



OFFICE OF PROFESSIONAL REGULATION  
VERMONT SECRETARY OF STATE

[COMMITTEE COPY]

# **Early Childhood Education**

## **Title 26, Chapter 57**

### **Sunrise Review Assessment**

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Vermont Office of Professional Regulation

January 2025

## Introduction

In May 2024, Vermont Association for the Education of Young Children (VTAEYC) submitted to the Vermont Office of Professional Regulation an “Application for Preliminary Sunrise Review Assessment: Recognizing Early Childhood Education as a Licensed Profession in Vermont.” The Application triggered OPR regulatory review under Title 26, Chapter 57 of Vermont Statutes Annotated to assess whether Vermont should regulate Early Childhood Education as a stand-alone profession.

### A. Applicant Seeks:

Licensure of early childhood education providers for ages 0-8 in state-regulated, non-public settings<sup>1</sup>, through three designations: Early Childhood Educator I, Early Childhood Educator II, and Early Childhood Educator III.<sup>2</sup>

### B. OPR’s Assessment/Conclusion:

Early Childhood Educators in non-public settings should be a regulated profession in Vermont. 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 Family Child Care Homes and Center-Based Child Care facilities;
- Reducing harms of low-quality early childcare, including children unprepared to enter public education, suboptimal physical and mental health impacts, and poor developmental outcomes in the short and long term;
- Establishing streamlined preparation pathways for early educators entering the profession to ensure practitioners working in non-public settings have necessary minimum qualifications to provide high-quality early care and education for Vermont’s youngest and most vulnerable population;

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<sup>1</sup> As used in this report, “state-regulated, non-public settings” means homes or centers regulated by the Child Development Division of the Vermont Department for Children and Families and not a public or other school for which the Vermont Agency of Education requires AOE-licensed educators.

<sup>2</sup> The Application does not seek: dual licensure of AOE-licensed teachers with the early childhood education or the early childhood special education endorsement; after school program staff; or regulation of childcare providers who are currently exempt from DCF CDD regulation (i.e. serving no more than one or two families other than the provider’s family).

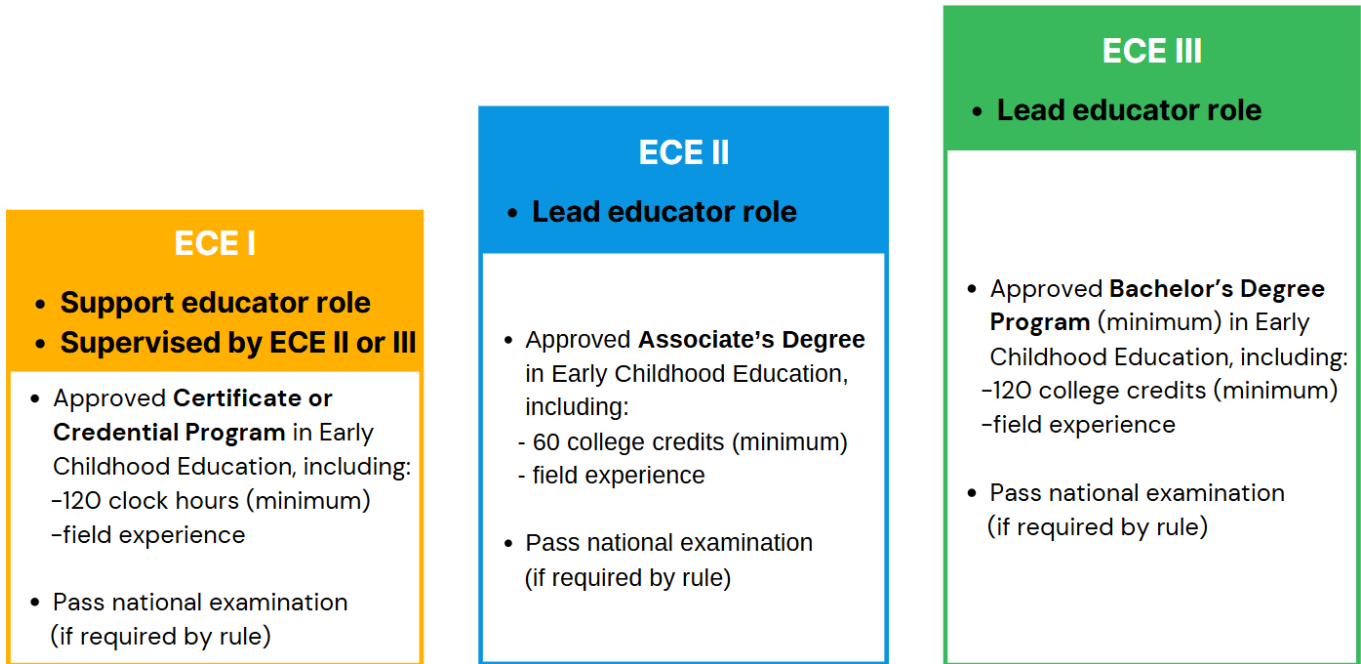
- Establishing clearly articulated, uniform standards of practice and ethical conduct across the early education profession in private settings that align with the standards in public education;
- Requiring individual accountability for meeting standards of practice and conduct through a transparent, public disciplinary process for early educators in private settings who engage in unprofessional conduct.

Based on the following factors, OPR finds that licensure is the appropriate form of regulation. We base our determination on the following findings:

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.

In light of the significant public funding invested in early childhood education through Act 76, licensure with increased accountability and educational requirements can now be implemented in Vermont.

OPR recommends the following structure for Early Childhood Educators who work in non-public settings with young children, ages 0 to 8:<sup>3</sup>



These qualifications represent an increase in education for those working in early educator roles in non-public, State-regulated settings. To provide adequate transition time for practitioners, OPR recommends a phased implementation with measures to act as a bridge between current and increased qualifications. These bridge measures include multi-year transitional licenses for all early educators working in State-regulated child care settings as of a specified date who do not qualify under the increased requirements. The transitional license allows immediate implementation of more stringent public protection while providing educators additional time to complete their preparation pathway in the new structure.

<sup>3</sup> Current state regulations of the Center-Based Child Care and Preschool Program setting promulgated by the Child Development Division of the Vermont Department for Children and Families use the titles “Assistant Teacher,” “Associate Teacher,” and “Teacher.” In this report, ECE I is a support educator (“Assistant Teacher”). ECE II (“Associate Teacher”) and ECE III (“Teacher”) are referred to as a lead educators.

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## Early Child Care and Education Background

### A. Vermont's Extensive Investments in Improving Access to High-Quality Early Child Care and Education

Vermont's early childcare system for infants and young children who are not old enough for public school is a mixed-delivery system. The system includes unregulated home settings for providers serving no more than two families, state-licensed or registered home settings for providers with infants/young children from more than two families, and state-licensed early childcare and preschool centers with multiple providers working with infants/young children. Because of the rural nature of the state, both home care and facility-based settings are critically important to serving the childcare needs of working families. Though the State requires qualifications of providers working in these settings (including criminal background checks and required safety and childcare-related training and education), providers are not currently afforded an individual credential in the same way as nurses, teachers, physical therapists, speech language pathologists, midwives, and other regulated professionals. Equally important, the public is not afforded the protection of licensure in this profession.

In the last decade, Vermont has struggled, like many other states, with a shortage of qualified professionals in early childhood care and education for non-school-age children. This workforce shortage took root over time and was borne out of many factors, including: low wages and lack of benefits for child care providers; inadequate child care subsidies, particularly in family child care homes; increased regulation and requirements without corresponding structural increases in workforce compensation; aging workers; physical injury, stress, and emotional burn-out in the workforce; and lack of support and resources. This shortage decreased Vermont families' access to affordable, quality early childhood care and education, which has had and continues to have negative ripple effects for everyone in the State. The impacts include: sub-optimal developmental, educational, and overall physical/mental health outcomes for children; Vermont parents not being able to participate in the workforce either full or part-time; working families who might have otherwise relocated to Vermont having to make different choices because of the stark lack of access to early child care; businesses and employers struggling from lack of workforce; and the State and its taxpayers suffering from a decreasing population of working-age families that live here and pay taxes to support the State's necessary infrastructure.

In recent years, the State has dedicated significant resources to improving the quality of and access to early childcare and education. Through its efforts, Vermont has improved the early education landscape, including historic, sustainable investments to provide financial assistance for working families and for the early childcare and education workforce. Professional regulation of early childhood educators working in non-public settings through a system of licensure is a policy advancement in lockstep with these efforts and added momentum toward achieving access and high-quality early education for all Vermont families.<sup>4</sup>

1. 2014-2016: Act 166, Act 58. Blue Ribbon Commission, and Related Reports – Improved Early Child Care and Education Access; Recommended Increased Public Funding for Families and Providers and Professional Recognition for the Workforce

In 2014, the General Assembly passed Act 166 to provide families with access to publicly funded pre-kindergarten for three- and four-year-olds for at least ten hours per week in public schools or through prequalified private providers who contracted with the school district.<sup>5</sup> In 2015, Act 58 established the Blue Ribbon Commission on Financing High Quality, Affordable Child Care to generally report on “cost of providing equal access to voluntary, high quality, early care and education for all Vermont children, ages birth to age five,” including existing and potential public funding sources, as well as the “elements inherent in all quality child care programs.”<sup>6</sup> In 2016, the Final Report of the Blue Ribbon Commission was released. The Commission framed as the Report’s goal “to provide a clear definition of high quality child care, the estimated cost of providing that care to all Vermont children birth through the age 5, and a clear picture on the major gap in investment to support equal access to high quality care.”<sup>7</sup> The foundation of the Commission’s recommendations was unequivocal:

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<sup>4</sup> Though this author endeavored, in the time afforded, to learn as much as possible about efforts in Vermont over the last ten years to improve quality, affordability, access to and financing of early childhood care and education, every piece of legislation, every report reviewed, every study conducted, every website explored led to additional materials. Thus, the synopsis is not intended to be an exhaustive overview. A list of resources read, reviewed, and/or consulted is attached to this report in Appendix 1. Also, the Application itself references many additional resources.

<sup>5</sup> Act 166 (2014).

<https://legislature.vermont.gov/Documents/2014/Docs/ACTS/ACT166/ACT166%20As%20Enacted.pdf>

<sup>6</sup> Act 58 (2015)

<https://legislature.vermont.gov/Documents/2016/Docs/ACTS/ACT058/ACT058%20As%20Enacted.pdf>

<sup>7</sup> Final Report: Blue Ribbon Commission on Financing High Quality, Affordable Child Care (2016).

Retrieved from: <https://www.buildingbrightfutures.org/wp-content/uploads/2019/01/VT-BRC-Final-Report-1.pdf>.

**Child care is not just babysitting; it is critical learning and development for future generations. The science is clear, high quality early care and learning matters:**

- **In the first few years of life, 700-1,000 new neural connections are formed every second- this is the foundation upon which all learning, behavior and health depend;<sup>8</sup>**
- **At 18 months of age, disparities in vocabulary begin to appear for children not exposed to high quality care;**
- **90-100 percent chance of development delays when children experience multiple risk factors of maltreatment;**
- **Children who face significant adverse experiences (more than 7-8) have 3:1 odds of adult heart disease after adverse childhood experiences; and**
- **\$4-9 in return for every dollar invested in early childhood programs.**

The 2016 Blue Ribbon Commission Final Report identified the State's substantial investment gap in early education funding and resources needed to improve quality and access and established the long-term goal for universal early care and learning for all children in Vermont.

