 the usual manner any of the functions incidental to that profession or
18 occupation.

19 Subchapter 2. Board of Early Childhood Educators

20 § 6211. CREATION OF BOARD

21 * * *

1 Subchapter 3. Licensure Requirements

2 § 6221. ELIGIBILITY AND QUALIFICATIONS

3 (a) To be eligible for licensure under this chapter, an applicant shall have
4 attained the age of majority; achieved a high school diploma, a General
5 Education Development (GED) certificate, or an approved equivalent
6 credential; and completed field experience in early childhood education as
7 required by rule.

8 (b) An applicant shall meet the following educational requirements for each
9 of the following license types:

10 (1) Early Childhood Educator I shall have received a certificate from an
11 approved credential program in early childhood education requiring a
12 minimum of 120 hours of training and instruction.

13 (2) Early Childhood Educator II shall have received an associate's
14 degree program in:

15 (A) early childhood education or a related field requiring a minimum
16 of 60 college credits; or

17 (B) any unrelated field and a minimum of 21 approved college
18 credits in the core early childhood education competency areas identified in
19 rule.

20 (3) Early Childhood Educator III shall have received a bachelor's degree
21 from an approved program in:

1 (A) early childhood education or a related field requiring a minimum
2 of 120 college credits; or

3 (B) any unrelated field and a minimum of 21 approved college
4 credits in the core early childhood education competency areas identified in
5 rule.

6 (4) A Family Child Care Provider shall be qualified for licensure if
7 authorized by the Child Development Division to operate a family child care
8 home and is in good standing with the Division as of January 1, 2029. The
9 Board shall not accept Family Child Care Provider applications after January
10 1, 2029.

11 (c) Approved educational programs may offer college credit based upon an
12 assessment of the individual's competencies acquired through experience
13 working in the profession.

14 (d) In addition to the requirements of subsections (a) and (b) of this section,
15 applicants shall pass any examination that may be required by rule.

16 § 6222. LICENSE RENEWAL

17 (a) Licenses shall be renewed every two years upon application and
18 payment of the required fee. Failure to comply with the provisions of this
19 section shall result in suspension of all privileges granted by the license
20 beginning on the expiration date of the license. A license that has lapsed shall
21 be reinstated upon payment of the biennial renewal fee and the late renewal

1 penalty pursuant to 3 V.S.A. § 127, except a Family Child Care Provider
2 license shall not be renewed after a lapse of two or more years.

3 (b) The Board may adopt rules pursuant to 3 V.S.A. chapter 25 necessary
4 for the protection of the public to assure the Board that an applicant whose
5 license has lapsed for more than five years is professionally qualified before
6 reinstatement may occur. Conditions imposed under this subsection shall be in
7 addition to the requirements of subsection (a) of this section.

8 (c) In addition to the provisions of subsection (a) of this section, an
9 applicant for renewal shall have satisfactorily completed continuing education
10 as required by the Board. For purposes of this subsection, the Board may
11 require, by rule, not more than 24 hours of approved continuing education as a
12 condition of renewal.

13 § 6223. FEES

14 Applicants and persons regulated under this chapter shall pay the following
15 fees:

16 (1) Early Childhood Educator I:

17 (A) Application for initial license, \$125.00.

18 (B) Biennial renewal, \$225.00.

19 (2) Early Childhood Educator II:

20 (A) Application for initial license, \$175.00.

21 (B) Biennial renewal, \$250.00.

1 (3) Early Childhood Educator III:

2 (A) Application for initial license, \$225.00.

3 (B) Biennial renewal, \$275.00.

4 (4) Family Child Care Provider:

5 (A) Application for initial license, \$175.00.

6 (B) Biennial renewal, \$250.00.

7 § 6224. UNPROFESSIONAL CONDUCT

8 As used in this chapter, “unprofessional conduct” means:

9 (1) conduct prohibited by this section, by 3 V.S.A. § 129a, or by other
10 statutes relating to early childhood education, whether that conduct is by a
11 licensee, an applicant, or an individual who later becomes an applicant;

12 (2) conduct that results in a licensee, applicant, or an individual who
13 later becomes an applicant being placed on the Child Protection Registry
14 pursuant to 33 V.S.A. chapter 49; or

15 (3) conduct that is not in accordance with the professional standards and
16 competencies for Early Childhood Educators published by the National
17 Association for the Education of Young Children.