2. 2017-2020: Building Bright Futures Research, Engagement and Reporting – Recommended Increased Public Funding for Families and Providers and Professional Recognition for the Workforce; Identified Vermont's Economic Need for Improved Access to Early Care and Learning

Following the Blue Ribbon Commission Final Report, Building Bright Futures released its Summit Report in 2017, entitled "Building Vermont's Future from the Child Up." The Summit Report resulted from hundreds of stakeholder interviews of individuals and groups in every county in Vermont, including early childhood care and education providers, as well as a two-day summit with over 200 participants from various areas of the early childhood sector.<sup>9</sup>

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<sup>8</sup> Final Report: Blue Ribbon Commission on Financing High Quality, Affordable Child Care (2016). Retrieved from: <https://www.buildingbrightfutures.org/wp-content/uploads/2019/01/VT-BRC-Final-Report-1.pdf>. Citing: Center on the Developing Child (2009). Five Numbers to Remember About Early Childhood Development (Brief). Retrieved from: [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu). The figure of 700-1,000 neural connections formed every second in the first years of life has been updated by the Harvard University Center on the Developing Child to 1,000,000 neural connections every second. See Harvard University Center on the Developing Child. Retrieved from: <https://developingchild.harvard.edu/key-concept/brain-architecture/>.

<sup>9</sup> Building Bright Futures (December 2017). Summit Report: Building Vermont's Future from the Child Up. Retrieved from:

The Summit Report identified improvements needed in the State's early education system, including developing short-term and long-term supports for the workforce providing early care and education to Vermont's children. Those recommended supports included increasing compensation for the workforce from a dedicated public funding stream, as well as providing financial assistance such as scholarships, grants, and financial incentives for the workforce to strengthen their education and increase their compensation.<sup>10</sup> The Summit Report also recognized the need for flexible pathways for the workforce to achieve early childhood degrees and certificates and pay parity between the early childhood workforce in non-public settings and public school educators.<sup>11</sup> The Summit Report recommended that Vermont engage in the national conversations around early educators becoming a recognized profession which would:

*Include the creation of scopes of practice, accountability structures, and professional competencies...designed to ensure high standards are met....As a recognized profession, subsidies and public investments would potentially increase, supporting affordability for families and fair compensation for early childhood professionals.<sup>12</sup>*

In 2018, Building Bright Futures sponsored the Vermont Early Care and Education Household Survey, conducted by NORC at the University of Chicago, to provide insight into how Vermont households perceived practices and needs around early care and learning.<sup>13</sup> Some insights from the report analyzing the data gathered, *Young Children's Early Care and Learning in Vermont (2019)*, included: (1) employment is the reason people seek child care; (2) regulated home-based child care is critical in Vermont; (3) families pick child care based on cost and quality; and (4) availability of child care impacted how much parents can work.<sup>14</sup>

In 2020, Building Bright Futures engaged with early childhood stakeholders to design the 2020 Early Childhood Systems Needs Assessment, to explore and understand the then-current strengths and needs of the State's early childhood

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<https://www.buildingbrightfutures.org/wpcontent/uploads/2019/01/FINALSummitRecommendationsReportEM.pdf>

<sup>10</sup> *Id.* at 2, 7.

<sup>11</sup> *Id.* at 10.

<sup>12</sup> *Id.*

<sup>13</sup> Datta, A.Rupa, Borton, J., Shapiro, A., & Venkataraman, L. (February 2019). *Young Children's Early Care and Learning in Vermont*. NORC at the University of Chicago.

Retrieved from: <https://www.buildingbrightfutures.org/wp-content/uploads/2019/02/Child-Care-Demand-Study-Final.pdf>.

<sup>14</sup> *Id.*

system through data.<sup>15</sup> The Executive Summary of the Needs Assessment reported significant findings, including:

- Pre-Covid, 62% of infants lacked access to a child care provider, up to 89% in rural counties;
- In 2019, Statewide a total of 1,004 unique cases of child abuse and neglect occurred (in all settings, not necessarily child care settings);
- Access, quality and workforce supply remained a challenging issue;
- Lack of stable funding for the early care system continued to be a significant problem;
- 2% of early childhood stakeholders “reported that the workforce has the resources necessary to meet the needs of children and families;”
- Systemic affordability and accessibility gaps more severely impacted rural and BIPOC communities.<sup>16</sup>

Based on the information collected in the 2020 Systems Needs Assessment, Building Bright Futures published the 2020 Vermont Early Childhood Action Plan (VECAP), which articulated four overarching goals to unite efforts for strengthening the early care system:

1. *All children have a healthy start;*
2. *Families and communities play a leading role in children’s well-being;*
3. *All children and families have access to high-quality opportunities that meet their needs; and*
4. *The early childhood system will be integrated, well-resourced, and data-informed.*<sup>17</sup>

The 2020 VECAP identified objectives and strategies to meet the broader goals, which included creating equitable access to early childhood education from birth to age 8 and expanding funding and staffing.<sup>18</sup> The VECAP acknowledged that the COVID-19 pandemic brought into sharp focus for Vermont leaders “the importance of child care as an essential part of the state’s economy.”<sup>19</sup>

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<sup>15</sup> Building Bright Futures (2020). Early Childhood Systems Needs Assessment.

Retrieved from: <https://buildingbrightfutures.org/wp-content/uploads/2020/11/Vermont-Early-Childhood-Needs-Assessment-2020-Final.pdf>.

<sup>16</sup> *Id.* at 3.

<sup>17</sup> Building Bright Futures (2020). Vermont Early Childhood Action Plan 2020.

Retrieved from: <https://www.buildingbrightfutures.org/wp-content/uploads/2020/12/VECAP-Final.pdf>.

<sup>18</sup> *Id.* at 13.

<sup>19</sup> *Id.* at 6.

### 3. 2021-2023: Act 45 and Related Reports on Workforce Capacity, Early Childhood Systems Restructuring, and Sustained Public Funding

In 2021, the General Assembly passed Act 45, which provided resources and supports for programs and families to promote high-quality child care and education.<sup>20</sup> In Section I of the Act, the General Assembly expressed the legislative intent as follows:

***[I]mmediate investments are necessary to support Vermont's economy, ensure that all families with young children have affordable access to high-quality child care and early education, and that Vermont's early educators are fairly compensated and well supported....***<sup>21</sup>

For early childhood care and education providers, Act 45 provided scholarships<sup>22</sup> and student loan repayment assistance for individuals currently working at Center Based Child Care and Preschool Providers (CBCCPP's) and Family Child Care Homes (FCCH's),<sup>23</sup> scholarships for prospective early childhood providers,<sup>24</sup> as well as increased child care financial assistance subsidies for working families and families looking for work with income up to 350% of the federal poverty level.<sup>25</sup> Act 45 also required:

- an independent report on Vermont's child care and early childhood education systems analysis;<sup>26</sup>
- an evaluation of early childhood workforce programs and whether financial assistance for the programs should continue, due October 1, 2025;<sup>27</sup> and
- the Joint Fiscal Office to contract with an outside entity to conduct a comprehensive Childcare and Early Childhood Education Financing Study to look at funding mechanisms with the criteria that families will not spend more than 10% of their gross income on child care and that child care providers will receive compensation that is commensurate with peers in the field.<sup>28</sup>

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<sup>20</sup> Act 45 (2021).

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT045/ACT045%20As%20Enacted.pdf>.

<sup>21</sup> *Id.* at (1).

<sup>22</sup> 33 V.S.A. § 3541.

<sup>23</sup> 33 V.S.A. § 3543.

<sup>24</sup> 33 V.S.A. § 3542.

<sup>25</sup> 33 V.S.A. § 3512(a)(2).

<sup>26</sup> Act 45 (2021), Sec. 13.

<https://legislature.vermont.gov/Documents/2022/Docs/ACTS/ACT045/ACT045%20As%20Enacted.pdf>.

<sup>27</sup> *Id.* at Sec. 7.

<sup>28</sup> *Id.* at Sec. 14.

As required by Act 45, the Final Report on Vermont Child Care and Early Education Systems Analysis was completed in 2022.<sup>29</sup> The systems analysis report concluded “Vermont’s current system of early childhood governance is fundamentally broken” and must change structurally to meet the State’s goals articulated in Act 45 for the success of children and families.<sup>30</sup> The systems analysis report identified that the challenges Vermont faces in the current early childhood system are fundamentally structural, too fragmented within the various early childhood settings with different expectations and supports depending upon setting, and significantly complex.<sup>31</sup> The systems analysis, based on the State’s goals and challenges as articulated in reports, as well as stakeholder/workforce feedback:

- Emphasized that early childhood is its own discipline that requires “dedicated and focused leadership;”<sup>32</sup>
- Expressed the perspective that AOE has a “school-centric” approach and does not have an understanding of or expertise in the differences between school setting and the mixed-delivery private setting;<sup>33</sup>
- Underscored the perception that both AHS and AOE are understaffed and that both agencies have different visions of competency and quality standards;
- Called for Vermont to unify the fragmented early childhood system to improve experiences for children and families; and
- Recommended that a new state agency be formed to govern quality and oversight of early childhood providers, unify definitions of quality, and provide consistent oversight and expectations.

The systems analysis report concluded that while both the Agency of Education (AOE) and CDD express support for early childhood, early childhood governance should not be housed at either the Agency of Human Services (parent agency to CDD) or AOE.<sup>34</sup>

Also in 2022 the Department for Children and Families released a Child Care Capacity Building Report, identifying a top priority of its Child Development Division (CDD) as “ensuring an adequate supply of high-quality, regulated, child care slots are

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<sup>29</sup> Regenstein, E. & Patel, N. (July 2022). Final Report: Vermont Child Care and Early Childhood Education Systems Analysis, As Required by Act 45. Foresight Law + Policy, Watershed Advisors. Retrieved from: [https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report\\_July-2022.pdf](https://legislature.vermont.gov/assets/Legislative-Reports/Vermont-Child-Care-and-Early-Childhood-Education-Systems-Analysis-Final-Report_July-2022.pdf).

<sup>30</sup> *Id.* at 3.

<sup>31</sup> *Id.* at 4, 9.

<sup>32</sup> *Id.* at 12.

<sup>33</sup> *Id.* It is important to note here, just as the systems analysis report did, that the findings are not intended as criticisms of the agencies or as blame. Rather, the findings identify the focus of the agencies as appropriately centered on their own areas of expertise.

<sup>34</sup> *Id.* at 15.

available for Vermont’s children.”<sup>35</sup> The Report confirmed child care is critical for family members to be part of the workforce; and reiterated: “Over 90% of brain development occurs in early years and nurturing relationships in regulated child care supports brain development in young children.”<sup>36</sup> The report provided information regarding the distribution of discretionary funds to successfully increase the early childhood provider workforce through scholarships and new workforce programs from grant funding in SFY20 and 21 (annual investment of \$800,000 and a one-time \$1.6 million investment).<sup>37</sup> The distribution of the grant funding successfully increased available high-quality child care slots in Vermont by 1,500 slots.<sup>38</sup> The capacity building report also detailed plans for additional capacity building through increased grant funding and allocation of supplemental funding.

In 2023, the Vermont Early Care and Education Financing Study conducted by the Rand Corporation was released as required by Act 45. The purpose of the financing study was to “estimate the cost of achieving a high-quality ECE system with a well-compensated workforce, accompanied by a sliding-scale subsidy system capping family out-of-pocket cost at 10 percent of family income.”<sup>39</sup> The financing study explored various sources of tax and other revenue, such as payroll tax, to stably fund the annual gap resulting from expanded early childhood education subsidies to various levels above the federal poverty level. Importantly, the parameters under which the study was conducted included the following sea changes:

- *The cost of care should be based on high-quality standards and assume commensurate pay for the workforce....*
- *Providers are reimbursed according to the cost of care rather than the market prices that they charge.*<sup>40</sup>

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<sup>35</sup> Vermont Agency of Human Services, Department for Children and Families, Child Development Division (January 2022). Child Care Capacity Building: In Accordance with Act 74 Section B.318, Report to the Vermont Legislature. Retrieved from: <https://legislature.vermont.gov/assets/Legislative-Reports/Act-74-B.318-Child-Care-Capacity-Building.pdf>.

<sup>36</sup> *Id.* at 3.

<sup>37</sup> *Id.*

<sup>38</sup> *Id.*

<sup>39</sup> Karoly, L., Strong, A., & Doss, C. (2023). Vermont Early Care and Education Financing Study: Estimated Costs, Financing Options, and Economic Impacts. Rand Corporation. Retrieved from: [https://lifo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND\\_RRA2213-1.pdf](https://lifo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND_RRA2213-1.pdf).

<sup>40</sup> *Id.* at iii.

The financing study further projected costs assuming teaching staff in early education settings would earn within an increased range of wages<sup>41</sup> and based on the different levels of qualification consistent with the model proposed by the Applicants, including Early Childhood Educator I, II, and III credentials with varying roles and responsibilities depending on those qualifications.<sup>42</sup>

#### 4. Substantial and Sustained Investments of Act 76 (2023) and Recent Workforce and Supply/Demand Analyses

In 2023, the General Assembly passed Act 76, historic legislation for public funding of early childcare and education.<sup>43</sup> The vision of Act 76 included increasing quality and equitable access to early education through expanded financial assistance for working families to pay for childcare, which allowed family child care homes and center-based childcare programs to charge tuition rates in line with the actual cost of care.<sup>44</sup> This increase in tuition rates has increased pay and benefits for the workforce, which in turn is helping to stabilize the system. Early child care and education programs are being added to the system, and fewer programs are closing, thereby increasing access to early childcare and education. Act 76 also provided financial supports for professional development for staff, implementing curriculum, and moving child care and education workforce toward a professional pay scale.

Act 76 has changed the early education landscape by:

- Creating the Child Care Financial Assistance Program sustainably funded through a .44% payroll tax for employers (with contribution by individual employees of up to .11%) and .11% payroll tax for self-employed individuals;<sup>45</sup>
- Creating a committee to study improving and expanding access to quality pre-k on a full-time basis by 7/1/26 for all 4 year olds in Vermont either through public school or contract providers (committee report due 12/1/24);

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<sup>41</sup> This increased range of wages included proposed minimum salaries for ECE I (\$35,880), ECE II (\$44,850), and ECE III (\$56,063) from VTAEYC's Advancing ECE as a Profession Task Force and also included a Modified Salary Scale with an Annual Starting Salary, Annual Maximum Salary, Annual Median Salary, and an Hourly Median Salary using the ECE professional designations.

<sup>42</sup> Karoly, L., Strong, A., & Doss, C. (2023). Vermont Early Care and Education Financing Study: Estimated Costs, Financing Options, and Economic Impacts. Rand Corporation. Table 3.2, "Salary Scale for ECE Workforce Used In Cost Model" at p.34. The authors note that Column 1 in the table is from Vermont Association for the Education of Young Children's Advancing ECE as a Profession Task Force, 2021. The other columns in the table were based on the study authors' assumptions. Retrieved from: [https://ljo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND\\_RRA2213-1.pdf](https://ljo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND_RRA2213-1.pdf).

<sup>43</sup> Act 76 (2023).

<https://legislature.vermont.gov/Documents/2024/Docs/ACTS/ACT076/ACT076%20As%20Enacted.pdf>.

<sup>44</sup> *Id.* at Sec.1.

<sup>45</sup> *Id.* at 35; 32 V.S.A. § 10553.

- Significantly expanding availability of childcare subsidies on a sliding scale up to 575% of the federal poverty level so more working Vermont families (and families needing childcare to obtain employment) could receive assistance;<sup>46</sup>
- Appropriating funds to CDD for new staff to administer the expanded subsidy program;
- Appropriating funds for early care and education provider payments to increase capacity, increase the number of Family Child Care Homes, expand hours of operation, and increase the early childhood workforce;<sup>47</sup>
- Increasing reimbursement rates to reduce the differential between rates for FCCHs and rates for CBCCPPs;<sup>48</sup>
- Appropriating funds for the Child Care Quality and Capacity Incentive Program so that providers can be awarded funds for improving quality, increasing capacity, providing non-standard hours;<sup>49</sup> and
- Allowing for the establishment of “minimum wage rates for child care providers that align with the recommendations of the Vermont Association for the Education of Young Children’s recommendations in the 2021 Advancing ECE as a Profession Task Force report.”<sup>50</sup>

The 2024 Vermont Early Childhood Education and Afterschool Workforce Report determined that the early education workforce is the key to improving quality and capacity.<sup>51</sup> The workforce report found a modest increase in the numbers of individuals working directly with children in regulated early care and education settings since 2020, from 7436 to 7711 in 2022.<sup>52</sup> The percentage of individuals who have degrees between 2018 and 2022 (Associates, Bachelors, and Masters) has also increased.<sup>53</sup> Based on 2022 data, the numbers of FCCP’s/FCCH’s have declined.<sup>54</sup> The report determined that affordable and flexible pathways would be critical for providers to further their education, and with increased annual resources and the

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<sup>46</sup> *Id.* at 12; 33 V.S.A. § 3512.

<sup>47</sup> *Id.* at 19 (Sec. 8).

<sup>48</sup> *Id.* at 22-23; 33 V.S.A. § 3514.

<sup>49</sup> *Id.* at 24; 33 V.S.A. § 3515.

<sup>50</sup> *Id.* at 33 (Sec.23).

<sup>51</sup>Vermont Agency of Human Services, Department for Children and Families, Child Development Division (March 2024). Vermont Early Childhood Education and Afterschool Workforce Report: 2022 Data on the Workforce within Regulated Child Care Programs. Retrieved from: [https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Reports/ECE-AS-Workforce-Report-2023.pdf?\\_gl=1\\*\\_bzo3lc\\*\\_ga\\*NDYzODgyNDc5LjE2ODgwNjU2NzQ\\*\\_ga\\_V9WQH77KLW\\*MTczNzE1ODkYNS43NC4xLjE3MzcxNTg5ODYuMC4wLjA](https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Reports/ECE-AS-Workforce-Report-2023.pdf?_gl=1*_bzo3lc*_ga*NDYzODgyNDc5LjE2ODgwNjU2NzQ*_ga_V9WQH77KLW*MTczNzE1ODkYNS43NC4xLjE3MzcxNTg5ODYuMC4wLjA).

<sup>52</sup> *Id.* at 11.

<sup>53</sup> *Id.* at 21-22, 35.

<sup>54</sup> *Id.* at 34.

federal Preschool Development Grant Birth to Five, continued progress could be made to stabilize and increase the workforce.<sup>55</sup>

In March 2024, Let's Grow Kids, a Vermont nonprofit organization promoting accessible, high-quality child care and education for all Vermont families, published "Stalled at the Start: Vermont's Child Care Challenge, An Analysis of the Supply of and Demand for Regulated Child Care for Children Birth through Five in Vermont."<sup>56</sup> Critically, the supply and demand analysis found, based on data from September 2023 (shortly after the passage of Act 76):

- Vermont needs 2,314 new early childhood educators to address the significant challenge of access to early care and education services;<sup>57</sup>
- Over 20,000 Vermont children under the age of five "are likely to need some form of regular child care...while a parent works,"<sup>58</sup>
- Over 10,500 child care slots would have to be added to the system to meet current demand;<sup>59</sup>
- "65% of infants likely to need care do not have access to regulated early care and education programs;"<sup>60</sup>
- Family Child Care Homes numbers have declined by 22%.<sup>61</sup>

Importantly, the supply and demand analysis also identified how affordability issues plague providers, as they are still paid substantially lower than public school teachers:

*For example, a teacher in a center-based child care program must hold advanced training in early childhood education through a teaching license through the Vermont Agency of Education with an endorsement in a field related to early childhood; or 12 months of experience working with young children combined with a bachelor's degree specifically relevant to early childhood or a bachelor's degree with extensive coursework in early childhood or school age education. However, the average annual salary for such a teacher is \$39,280 (or \$17.55 per hour), which is far lower than the average salary of \$54,770 for a Vermont kindergarten teacher. This can make it difficult for early childhood educators to remain in the field.<sup>62</sup>*

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<sup>55</sup> *Id.* at 34-35.

<sup>56</sup> Horwitz, J., Salina, K. (March 2024). Stalled at the Start: Vermont's Child Care Challenge. Let's Grow Kids. Retrieved from: [https://letsgrowkids.org/client\\_media/files/FinalSATS2024.pdf](https://letsgrowkids.org/client_media/files/FinalSATS2024.pdf).

<sup>57</sup> *Id.* at 17.

<sup>58</sup> *Id.* at 8.

<sup>59</sup> *Id.* at 10.

<sup>60</sup> *Id.* at 13.

<sup>61</sup> *Id.* at 6.

<sup>62</sup> *Id.* at 3.

## 5. Summary

Though not an exhaustive overview of all Vermont legislation and reporting on early childhood care and education in the last decade, one can appreciate from the synopsis above the sustained and focused efforts devoted to improving quality and access to early care and education for non-school age children. Through the continuing work of lawmakers, agencies/departments, public/private partnerships, stakeholders, the early child care and education workforce, advocacy organizations, parents, businesses, and individuals, Vermont has implemented transformational positive change toward accomplishing its goal of increased and equitable access to high-quality early education through systemic improvements over the last ten years, including significant and sustained public funding.

And, just as night follows day, with significant public investment in early childhood education, so too comes accountability for educators to meet high-quality standards of practice, as well as standards of professional conduct.

## B. Movement from Within the Vermont Workforce for Recognizing Early Childhood Education as a Regulated Profession

Also in the last decade, early child care and education providers and others within the profession have set and supported the trajectory of improving access to high-quality early care and education nationally and in the State through a well-prepared and well-compensated workforce. The Vermont Association for the Education of Young Children (VTAEYC), an affiliate of the National Association for the Education of Young Children (NAEYC), is a professional membership organization made up of early childhood providers and businesses.<sup>63</sup> VTAEYC filed the instant Application proposing licensure of early childhood educators in Vermont with the support of its members and as the result of years of engagement with the workforce in dozens of professional development sessions and through multiple surveys.<sup>64</sup> VTAEYC's efforts to discover the will of the workforce included formation of a task force and engaging with Vermont child care workers to determine whether they

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<sup>63</sup> <https://www.VTAEYC.org/>.

<sup>64</sup> Vermont Association for the Education of Young Children (2024). Application for Preliminary Sunrise Review: Recognizing Early Childhood Education as a Licensed Profession in Vermont at 5-8. [https://outside.vermont.gov/dept/sos/office\\_professional\\_regulation/regulatory/application\\_preliminary\\_sunrise\\_review\\_assessment\\_recognizing\\_early\\_childhood\\_education.pdf](https://outside.vermont.gov/dept/sos/office_professional_regulation/regulatory/application_preliminary_sunrise_review_assessment_recognizing_early_childhood_education.pdf).

wanted to advance as a profession. The task force explored whether the workforce wanted to align with the vision of a national task force that “each and every child, beginning at birth, has the opportunity to benefit from high-quality early childhood education, delivered by an effective, diverse, well-prepared, and well-compensated workforce across all states and settings.”<sup>65</sup>

VTAEYC continued with its engagement of the workforce and ultimately formed “Vermont’s Advancing Early Childhood Education as a Recognized Profession Initiative,” whose members include directors, owners and educators from child care centers and family child care homes in Vermont, leaders in Let’s Grow Kids (a Vermont children’s advocacy organization), and a consortium of higher education programs in Vermont (including University of Vermont, Community College of Vermont, and Vermont State University).

*[T]he single most important element in high-quality early childhood education is the educator who works directly with young children. This individual’s qualifications and competencies are paramount, along with the ability to provide continuity and stability for young children and their families.*<sup>66</sup>

This workforce movement on both the State and national fronts recognizes that a professional identity achieved through individual licensure will result in higher quality education for young children, better health and developmental outcomes, and will provide a foundation for significant and sustained public investment. The movement seeks professional regulation that streamlines education and preparation qualifications for educators, requires adherence to quality and ethical standards established from within the profession, and holds early educators accountable for meeting standards and professional conduct.