18 § 6225. VARIANCES

19 (a)(1) The Board shall issue a transitional Early Childhood Educator II or
20 III license to a teacher or director of a program who does not meet the
21 educational and experiential licensure in this chapter. Transitional licenses

1 shall be valid for a two-year period and shall be renewed by the Board for an
2 otherwise qualified applicant for an additional two-year period with
3 satisfactory supporting documentation of the individual's ongoing work to
4 obtain the required educational and experiential qualifications for licensure
5 under this chapter.

6 (2) At the conclusion of three two-year transitional licensure periods, the
7 Board, at its discretion, may issue one final two-year transitional license for an
8 otherwise qualified applicant if the licensee can demonstrate extenuating
9 circumstances for not having attained the educational and experiential
10 requirements in this chapter and ongoing work to attain these requirements.

11 (b) In addition to the transitional licensure available pursuant to subsection
12 (a) of this section, the Board shall also issue an Early Childhood Educator II
13 license for individuals who have completed the eligibility requirements set
14 forth in subsections 6221(a) and (d) of this chapter and completed one of the
15 following:

16 (1) 21 college credits in the core early childhood education competency
17 areas identified by the Board in rule; or

18 (2) prior experiential learning that is assessed by an appropriately
19 accredited institution of higher learning to be the equivalent of 21 college
20 credits in the core early childhood education competency areas identified by
21 the Board in rule.

1 § 6226. DISCLOSURE BY LICENSEES

2 An early childhood educator licensed pursuant to this chapter shall post and
3 provide to current and prospective families the following information:

4 (1) all available license types regulated by the Office of Professional
5 Regulation pursuant to this chapter;

6 (2) a description of the Office of Professional Regulation’s regulatory
7 authority over licensees in programs regulated by the Child Development
8 Division and how to make complaints;

9 (3) a description of the Agency of Education’s regulatory authority over
10 teachers providing prekindergarten services pursuant to 16 V.S.A. § 829 and
11 how to make complaints; and

12 (4) a description of the Child Development Division’s regulatory
13 authority over regulated child care programs and how to make complaints.

14 Sec. 4. 26 V.S.A. § 6225 is amended to read:

15 § 6225. VARIANCES

16 (a)(1) The Board shall issue a transitional Early Childhood Educator II or
17 III license to a teacher or director of a program who does not meet the
18 educational and experiential licensure in this chapter. Transitional licenses
19 issued under this subsection shall be valid for a two-year period and shall be
20 renewed by the Board for an otherwise qualified applicant for an additional
21 two-year period with satisfactory supporting documentation of the individual’s

1 ongoing work to obtain the required educational and experiential qualifications
2 for licensure under this chapter.

3 * * *

4 (c) The Board shall issue a transitional Early Childhood Educator II license
5 to a provider operating a family child care home who does not meet the
6 educational and experiential licensure requirements of an Early Childhood
7 Educator II but does meet the educational and experiential license
8 requirements of an Early Childhood Educator I pursuant to this chapter.
9 Transitional licenses under this subsection shall be valid for a two-year period,
10 and renewable for two additional two-year periods, while the licensee
11 completes ongoing work to obtain the required educational and experiential
12 qualifications for Early Childhood II licensure under this chapter.

13 Sec. 4a. 26 V.S.A. § 6225 is amended to read:

14 § 6225. VARIANCES

15 ~~(a)(1) The Board shall issue a transitional Early Childhood Educator II or~~
16 ~~III license to a teacher or director of a program who does not meet the~~
17 ~~educational and experiential licensure in this chapter. Transitional licenses~~
18 ~~issued under this subsection shall be valid for a two-year period and shall be~~
19 ~~renewed by the Board for an otherwise qualified applicant for an additional~~
20 ~~two-year period with satisfactory supporting documentation of the individual's~~

1 ~~ongoing work to obtain the required educational and experiential qualifications~~
2 ~~for licensure under this chapter.~~

3 ~~(2) At the conclusion of three two year transitional licensure periods, the~~
4 ~~Board, at its discretion, may issue one final two year transitional license for an~~
5 ~~otherwise qualified applicant if the licensee can demonstrate extenuating~~
6 ~~circumstances for not having attained the educational and experiential~~
7 ~~requirements in this chapter and ongoing work to attain these requirements.~~