It is important to note here because this is a national workforce movement, there is model legislation that has been developed by national organizations for consideration in states considering whether to recognize early childhood educators as a profession through licensure. However, no other states have implemented licensure of early childhood educators (ages 0-8) working in private settings. Vermont would be the first.

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<sup>65</sup> *Id.*

<sup>66</sup> *Id.*

## C. On the National Front

The early child care and education workforce shortage also impacts access to affordable, high-quality early education on the national level. Child care costs have tripled in the last three decades, and it is estimated that child care expenses for children under six years old push over 130,000 families into poverty annually.<sup>67</sup> While these increasing costs disparately effect low income populations, hundreds of thousands of families in all income ranges are pushed into lower income brackets each year due to child care costs.<sup>68</sup> Federal government has also worked toward improving access to quality early education for pre-school age children by advocating for increased pay for early educators in all settings.<sup>69</sup> In a recent letter penned jointly by the U.S. Department of Education and the U.S. Department of Health and Human Services, the federal government highlighted available funding streams for mixed delivery systems of high-quality early education. The letter urged stakeholders, States, and community leaders to “examine opportunities to leverage early care and education funding to increase compensation and improve pay equity for early educators...:”<sup>70</sup>

*To bolster the supply of high-quality preschool services, it is essential that early educators are paid a wage that honors and reflects their skill experience, and qualifications, whether they are in a school, community-based child care, Head Start, family child care home, or other setting. Providing competitive, equitable wages to providers regardless of the setting in which they work is a foundational part of ensuring both equity and high-quality programming.*

<sup>67</sup> Andara, K. and Ross, K. (October 31, 2024). Child Care Expenses Push an Estimated 134,000 Families into Poverty Each Year. Center for American Progress. Retrieved from: <https://www.americanprogress.org/article/child-care-expenses-push-an-estimated-134000-families-into-poverty-each-year/>.

<sup>68</sup> *Id.*

<sup>69</sup> Due to time constraints, this review will not survey the federal government’s legislation and reporting on early education.

<sup>70</sup> Adarkar, S. and Hamm, K. (February 26, 2024). Letter from U.S. Department of Health and Human Services, Administration for Children & Families and U.S. Department of Education. Retrieved from: <https://www.acf.hhs.gov/ece/policy-guidance/dear-colleague-letter-mixed-delivery>.

## Sunrise Review: Legal Standards and OPR Process

Vermont law rightfully safeguards individuals' abilities to enter their chosen profession or occupation without government oversight or regulation unless public protection interests dictate otherwise. When proposals to regulate new professions are made, the State requires an analysis of specific factors to establish "there is a demonstrated need for the State to protect the interest of the public by restricting entry into the profession or occupation." 3 VSA § 3101(a). As discussed above, OPR's limited role in this complex landscape is to assess the Application and determine whether there is a demonstrated need to protect the public by regulating the profession of early childhood education (ages 0 to 8) and what form of regulation is the least restrictive necessary to protect the public interest. The assessment conducted under Chapter 57 of Title 26 is also known as a "Sunrise Review."

### A. Legal Standards

The Sunrise Review process can be broken down into two phases with various criteria in each. First, the review considers whether regulation of the profession is legally warranted based on the following requirements:

*(1) it can be demonstrated that the unregulated practice of the profession or occupation can clearly harm or endanger the health, safety, or welfare of the public, and the potential for the harm is recognizable and not remote or speculative;*

*(2) the public can reasonably be expected to benefit from an assurance of initial and continuing professional ability; and*

*(3) the public cannot be effectively protected by other means.<sup>71</sup>*

"Governmental and societal costs and benefits" should also be considered in this phase of the analysis.<sup>72</sup>

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<sup>71</sup> 26 V.S.A. § 3105(a)

<sup>72</sup> 26 V.S.A. § 3105(b).

If this initial analysis demonstrates that regulation is necessary, then the review proceeds to the next phase of identifying the appropriate and least restrictive form of regulation. Chapter 57 of Title 26 establishes three basic forms of professional regulation:

*“Licensing” and “licensure” mean a process by which a statutory regulatory entity grants to a person who has met certain prerequisite qualifications the right to perform prescribed professional or occupational tasks and to use the title of the profession or occupation. Practice without a license is unlawful.*

*“Certification” means a voluntary process by which a statutory regulatory entity grants to a person who has met certain prerequisite qualifications the right to assume or to use the title of the profession or occupation, or the right to assume or use the term “certified” in conjunction with the title. Use of the title or the term “certified,” as the case may be, by a person who is not certified is unlawful.*

*“Registration” means a process requiring that, prior to rendering services, a practitioner formally notify a regulatory entity of his, her, or its intent to engage in the profession or occupation. Notification may include the name and address of the practitioner, the location of the activity to be performed, and a description of the service to be provided.<sup>73</sup>*

The least restrictive form of regulation is considered in light of the public interests and consistent with the following policies:

*(1) if existing common law and statutory civil remedies and criminal sanctions are insufficient to reduce or eliminate existing harm, regulation should occur through enactment of stronger civil remedies and criminal sanctions;*

*(2) if a professional or occupational service involves a threat to the public and the service is performed primarily through business entities or facilities that are not regulated, the business entity or the facility should be regulated rather than its employee practitioners;*

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<sup>73</sup> 26 V.S.A. § 3101a(2), (1), & (7).

*(3) if the threat to the public health, safety, or welfare, including economic welfare, is relatively small, regulation should be through a system of registration;*

*(4) if the consumer may have a substantial interest in relying on the qualifications of the practitioner, regulation should be through a system of certification; or*

*(5) if it is apparent that the public cannot be adequately protected by any other means, a system of licensure should be imposed.<sup>74</sup>*

In addition to the requirements and policies identified above that are part of a Sunrise Review, applicants proposing professional regulation are required to provide the following information, some of which duplicate factors identified above and some of which drill down into the details of a potential regulatory program:

*(1) Why regulation is necessary...*

*(2) The extent to which practitioners are autonomous...*

*(3) The efforts that have been made to address the concerns that give rise to the need for regulation...*

*(4) Why the alternatives to licensure specified in this subdivision would not be adequate to protect the public interest...*

*(5) The benefit to the public if regulation is granted...*

*(6) The form and powers of the regulatory entity...*

*(7) The extent to which regulation might harm the public...*

*(8) How the standards of the profession or occupation will be maintained...*

*(9) A profile of the practitioners in this State, including a list of associations, organizations, and other groups representing the practitioners and including an estimate of the number of practitioners in each group.*

*(10) The effect that registration, certification, or licensure will have on the costs of the services to the public.<sup>75</sup>*

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<sup>74</sup> 26 V.S.A. § 3105(b).

<sup>75</sup> 26 V.S.A. § 3107 (Omitting subcategories).

## B. Sunrise Review Process

Since OPR received the Application in May 2024, the Agency has engaged in the following efforts as part of its thorough review of the proposed regulatory framework 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;
- Created a webpage with reference materials for the public to access;<sup>76</sup>
- Accepted public comments to the Agency's public comments email address ([sos.opr.comments@vermont.gov](mailto: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;<sup>77</sup>
- Conducted two hybrid public hearings (four hours total) where over 100 stakeholders and interested parties attended in person, via phone, or online;
- Reviewed and considered the written comments and oral testimony from stakeholders and interested parties.<sup>78</sup>

### Title 26, Chapter 57 Analysis of Applicants' Proposal to Recognize Early Childhood Education as a Licensed Profession

As demonstrated by the State's extensive work in early education, the pathway to achieving accessible high-quality early childhood care and education for all Vermont working families has been, and is, challenging, complex, costly in terms of time and resources, and requires long-range planning and phased implementation. After many years of efforts and successes in Vermont, OPR has been tasked with assessing only one, though not insubstantial, piece of this great puzzle: Should the

<sup>76</sup> <https://sos.vermont.gov/opr/regulatory/regulatory-review/early-childhood-education/>

<sup>77</sup> AOE also included the public hearing information in a newsletter to their licensees.

<sup>78</sup> Of the 45 stakeholders who testified at the two public hearings and submitted public comments, 33 stakeholders supported regulation through licensure at OPR for ECE I, II, III. There were 11 stakeholders who opposed, with three of the nine opposing stakeholders only opposing the licensure program being located at OPR rather than AOE.

State of Vermont regulate the profession of Early Childhood Educators solely for the purpose of protecting the public. See 26 V.S.A. § 3101(a); see *generally*, 26 V.S.A. Ch.57. OPR answers this question affirmatively and recommends licensure as the appropriate form of regulation. While OPR understands and appreciates the perspectives of individuals who disagree, we find that licensure of early childhood educators is necessary to protect the public.

In undertaking this regulatory review, it has been helpful for OPR to understand points on which interested parties agree. At the community, State, and national level, from the applicants, the early childhood workforce, families, businesses, employers, State and federal agencies and departments, public and private organizations, and the Vermont General Assembly, there appears to be consensus on the following points:

1. Achieving readily accessible high-quality early education will result in better health, well-being, and developmental outcomes for Vermont’s children;
2. The early childhood care and education workforce decreased in recent years due in large part to low wages, lack of benefits, and limited/fragmented resources and supports;
3. Working Vermont families need increased and equitable access to high-quality early childhood education;
4. Increased access to high-quality early childhood education not only benefits children, but also benefits families, the early education workforce, businesses and employers, the public at large, and the government; and,
5. Maintaining the status quo does not accomplish all outcomes in 1, 2, 3, and 4.

## A. Current System

In Vermont, approximately 7,000 individuals work in non-public settings in roles providing early child care and education.<sup>79</sup> Though the State has seen increases in programs and providers in the short time since the passage of Act 76, Vermont continues to have a significant workforce shortfall for the current number of working families and children who need early care and education. According to Let’s Grow Kids, an advocacy organization for children, Vermont still needs over 10,000 child

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<sup>79</sup> As explained in the Application at pp.34, 39 and also in the Vermont Early Childhood Education and Afterschool Workforce Report published with revisions on 3.8.24, verified, up-to-date data for credentials and degrees of early care and education program staff and child care homes is incomplete. The workforce data is based on estimates from 2022.

<https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Reports/ECE-AS-Workforce-Report-2023.pdf>

care slots to meet current demand for infants, toddlers, and young children whose families need child care.<sup>80</sup>

The two primary early education program settings for non-school age infants and children, Family Child Care Homes (FCCHs) and Center-Based Child Care and Preschool Programs (CBCCPPs), are regulated by the State through the Child Development Division (CDD) of the Department of Children and Families (DCF) under the Agency of Human Services. CDD administers the Child Care and Development Fund, which is “a federal and state partnership program (over \$5 billion in federal funding) authorized under the Child Care and Development Block Grant Act.”<sup>81</sup> States use the federal funding to give childcare subsidies to qualifying families so the parents can work or attend school. States also use the funds for “building the skills and qualifications of the teacher workforce, supporting child care programs to achieve higher standards, and providing consumer education to help parents select child care that meets their families’ needs.”<sup>82</sup>

In the current system, the State regulates Family Child Care Homes and Center-Based Child Care and Preschool Programs through licensure or registration of the facility. As part of the regulation of facilities, the State does require and confirm that individuals working in the setting have passed background checks and completed safety courses.<sup>83</sup> Individuals working in these settings as Teachers, Aides, Assistants, Trainees, and Family Child Care Providers are also required by the State to have completed certain training hours and education, which are available through multiple pathways.<sup>84</sup> These pathways include educational certificates, credentials, fundamental coursework, college credits in approved content areas, associates degrees with an early education concentration, bachelor's degrees or higher with a major or concentration in early childhood, and varying levels of experience in early education settings. Vermont’s CDD contracts with Northern Lights at Community College of Vermont to track preparation/training of Family Child Care Providers and Teachers/Directors/Staff of FCCH’s and CBCCPP’s. There is not a publicly available database that shows the training completed by teaching staff in state-regulated settings. And tracking providers can be challenging because there is no individual credential issued by the State.

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<sup>80</sup> Retrieved from: <https://letsgrowkids.org/vermont-child-care-bill-act-76-educators-families-kids>.

<sup>81</sup> <https://www.acf.hhs.gov/archive/occ/faq/what-child-care-and-development-fund-ccdf>. Accessed December 28, 2024.

<sup>82</sup> <https://www.acf.hhs.gov/archive/occ/faq/what-child-care-and-development-fund-ccdf>. Accessed December 28, 2024.

<sup>83</sup> <https://dcf.vermont.gov/cdd/laws-rules/licensing>.

<sup>84</sup> *Id.*

Individuals providing early child education and care in Vermont have varying levels of safety training, education, and experience; however, the qualification pathways are fragmented and in need of streamlining and standardization. Furthermore, the current system lacks transparency and accountability at the individual level. It is possible for families and the public to obtain information and make complaints about facilities and home care settings. However, complaints about individuals are resolved at the facility level with no public regulatory process or information holding individuals accountable.

## B. Unregulated Practice of Early Childhood Education Clearly Poses a Recognizable Harm and Endangers the Health, Safety or Welfare of the Public

Infants, toddlers, and young children are our most vulnerable population, and they are significantly impacted by the current system of child care.

*Unfortunately, the generally poor quality of care provided in many child care arrangements in the United States does not support...benefits [of high quality early education] because of high caregiver turnover, poorly designed programs, or inadequate preparation of staff.<sup>85</sup>*

From the ages of 0 to 8, children's bodies and minds are growing rapidly. The foundational blocks on which all human learning, behavior, and physical health are built during this time. While children are rapidly developing, their physiological and neurological systems are highly sensitive and require consistent, warm, nurturing, and responsive relationships with their caregivers. As they grow, enriching activities and play are critical in their cognitive and emotional development, helping them to gain language skills, literacy, self-regulation, social skills, mathematical skills, and the like. Just as their bodies' systems are learning from stable, nurturing relationships and enriching activities, infants and young children are also highly susceptible to adverse experiences. Persistent adverse experiences from stressful, unresponsive, and/or neglectful environments result in a child's system adapting to and anticipating stress, which has lifelong negative impacts on health and learning. Infant and young children's systemic sensitivity makes them particularly vulnerable to the impacts of unregulated or under-regulated individual caregivers outside of the home who do not have sufficient education and training to provide the necessary nurturing and enriching environment that supports their growth and development. Not only are

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<sup>85</sup> National Scientific Council on the Developing Child (2004). *Young Children Develop in an Environment of Relationships: Working Paper No. 1*. Retrieved from [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).

children from ages 0 to 8 particularly vulnerable because of this phase of rapid growth and development but also (and obviously) because they have difficulty communicating about their experiences and are powerless to change their environments.

## 1. Importance of High-Quality Education for Physical, Mental, Emotional Development in Early Years of Life

The period of human growth and development between the ages of 0 to 8 includes the most rapid brain development for children, establishing foundations of emotional processing and regulation, language skills, and cognitive development. Harvard University’s Center on the Developing Child has extensively researched the architectural development of the human brain and determined: “In the first few years of life, more than 1 million new neural connections form every second.... Brain architecture is comprised of billions of connections between individual neurons across different areas of the brain.”<sup>86</sup> Cognitive and behavioral foundations are formed in these years and will influence the individual’s lifelong development and learning.<sup>87</sup>

*The connections that form early provide either a strong or weak foundation for the connections that form later.*<sup>88</sup>

During this crucial phase of human growth, a child’s brain architecture is developed primarily through interactive human relationships. Brain development is heavily stimulated by “serve and return” interactions with other humans – essentially a “back and forth exchange” – in which the infant/young child signals through noises, gestures, cries, and the like, and the adult offers response through speaking, physical touch, eye contact, etc.<sup>89</sup> This period of significant growth includes physical, emotional, moral, intellectual and mental health development – the foundation of how people relate to and function within the world is formed during this time through

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<sup>86</sup> Harvard University Center on the Developing Child.

Retrieved from <https://developingchild.harvard.edu/key-concept/brain-architecture/>.

<sup>87</sup> 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>.

<sup>88</sup> Harvard University Center on the Developing Child.

Retrieved from <https://developingchild.harvard.edu/key-concept/brain-architecture/>.

<sup>89</sup> Harvard University Center on the Developing Child.

Retrieved from <https://developingchild.harvard.edu/key-concept/serve-and-return/#:~:text=When%20an%20infant%20or%20young,Brain%2DBuilding%20Serve%20and%20Return.>

interactive relationships.<sup>90</sup> Nurturing, responsive, reliable, and stable relationships provide critical support for optimal brain development in early years.

High-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.”<sup>91</sup> High-quality early education is skilled, complex work that requires “a sensitive and responsive caregiving relationship between educator and child” on a consistent basis.<sup>92</sup> 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.

*“Quality” in early care and education...is often defined in terms of adult-child ratios, group size, physical facilities, and, more recently, cognitively oriented curriculum. But “quality” is perceived differently when we view child care as a prominent feature of the environment of relationships in which young children development. The importance of ensuring that relationships in child care are nurturing, stimulating, and reliable leads to an emphasis on the skills and personal attributes of the caregivers, and on improving the wages and benefits that affect staff turnover.*<sup>93</sup>

Early educators need to be prepared with training and professional development to provide appropriate, 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

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<sup>90</sup> National Scientific Council on the Developing Child (2004). *Young Children Develop in an Environment of Relationships: Working Paper No. 1*. Retrieved from: [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).

<sup>91</sup> 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>.

<sup>92</sup> *Id.*

<sup>93</sup> National Scientific Council on the Developing Child (2004). *Young Children Develop in an Environment of Relationships: Working Paper No. 1*. Retrieved from: [www.developingchild.harvard.edu](http://www.developingchild.harvard.edu).

literacy, language, mathematics, social skills, self-regulation, and behavior.<sup>94</sup> 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.<sup>95</sup>

*Reliable “serve and return” interactions between young children and the adults who care for them help to reduce the physiological disruptions of excessive stress activation and protect developing biological systems, especially in the earliest years. Examples of policies or programs that align with this principle include: ...minimizing disruptions of stable, adult-child relationships in child care centers (e.g., reducing staff turn over by providing competitive compensation through wages and benefits, as well as requiring reasonable adult-to-child ratios...).*<sup>96</sup>

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.<sup>97</sup> Two separate research projects, that began in the 1970s, compared the impacts of early care and education between two similarly situated groups of children, one group having access to “comprehensive

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<sup>94</sup> 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>

<sup>95</sup> Administration for Children & Families, State Capacity Building Center. Program for Infant/Toddler Care’s Six Essential Program Practices for Relationship-Based Care: Continuity of Care Rationale Paper. June 2020. U.S. Department of Health and Human Services. [https://childcareta.acf.hhs.gov/sites/default/files/new-occ/resource/files/itrg\\_continuity\\_of\\_care\\_pitc\\_rationale.pdf](https://childcareta.acf.hhs.gov/sites/default/files/new-occ/resource/files/itrg_continuity_of_care_pitc_rationale.pdf).

<sup>96</sup> 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](http://www.developingchild.harvard.edu).

<sup>97</sup> 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>.

developmental resources” and the other having access to lower-quality early care.<sup>98</sup> In both studies, data was collected about participants yearly until age of 8 and included analysis of cognitive and socio-emotional skills.<sup>99</sup> Participants continued to provide data at 12, 15, 21, 30, and 35 years of age. The data gathered in these studies demonstrated that children who received access to high-quality developmental resources, including early learning, had significantly better health, education, incomes, and life outcomes than those without care or with lower-quality care.<sup>100</sup> This was evident even when that child grew to be a 35-year-old adult. Another research project showed that children from low-income populations who, before age five, received two years or more of high-quality early childhood education had higher salaries in their mid-twenties and were more likely to graduate from college.<sup>101</sup>

*High-quality early child care increases children’s readiness for school and narrows the so-called achievement gap by half. This means access to early education is not enough. Warm, safe, supporting environments that are rich with language and conversations, and offer many opportunities to play and engage in hands-on exploration are key. Sustained access is also critical in predicting long-term outcomes.<sup>102</sup>*

Quality child care at an early age has benefits for the child and society that are immediately observed in the child care setting and when that child becomes school age; but are also evident for years to come.

## 2. Impacts of Low-Quality Care on Children

Just as high-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

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<sup>98</sup> The Heckman Equation. There’s More to Gain by Taking a Comprehensive Approach to Early Childhood Development. (2016). Retrieved from: [https://heckmanequation.org/wp-content/uploads/2017/01/F\\_Heckman\\_CBAOnePager\\_120516.pdf](https://heckmanequation.org/wp-content/uploads/2017/01/F_Heckman_CBAOnePager_120516.pdf).

<sup>99</sup> *Id.*

<sup>100</sup> *Id.*

<sup>101</sup> The Center for High Impact Philanthropy. High Return on Investment (ROI). University of Pennsylvania, Penn Social Policy & Practice. Retrieved on December 31, 2024 from: <https://www.impact.upenn.edu/early-childhood-toolkit/why-invest/what-is-the-return-on-investment/>.

<sup>102</sup> *Id.*

developmental foundation that compromises a child's brain architecture, resulting in enduring impacts.<sup>103</sup>

*A child who is living in an environment with supportive relationships and consistent routines is more likely to develop well-functioning biological systems, including brain circuits, that promote positive development and lifelong health. Children who feel threatened or unsafe may develop physiological responses and coping behaviors that are attuned to the harsh conditions they are experiencing at the time, at the long-term expense of physical and mental well-being, self-regulation, and effective learning.*<sup>104</sup>

“The benefits of evidence-based curricula in the early childhood years cannot be fully achieved without effective strategies for preventing the consequences of toxic stress.”<sup>105</sup> 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, immune responses, and neurotransmitters...”<sup>106</sup> Essentially when infants and young children are persistently exposed to stressors including unstable or unsupportive environments, inadequate care, and adverse experiences, their fight or flight response is constantly activated, which leads to the sympathetic nervous system consistently sending stress signals back to the brain, which signals other developing systems in the body.<sup>107</sup> Excessive stress feedback on a prolonged basis leads the body to adapt its systems to manage threats as part of stress response.<sup>108</sup> This adaptation impacts “not just the developing brain, but also many other physiological systems, including cardiovascular function, immune responsiveness,

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<sup>103</sup> Harvard University Center on the Developing Child.

Retrieved from: <https://developingchild.harvard.edu/key-concept/brain-architecture/>.

<sup>104</sup> 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/>. E

<sup>105</sup> Harvard University Center on the Developing Child (May 2018). Protecting Brains, Stimulating Minds: The Early Life Roots of Success in School. Retrieved from: <https://developingchild.harvard.edu/resources/presentations/protecting-brains-stimulating-minds-the-early-life-roots-of-success-in-school/>.

<sup>106</sup> 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](http://www.developingchild.harvard.edu).

<sup>107</sup> *Id.*

<sup>108</sup> *Id.*

and metabolic regulation.”<sup>109</sup> 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 and mental health problems.<sup>110</sup>

*All policies and delivery systems serving young children and families across sectors (including but not limited to medical care and early care and education) can and must measure their success by improved child outcomes in both health and learning.*<sup>111</sup>

Furthermore, children who do not have access to high-quality early education have a 25% higher rate of dropping out of school.<sup>112</sup> 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 has dropped to 83% in 2022-2023.<sup>113</sup> Sustained access to high-quality early education with a stable workforce will improve developmental and health outcomes for children and decrease poor immediate and long-term outcomes.