8 ~~(b) In addition to the transitional licensure available pursuant to subsection~~
9 ~~(a) of this section, the Board shall also issue an Early Childhood Educator II~~
10 ~~license for individuals who have completed the eligibility requirements set~~
11 ~~forth in subsections 6221(a) and (d) of this chapter and completed one of the~~
12 ~~following:~~

13 ~~(1) 21 college credits in the core early childhood education competency~~
14 ~~areas identified by the Board in rule; or~~

15 ~~(2) prior experiential learning that is assessed by an appropriately~~
16 ~~accredited institution of higher learning to be the equivalent of 21 college~~
17 ~~credits in the core early childhood education competency areas identified by~~
18 ~~the Board in rule.~~

19 ~~(e) The Board shall issue a transitional Early Childhood Educator II license~~
20 ~~to a provider operating a family child care home who does not meet the~~
21 ~~educational and experiential licensure requirements of an Early Childhood~~

1 Educator II but does meet the educational and experiential license
2 requirements of an Early Childhood Educator I pursuant to this chapter.
3 Transitional licenses under this subsection shall be valid for a two-year period,
4 and renewable for two additional two-year periods, while the licensee
5 completes ongoing work to obtain the required educational and experiential
6 qualifications for Early Childhood II licensure under this chapter.

7 Sec. 5. REPORT; EARLY CHILDHOOD EDUCATOR LICENSURE

8 On or before November 1, 2031, the Office of Professional Regulation, in
9 consultation with the Department for Children and Families' Child
10 Development Division, shall submit a written report to the House Committees
11 on Government Operations and Military Affairs and on Human Services and to
12 the Senate Committees on Government Operations and on Health and Welfare
13 regarding the implementation of 26 V.S.A. chapter 111, including:

14 (1) the number of licensees by license type;

15 (2) the State resources necessary to implement the chapter;

16 (3) the number and nature of any complaints or enforcement actions
17 against a licensee;

18 (4) the qualifications required for each license type;

19 (5) any changes in the number of registered and licensed family child
20 care homes since the enactment of 26 V.S.A. chapter 111;

1 (6) recommendations to encourage the opening of additional family
2 child care homes; and

3 (7) any other issues the Office deems appropriate.

4 Sec. 6. OFFICE OF PROFESSIONAL REGULATION; LICENSURE OF
5 EARLY CHILDHOOD EDUCATORS IN PROGRAMS
6 REGULATED BY THE CHILD DEVELOPMENT DIVISION;
7 APPROPRIATION; POSITIONS

8 (a) The establishment of the following new permanent positions is
9 authorized in the Office of Professional Regulation in fiscal year 2027:

10 (1) one full-time, classified executive officer for the Vermont Board of
11 Early Childhood Educators; and

12 (2) one full-time, exempt staff attorney.

13 (b) In fiscal year 2027, the amount of \$262,000.00 is appropriated from the
14 General Fund to the Office of Professional Regulation to be used for the
15 licensure of early childhood educators in accordance with this act.

16 Sec. 6a. CONTIGENCY OF FUNDING

17 The duty to implement Sec. 6 of this act, Office of Professional Regulation;
18 licensure of early childhood educators in program regulated by the Child
19 Development Division; appropriation; positions, is contingent upon an
20 appropriation of funds in fiscal year 2027 from the General Fund to the Office

1 of Professional Regulation for the specific purposes described in Sec. 6 of this
2 act.

3 Sec. 7. EFFECTIVE DATES

4 (a) This section, Sec. 1 (Office of Professional Regulation), Sec. 2
5 (Vermont Board of Early Childhood Educators), Sec. 5 (report; early
6 childhood educator licensure), and Sec. 6 (Office of Professional Regulation;
7 licensure of early childhood educators; appropriation; positions), Sec. 6a
8 (contingency of funding) shall take effect on July 1, 2026.

9 (b) Sec. 3 (early childhood educators) shall take effect on July 1, 2028.

10 (c) Sec. 4 (26 V.S.A. § 6225) shall take effect on January 1, 2029.

11 (d) Sec. 4a (26 V.S.A. § 6225) shall take effect on July 1, 2036.