### 3. Stressors on the Current Early Education Workforce

For years, the early child care and education workforce has been plagued by lack of financial supports to grow the profession so that adequate staff and resources would be available for providers. Providers paid their staff and themselves extremely low wages, often without benefits, so working families could afford child care. According to a 2024 Child Care Workforce Report from the Center for the Study of Child Care Employment out of the University of California at Berkeley, the national

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<sup>109</sup> 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/>.

<sup>110</sup> *Id.*

<sup>111</sup> 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](http://www.developingchild.harvard.edu).

<sup>112</sup> 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/>.

<sup>113</sup> 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>.

median wage of the 2.2 million early educators is \$13.07 per hour.<sup>114</sup> It is important recognize this workforce is primarily women and between 40 to 56 percent BIPOC women.<sup>115</sup> Nationally, 43% of early educator families rely on publicly funded support programs (Medicaid, food stamps) and are financially insecure.<sup>116</sup> In Vermont, that amounts to a couple of gallons of milk for an hour of work taking care of our most vulnerable population. And, in Vermont, although we have a lower percentage of BIPOC providers, our providers are primarily women.

The lack of financial stability derived from an unlivable wage for early care and education providers has resulted in a severe workforce shortage and undertrained workers who cannot afford professional preparation. Poverty wages, no benefits and staffing problems lead to understandable stress in early education environments because the workers who are there are poorly compensated and stressed due to understaffing. Burnout, fatigue, chronic health conditions, and physical injury have taken a significant toll on the early child care workforce. Anyone who tried to care for and soothe a fussy baby understands that is a stressful situation. This stress is compounded when the adult provider is caring for multiple children, worrying about how to buy groceries, struggling with untreated physical injury due to no medical insurance, stressed out because rent is late, or sleep-deprived because they can't sleep due to not enough staff in the workplace. It is easy to understand how adult stressors can manifest in early education environments. The manifestation of that stress - whether it is a lack of appropriate serve and return responses to babies or taking a long time to pick up a crying infant or using sharp tones when speaking with toddlers or a lack of staffing bandwidth to offer developmentally enriching activities to children - negatively and persistently impact infants and young children whose brains and bodies are developing rapidly.

*I've already seen people come in and out of centers I've worked at over the last few years because this job is not what they expect. They get burnt out and they get tired and they get mad. And that energy affects the children. That energy makes the children's days difficult. It affects their learning and their development. And to have people who are prepared for this job's challenges because we, as educators in their early childhood field, experience so much. We deal with trauma and we deal with growing pains. We are there for those children,*

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<sup>114</sup> Center for the Study of Child Care Employment. Early Childhood Workforce Index 2024. Institute for Research on Labor and Employment, University of California, Berkeley. Retrieved from: <https://cscce.berkeley.edu/workforce-index-2024/executive-summary/key-findings/>.

<sup>115</sup> *Id.*

<sup>116</sup> *Id.*

*and we need to have the proper knowledge and education to support those children.*

- High School Senior Participating in an ECE Program at a Vermont Career and Technical Center

#### 4. Current System Gaps: Lack of Transparency and Individual Accountability

The Department for Children and Families Child Development Division maintains the Bright Futures Child Care Information System (“the information system”)<sup>117</sup>, an online resource that offers valuable information to families, regulated providers, and prospective providers. The information system has a user-friendly database with searchable fields so that families can easily locate regulated early care and education programs and family care homes in particular areas, including the population served (i.e. infants, toddlers, etc.) Users can also search for particular centers or child care homes to determine whether they have had a recent site visit, as well as any facility violations found and remedial measures required, if any. The information system provides information and application links for families about available subsidies and income eligibility, as well as other important resources such as links and information about how to become a regulated program. For families who have complaints or concerns about a regulated child care facility, CDD operates The Child Care Consumer Line, accessible by phone and email, to report concerns. This information system is an invaluable resource for Vermonters.

Outside of the director of a facility or a sole provider, the current system is not designed to help families identify individual educators who supervise other staff members or provide care at centers or child care homes. Nor does the information system provide transparency about early child care educators’ training and qualifications. Additionally, while the CDD does maintain an internal list of prohibited persons who have engaged in conduct that disqualifies them from working in a state-regulated child care facility, that list is not publicly available. And the process that leads to a provider being placed on that list is not publicly accessible. The information system does not provide access to the prohibited provider list or identify individuals who engaged in conduct that resulted in facility/child care home violations. To be clear, this is not a shortcoming of the system itself or DCF. The public-facing information system is appropriately focused on the regulated program and not the individual staff members.

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<sup>117</sup> [Vermont Bright Futures Child Care System-Home.](#)

The lack of a public-facing system allowing families to understand the credentials and unprofessional conduct violations committed by their child care and education providers is a significant shortcoming in the current system. In a recent 2023 case, CDD cited many violations at a Center-Based Child Care Program serving infants. In the information system, the violations cited included a staff member yelling at infants, cursing at infants, shaking an infant, allowing infants to cry for extended periods without attending to their needs, restricting infants' sleep time, pinching an infant's nose to get the infant to suck from a bottle, and handling an infant aggressively so the infant's head audibly hit the diaper mat on a changing table and subsequently the infant's head hit the floor when aggressively placed into a boppy. While the State closed the center location due to those violations, the individual staff member responsible for this abhorrent conduct was not identified in the public-facing site visit details available in the information system. Media stories of this situation reported that the facility had received violations in prior years,<sup>118</sup> and the staff person involved in the 2023 case had been engaged in child care for two decades.<sup>119</sup> The individual was criminally charged; however, the conduct occurred in June 2023, and the most recent press report online indicated the criminal case is ongoing, which is likely outdated information. In a 2024 case, the press reported that DCF revoked the license of a Child Care Center as the result of more than 40 documented violations, including serious violations.<sup>120</sup> A search of the information system did not yield any results for the name of the facility cited by the press or the name of the director of that program.

In these cases, presumably the individual bad actors were put on the CDD's non-public prohibited persons list, were (or will be) held accountable by the criminal justice system, and/or were placed on the non-public registry of people substantiated by DCF for abuse or neglect of a child. However, the lack of a readily accessible State process for individual accountability leaves a significant information gap for the public and for families. Such publicly accessible information is an effective public protection tool.

The above is in stark contrast to OPR's well-established public disciplinary process. The State is authorized to discipline a professional's license for

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<sup>118</sup> "Barre Town Child Care Center Partially Shuttered, Staff Member Criminally Cited," VTDigger News, August 18, 2023. Retrieved from: <https://vtdigger.org/2023/08/18/barre-town-child-care-center-partially-shuttered-staff-member-criminally-cited/>.

<sup>119</sup> "Central Vermont Day Care Worker Accused of Child Abuse," WCAX News, August 17, 2023. Retrieved from: <https://www.wcax.com/2023/08/17/central-vermont-day-care-worker-accused-child-abuse/>.

<sup>120</sup> "Parents Left Scrambling After State Revokes License of Richford Child Care Center," WCAX News, July 23, 2024. Retrieved from: <https://www.wcax.com/2024/07/23/parents-left-scrambling-after-state-revokes-license-richford-child-care-center/>.

unprofessional conduct as defined in 3 V.S.A. § 129a and profession-specific conduct in Title 26. The disciplinary process includes a public Specification of Charges filed against the individual, and those allegations are adjudicated at a public hearing. If a licensee is found in violation, sanctions range from warnings and reprimands to conditions imposed on the license, and, in the most serious of cases, suspension or revocation of the license. In emergency cases, where the State demonstrates there is an immediate threat to the health and welfare of the public, an individual's license can be temporarily suspended during an investigation. Disciplinary orders are public and can be easily located at no charge through a simple internet search or on OPR's website.<sup>121</sup> OPR's disciplinary process offers transparency for the public, potential employers of licensees under its regulation, or sister states. This is a much-needed public protection feature not available in the current system for early child care educators. If this existed, families would be able to make informed decisions about the child care they choose. If they had concerns about the care provided, the family would be able to make a complaint about a specific provider, that conduct would be investigated, and, if warranted, the provider would be publicly disciplined. Furthermore, other states would be able to search for early child care educators in OPR's system to locate disciplinary histories when making their own determinations about who is eligible to work in their early education settings.

In sum, the regulation of individual early educators in OPR's system will allow tracking of individual qualifications; enable the public to readily identify practitioners and their education, training, experience, and competencies; create individual accountability for adhering to professional standards and conduct; and allow the public to know when early educators have been disciplined for unprofessional conduct. The benefits of this transparency and accountability in addition to the regulation of facilities by CDD cannot be overstated.

### C. Public Benefit of Regulating Early Childhood Educators in Private Settings

#### Benefits for Young Children

As demonstrated above, professional regulation of individual Early Childhood Educators working with children from ages 0 to 8 will yield substantial benefits to children. The benefits include improved comprehensive physical and emotional development and health as the result of well-prepared educators who demonstrate the requisite education, experience, and competencies to work in the field. In the current fragmented system, we have providers with varying levels of education

<sup>121</sup> <https://sos.vermont.gov/opr/complaints-conduct-discipline/>

working for a low wage, likely not receiving health insurance, in a declining workforce, stressed with demand for services, and not enough resources. This pressure cooker environment leads to high turnover, burnout, and physical and mental health issues for those working in early child care. Creating a recognized professional career will build greater stability in the workforce leading to increased wages and funding for Early Childhood Educators, ultimately creating stability and consistency for children.

Young children having access to regulated Early Childhood Educators prepares them for public education by providing them with curriculum-based, enriching activities developed through an understanding of human development and the science of brain architecture. The standards and competencies for OPR-regulated Early Childhood Educators will be the same as those required for AOE-licensed Early Childhood Educators thereby increasing young children's readiness for public school.

### Benefits for the Early Education Workforce in Non-Public Settings

For the early childhood educator workforce, the benefits of a state-regulated, individual Early Childhood Educator credential include:

- creating a professional identity that attracts practitioners who want to develop in a recognized career field;
- increased pay and benefits (including potential access to health care and other benefits);
- improved physical/emotional health;
- reduced burn-out and increased stability in healthier professional environments;
- increased required educational qualifications and greater knowledge, preparation, and confidence;
- streamlined qualifications that are transparent to those who want to enter the workforce; and,
- potentially, in time, valuable portability to other states.

Ultimately, improved community and professionalization of this important profession will lead to a healthier and happier workforce.

There are benefits for child care businesses too. Early education programs in regulated child care homes and centers would be able to use individual licensure as a streamlined measure to determine whether individuals have the required qualifications to practice and should be employed in a lead educator role, a supporting role, or at all.

## Benefits for Families of Young Children

Vermont families will benefit from professional regulation of Early Childhood Educators. The benefits include:

- children being better prepared for public education;
- increased access due to an improved and more stable workforce;
- greater confidence and transparency about their child's caregivers because the state has issued them a license;
- accessible public database for families to identify the qualifications of individual early educators as a result of the uniformity of well-defined career pathways, education, competencies, and experience;
- accountability of the workforce to adhere to professional standards and conduct through an easily accessible complaint system; and,
- an established public disciplinary process for those charged with and sanctioned for unprofessional conduct with publicly available decisions.

Ultimately, for Vermont to be a vibrant and thriving state, we need to build capacity and quality in our early child care and education system. For at least a decade, this has been a critical goal for the administrative branch, advocates, and the Legislature. We all have heard of someone considering a move to Vermont but ultimately having to make a different choice because they cannot find child care. And, many Vermonters, if asked, would identify ensuring affordable and accessible early care and education as a top priority for the State.

## Benefits for AOE-Licensed Educators in Public Schools

For Agency of Education-licensed public school teachers, benefits will include receiving children into public education who are better prepared by regulated Early Childhood Educators who are responsible for adhering to the same professional standards and who are qualified to provide infants, toddlers, and preschoolers learning and enrichment activities using curriculum based on the science of early brain development.

## Benefits for Vermont's Businesses and Employers

Vermont businesses and employers have been engaged as leading stakeholders to improve access to affordable, quality child care in the State. In 2023, business leaders “from diverse industries and sectors” signed a letter to the Legislature urging them to end Vermont’s child care crisis:

***The severe lack of affordable, quality child care is an extreme obstacle to hiring and retaining employees AND attracting outside talent to the state. Fixing child care – essential and required infrastructure – is the key to securing Vermont’s economic viability at all levels.***<sup>122</sup>

For businesses and employers, benefits of professional regulation of Early Childhood Educators include: greater accessibility to early education for working families and increased stability in the child care workforce. This accessibility and stability will improve who is available to work across all sectors. Additionally, it leads to better attendance, increased availability, and productivity of employees.<sup>123</sup>

***Vermont employers understand that an effective childcare system is a precondition to having an available and engaged workforce. One of the key metrics to a sustainable system is the number of educators entering into high quality programs and viewing childcare not as a job, but as a career...By developing a professionalized childcare workforce, this work will both strengthen the economy and support the youngest and most vulnerable Vermonters.***

- Seth Bowden, President of the Vermont Business Roundtable<sup>124</sup>

## Benefits for the Public at Large and the State

When the benefits of licensure flow to children, families, educators at all levels, and employers, Vermont benefits. Perhaps the most intangible, but borne out in data, is the benefit of improved physical and emotional health of children from early in life. Children with consistent routines, supportive environments and learning-based care develop stronger neural connections, positive social skills, and greater

<sup>122</sup> Asch, Michele. Letter to Vermont Legislative Leaders. January 16, 2023. Retrieved from: <https://legislature.vermont.gov/Documents/2024/WorkGroups/Senate%20Economic%20Development/Child%20Care/W~Michele%20Asch~Open%20Letter%20from%20Vermont%20Business%20Leaders~1-19-2023.pdf>.

<sup>123</sup> Karoly, L., Strong, A., & Doss, C. (2023). Vermont Early Care and Education Financing Study: Estimated Costs, Financing Options, and Economic Impacts, p.iv. Rand Corporation. Retrieved from: [https://ljo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND\\_RRA2213-1.pdf](https://ljo.vermont.gov/assets/Uploads/ed5a5aa58c/RAND_RRA2213-1.pdf).

<sup>124</sup> Vermont State University. (June 2024) VTSU Early Childhood Education Institute Enrolls Record Number of Students. Retrieved from <https://vermontstate.edu/news/vtsu-early-childhood-education-institute-enrolls-record-number-of-students/>

sense of self. Those benefits create the foundation for better lifelong development, physical/mental health, and overall well-being, leading to lower rates of disease, lower rates of substance use disorder and crime, and a healthier eventual population.

This is a substantial benefit for the public at large:

*Because high quality early childhood programs promote healthy development, they can generate savings by obviating the need for more expensive interventions later in a child's life. For example, studies show that participation in high-quality early care can help children avoid special education, grade repetition, early parenthood, and incarceration – all outcomes that imply large costs for government and for society. Furthermore, children (over the long term) and parents who participate in such programs are more likely to be employed; thus revenue from their taxes and enhanced buying power can positively contribute to the economy.<sup>125</sup>*

**Economic research suggests that for every dollar invested in early education, there is a return on investment ranging from \$4 to \$13.<sup>126</sup>**

Furthermore, alleviating the childcare crisis in Vermont will increase earnings, productivity, and revenue for businesses and employees. Those increases will result in increased local and state tax revenue.<sup>127</sup>

#### D. Public Cannot be Effectively Protected by Other Means

As demonstrated by the extreme recent examples of gross misconduct in regulated child care settings, Vermont's system must evolve to include individual accountability for adherence to safety, conduct, and professional standards.

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<sup>125</sup> The Center for High Impact Philanthropy. High Return on Investment (ROI). University of Pennsylvania, Penn Social Policy & Practice. Retrieved on December 31, 2024 <https://www.impact.upenn.edu/early-childhood-toolkit/why-invest/what-is-the-return-on-investment/>

<sup>126</sup> The Center for High Impact Philanthropy. High Return on Investment (ROI). University of Pennsylvania, Penn Social Policy & Practice. Retrieved on December 31, 2024 <https://www.impact.upenn.edu/early-childhood-toolkit/why-invest/what-is-the-return-on-investment/>.

<sup>127</sup> Vermont Association for the Education of Young Children (2024). Application for Preliminary Sunrise Review: Recognizing Early Childhood Education as a Licensed Profession in Vermont at 22. [https://outside.vermont.gov/dept/sos/office\\_professional\\_regulation/regulatory/application\\_preliminary\\_sunrise\\_review\\_assessment\\_recognizing\\_early\\_childhood\\_education.pdf](https://outside.vermont.gov/dept/sos/office_professional_regulation/regulatory/application_preliminary_sunrise_review_assessment_recognizing_early_childhood_education.pdf)

Regulation of individuals in the profession through licensure includes transparency - providing the public with easy access to an online system for filing complaints against individuals and an online database for locating disciplinary action against specific individual practitioners or a general search within the profession. Moreover, regulation through OPR offers a robust enforcement process supported by in-house investigators, prosecutors, case managers, legal staff, administrative law officers, and docket clerk. OPR receives 800-900 complaints per year across its more than 50 regulated professions. Of those complaints, 500-600 are screened in and investigated by current and/or former law enforcement professionals, and 150-200 cases are charged by prosecutors.

For cases where unprofessional conduct is proved, sanctions against the individual licensed practitioner are posted on OPR's website and reflected in the online database. Those sanctions can include a public warning or reprimand, a fine, coursework, supervision, suspension, drug and alcohol evaluation, treatment and testing, mental health evaluation and treatment, revocation, or other disciplinary measures to ensure the practitioner is safe to practice.

OPR's system of enforcement offers public protection and resolves significant gaps in the current system, namely: the public's ability to file a complaint against an individual who is held accountable through a public process; and the State's ability to address unprofessional conduct that may not rise to the level of a prosecutable crime but is conduct that should be addressed and remediated so that it is not repeated. Criminal charges are only pursued for the most severe physical harm or neglect to a child. The criminal system has no easily accessible, centralized place for families and the public to search for those outcomes. Civil and criminal remedies, while important, cannot offer the type of accountability for professional conduct required to reduce or eliminate harm in this field.

## Analysis to Determine the Least Restrictive Form of Regulation

Having determined through analysis of the sunrise factors in 26 VSA 3105(a) that there is a demonstrated need to protect the interest of the public through occupational regulation of early childhood educators, the next step in the sunrise analysis is a review of factors in 3 V.S.A. § 3105(b) to determine the least restrictive form of regulation.

**Table: Early Childhood Education Regulation Analysis**

	<b>Statutory Criteria</b>	<b>Analysis</b>
<b>1</b>	If existing common law and statutory civil remedies and criminal sanctions are insufficient to reduce or eliminate existing harm, <b>regulation should occur through the enactment of stronger civil remedies and criminal sanctions.</b>	Children ages 0-8 are vulnerable and often not able to report negligence or maltreatment. Early educators are autonomous and often unsupervised. Criminal conduct is only detectable in the most extreme cases where death or substantial physical injury to a child is witnessed or is obvious. Criminal investigation and prosecution can take years, leaving the public unprotected. Stronger civil remedies and criminal sanctions would not be sufficient to reduce/eliminate existing harm. <b>Accountability for professional conduct is required to reduce/eliminate harm in this field.</b>
<b>2</b>	If a professional or occupational service involves a threat to the public and the service is performed primarily through business entities or facilities that are not regulated, <b>the business entity or the facility should be regulated rather than its employee practitioners.</b>	Business entities providing early care and education are already regulated through DCF's Child Development Division. Entities must ensure they employ qualified care providers and staff. CDD verifies qualifications tracked through a contracted entity. However, the individuals who work within these critical regulated facilities are not regulated. <b>Given the risks and benefits, individual regulation is required.</b>
<b>3</b>	If the threat to the public health, safety, or welfare, including economic welfare, is relatively small, <b>regulation should be through a system of registration.</b>	The threat to public health, safety, or welfare is significant. Children ages 0-8, the direct recipients of the services, are our most vulnerable population. <b>Early educators in private settings are autonomous and often unsupervised. As a result, registration is not recommended.</b>
<b>4</b>	If the consumer may have a substantial interest in relying on the qualifications of the practitioner, <b>regulation should be through a system of certification.</b>	Consumers of early care and education, children and their families, have a substantial interest in relying on the qualifications of early educators for the health, safety, and welfare of children. <b>Currently, the voluntary nature of certifications does not afford adequate public protection.</b>
<b>5</b>	If it is apparent that the public cannot be adequately protected by any other means, <b>a system of licensure should be imposed.</b>	The public cannot be adequately protected through registration, which requires no qualifications, or certification, which is a voluntary credential. <b>A system of licensure is the appropriate level of governmental regulation.</b>

**Recommendation: A System of Licensure for Early Childhood Educators (Ages 0-8) in Non-Public Settings is Necessary to Protect the Public.**

**A. Structure for Licensing Early Childhood Educators**

OPR recommends licensure of Early Childhood Educators who have primary responsibility for educating and caring for children from birth to age eight in non-public settings. There is no other form of regulatory oversight that will ensure qualified practitioners are fulfilling the important educational role that is critical from the ages of 0 to 8, the most important time in a child’s development.

Licensure of these educators will ensure the provision of safe, high-quality early care and education for infants, toddlers, and young children. OPR finds that licensure for the Early Childhood Education workforce should be at three levels: ECE I, II, and III. This professional regulation would not be required of substitutes, trainees, volunteers, after-school program staff, or others supervised by licensed ECE II or III or AOE-licensed early educators. OPR does not recommend (nor did Applicants propose) requiring dual licensure of early educators already licensed by the Agency of Education who want to work in non-public, regulated settings. OPR recommends a transition to this licensure structure with “reasonable phase-in timelines; and exemption policies and aligned accountability and quality assurance that take into account the realities of the current workforce and their diverse work settings in order to bridge us from where we are now to a unified early childhood education profession for the future.”<sup>128</sup>

- Three Individual Licensure Designations with uniform qualifications (professional preparation, education, experience, national assessment) and distinct scopes of practice:
  - Early Childhood Educator I,
  - Early Childhood Educator II, and,
  - Early Childhood Educator III.

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<sup>128</sup> Power to the Profession (March 2020). Unifying Framework for the Early Childhood Education Profession at 9. Retrieved from: <https://powertotheprofession.org/wp-content/uploads/2020/03/Power-to-Profession-Framework-03312020-web.pdf>.

- Implementation Phases:
  - Bridge that includes multi-year transitional licensure for all those currently in the workforce who may not meet increased qualifications;
  - Exemption from National Examination for all current providers;
  - Waiver process available at the end of the 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;
- Professional recognition that allows for license portability among states; and
- Accountability for meeting professional standards and adhering to ethical codes.

The three levels of licensure, ECE I, II, and III, would have minimum qualifications for each credential. OPR proposes establishing the qualifications as set forth in the following below. These qualifications represent an increase from current educational and experiential requirements for various scopes of practice in both regulated child care homes and center-based settings.

**LICENSED EARLY CHILDHOOD EDUCATORS:  
QUALIFICATIONS FOR ROLE AND SETTING**

License Type	Qualifications	Scope of Practice
<p>Early Childhood Educator I (ECE I)</p>	<p>Approved Certificate or Credential Program in Early Childhood Education:</p> <ul style="list-style-type: none"> <li>- 120 clock hours (minimum)</li> <li>- must include field experience</li> </ul> <p>*Pass national assessment to demonstrate competency (if required by rule)</p>	<p><u>For Ages 0-8, Non-Public Ed:</u></p> <ul style="list-style-type: none"> <li>- required for supporting educator role</li> <li>-serves as effective member of an early childhood education team</li> <li>- required supervised by ECE II, ECE III, or exempt AOE- licensed educator w/ECE endorsement</li> </ul> <p><u>For UPK-Grade 3, Public Ed:</u></p> <ul style="list-style-type: none"> <li>- lead educator must be an AOE-licensed teacher with and ECE endorsement</li> <li>- ECE I may serve in supporting role if permitted by federal regulations/AOE</li> </ul>
<p>Early Childhood Educator II (ECE II)</p>	<p>Approved Associates Degree in Early Childhood Education:</p> <ul style="list-style-type: none"> <li>- 60 college credits (minimum)</li> <li>- must include field experience</li> </ul> <p>*Pass national assessment to demonstrate competency (if required by rule)</p>	<p><u>For Ages 0-8, Non-Public Ed:</u></p> <ul style="list-style-type: none"> <li>- required for lead educator role for FCCH and CBCCPP</li> <li>- serves as effective member of an early childhood education team</li> <li>- supervises practice of ECE I</li> <li>- may receive guidance from ECE III (not mandatory)</li> </ul> <p><u>For UPK-Grade 3, Public Ed:</u></p> <ul style="list-style-type: none"> <li>- lead educator must be an AOE-licensed teacher with and ECE endorsement</li> <li>- ECE II may serve in supporting role if permitted by federal regulations/AOE</li> </ul>
<p>Early Childhood Educator III (ECE III)</p>	<p>Approved Bachelor’s Degree Program (minimum) in Early Childhood Education:</p> <ul style="list-style-type: none"> <li>- 120 college credits (minimum)</li> <li>- must include field experience</li> </ul> <p>*Pass national assessment to demonstrate competency (if required by rule)</p>	<p><u>Ages 0-8, Non-Public Ed:</u></p> <ul style="list-style-type: none"> <li>- required for lead educator role for FCCH and CBCCPP</li> <li>- serves as effective member of an early childhood education team</li> <li>- supervises practice of ECE I</li> <li>- may guide practice of ECE II (not mandatory)</li> </ul> <p><u>For UPK-Grade 3, Public Ed:</u></p> <ul style="list-style-type: none"> <li>- lead educator must be an AOE-licensed teacher with and ECE endorsement</li> <li>- ECE III may serve in supporting role if permitted by federal guidelines/AOE</li> </ul>

\*A national competency examination is a common qualification standard in occupational licensure. Here, because this is a newly regulated profession, a national assessment is currently in development. As discussed below, OPR does not recommend requiring a national competency examination at the inception of licensure. This is a qualification standard that should be an available option for OPR to implement through rulemaking and considered at such time as a national examination becomes available with the recognition of the profession nationwide.

## B. Workforce Impact of the Increased Qualifications Required for Individual Licensure

In a 2024 Workforce Report, published by the Child Development Division of the Department of Children and Families shows:

*[M]any working in the early childhood education and afterschool programs are well-educated with 44% having an associate's degree or higher. Over half of that 44% have bachelor's degrees or beyond. The number of individuals holding bachelor's, master's or associate degrees has increased 51.7% between 2018 and 2022.<sup>129</sup>*

Based on the Vermont Early Childhood Education and Afterschool workforce report published in January of 2024, Applicants estimate approximately 72% of the workforce will qualify for an ECE I (10.82%), II (11.47%), or III (49.77%) license.<sup>130</sup> Applicants estimate that 28% of the workforce would need additional support to meet the above licensure requirements. Those supports could include assessment of experience to obtain college credits, transitional timeframes for achieving qualifications, and other measures.<sup>131</sup>

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<sup>129</sup> State of Vermont, Department for Children and Families, Child Development Division. Vermont Early Childhood Education and Afterschool Workforce Report. (Published with Revisions March 2024). <https://outside.vermont.gov/dept/DCF/Shared%20Documents/CDD/Reports/ECE-AS-Workforce-Report-2023.pdf>

<sup>130</sup> Vermont Association for the Education of Young Children (2024). *Application for Preliminary Sunrise Review: Recognizing Early Childhood Education as a Licensed Profession in Vermont*. pp38-39. [https://outside.vermont.gov/dept/sos/office\\_professional\\_regulation/regulatory/application\\_preliminary\\_sunrise\\_review\\_assessment\\_recognizing\\_early\\_childhood\\_education.pdf](https://outside.vermont.gov/dept/sos/office_professional_regulation/regulatory/application_preliminary_sunrise_review_assessment_recognizing_early_childhood_education.pdf)

<sup>131</sup> *Id.*

## C. Transitional Measures for the Current Early Education Workforce

OPR's recommendations include the following critical infrastructure to act as a bridge to increased licensure requirements for those in the workforce who would not qualify for the license to work in their current setting. These temporary measures are intended to ensure the retention of Family Child Care Providers and Center-Based Teachers and Assistant Teachers already working in State-regulated settings. Based on the data above, without the following transitional measures, increased qualifications would likely result in significant loss of critical workforce, particularly in Family Child Care Homes. It is essential that we retain and build our workforce.

OPR recommends the following transitional measures:

- Multi-year transitional licenses for the ECE I, ECE II and ECE III credentials (ECE I – Transitional, ECE II-Transitional, ECE III - Transitional). This would be mandatory as of a specified date for all FCCP's/Teachers/Associate Teachers/Assistant Teachers working in a licensed or registered FCCH or CBCCPP who do not meet licensure qualifications. Transitional license holders would have to demonstrate progress toward meeting qualifications at renewal.
- Incorporation of the Community College of Vermont Career Ladder into assessment of qualification for the full (not transitional) ECE licenses for a specified time of initial years of the OPR licensure program.
- Waiver process at the end of the prescribed transitional period to permit, at the discretion of the Board or its designee, an additional renewal period for transitional licensees in good standing with documented extenuating circumstances, which may include demonstrating continued good faith efforts toward achieving the required qualifications.
- Any approved educational programs for the ECE II credential must offer pathways for students to earn required college credits based upon an assessment of their competencies acquired through their years of experience working in the profession.
- Waiver of the national assessment requirement for all FCCPs/Teachers/Assistant Teachers who have been working in a licensed or registered FCCH or CBCCPP as of a specified date.

## Stakeholder and Public Feedback

Stakeholders and citizens who attended the two noticed public hearings overwhelmingly supported State regulation of Early Childhood Educators through licensure. Common themes of the positive feedback supporting licensure included:

- Status quo is not adequate for children, families or the workforce;
- Increased educational requirements will benefit children, create consistency, and improve quality;
- Professionalization and licensure will increase workforce supply;
- Underqualified and/or undertrained staff exacerbate stress on children, families, and on the system;
- Licensure that streamlines and simplifies qualifications will benefit early education programs by reducing their administrative burden to vet potential employees;
- Transparency and accountability for individual conduct through licensure will benefit children, families, programs, and the public.

### **Quotations from Public Meetings and Written Public Comments:**<sup>132</sup>

#### **Parent of Children Who Attend a Center-Based Child Care and Preschool Program:**

*“Stability in relationships has huge developmental benefits for children, but you can’t grow these relationships or create these bonds if you have a high turnover rate for teachers.”*

#### **Early Childhood Educator in State-Regulated Setting:**

*“When early childhood educators aren’t prepared for working with children who are experiencing trauma, it can be difficult to know how to support and manage their behaviors and needs.”*

#### **Early Childhood Educator in State-Regulated Setting:**

*“The notion that infants and toddlers require less prepared or less skilled teachers does not reflect current research about brain development and the science of learning. In this critical window of their lives, they are the most vulnerable population and deserve to have the people who care for them be well prepared, effective and compensated commensurate with their peers who work with older age groups.”*

#### **AOE-Licensed as Early Childhood Special Educator, PreK – Grade 12, and Principal; on the Board of VTAEYC:**

*“In order for children to grow and meet the goals that they are working towards in their IEP, it is critical to have highly qualified staff around them to not only provide services, but to provide carryover and use what we call routines-based and embedded instruction in order to help...children meet their needs. What I see as a benefit to this system is that it would ensure that the early childhood educators*

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<sup>132</sup> Recordings of the Public Hearings held September 17 and 18, 2024 and emails sent to OPR’s public comments address are on file with the author.

*at all levels that are working with students in classrooms in all settings would be held accountable to a common system of standards and competencies.”*

**Certified Teaching Pyramid Observation Tool Reliable Observer, DCF Employee:**

*[A child’s preschool experience] “affects the families and for so many families, it’s a roll of the dice whether you have a well-prepared teacher or one who isn’t. That is not equitable. The lack of individual accountability is a critical gap in our current system. When educators who engage in harmful practices are let go, there is nothing but word of mouth to prevent them from being hired elsewhere, as most licensed programs are not allowed to provide termination reasons.... Individual licensure brings accountability.”*

**Former Kindergarten Teacher, Bachelor’s in ECE, M.A. in Child Development, Ed.D. in Education Policy, Chair of Commission on Professional Excellence in Early Childhood Education:**

*“As other states begin to recognize the ECE I, II, and III designations, we understand there are concerns from the State’s Agency of Education including the...ECE III designation in the ECE profession. However, we share the belief as articulated in the Application on page 9 that recognizing the ECE III designation within the ECE professional licensure system regulated by [OPR] need not duplicate nor supplant the ECE teacher’s license issued by [AOE]. Based on the data from the Vermont Child Development Division, VTAEYC estimates that nearly half of Vermont’s current early childhood education workforce holds a bachelor’s or associate’s degree. This is a significant group of individuals at the ECE designation that, if not included in a professional licensure system, would also not be included in the current teacher licensure system operated by the Agency of Education.”*

**Technical and Career Center Educator Teaching ECE, Former Toddler and Preschool Teacher, Former Center Director:**

*“[Early childhood educators] aren’t afraid of enrolling in coursework or taking part in the licensure requirements. They want to learn and they’re really proud of their expertise and the supports for them in Vermont...free college classes and training are available for high schoolers. After graduation, my students take advantage of grants and scholarships, and they continue on to their associate’s and bachelor’s degrees. There are resources for them to do this while working. Many work and take courses and they can do this without taking on student debt. It’s the best kept secret really.”*

**Executive Director of a Regulated Center-Based Child Care and Preschool Program:**

*“Qualified staff show up invested each day. They can focus deeply on things like pedagogy and higher level teaching skills. They’re more equipped to [help] children who have developmental delays or those who have experienced trauma. And I think [licensure] is a really critical piece to equitable access and caring for all children.”*

**Executive Director of a Regulated Center-Based Child Care and Preschool Program:**

*“As a director, I would be able to know the qualifications and preparation of applicants without having to do my own research into their background. Given the national profession with reciprocity across state lines, I can more easily attract and hire educators from out of state who seek to relocate to Vermont, expanding my applicant pool. I can more easily attract and hire qualified educators and be able to ameliorate staffing shortages, which are shortages, to be clear, of not just people, but of qualified people. And all of those positive impacts will free me up to do the most important party of my job, mentoring, supervising, and leading my excellent teaching community.”*

**AOE-Licensed Birth-Grade 6 Educator, Former Preschool and Kindergarten Teacher, Higher Education Teacher, M.Ed.:**

*“If ALL educators were respected and compensated with a nationally recognized credential, everyone wins – children, families, teachers, communities and our society. When we professionalize the entire profession, it lifts everyone up. Recognizing Early Childhood as a profession – the same way countless professions are recognized – ensures equitable teaching and learning opportunities for all.”*

**Center-Based Child Care and Preschool Program (with 14 staff signatures):**

*“On behalf of our entire early childhood education staff, we wholeheartedly support recognizing early childhood educators as professionals through individual licensure. This recognition would elevate our profession, ensuring high standards of care and education for young children. A phased-in implementation period would allow educators to adapt smoothly while maintaining quality family services. As professionals dedicated to nurturing children’s development, we are excited to gain the same respect, resources, and career development opportunities that other licensed professionals receive.”*

**Family Child Care Provider:**

*“[A]fter I read the letter on the OPR website from the Vermont Standards Board of Professional Educators, and spoke with the center directors in my network...I feel like there need to be another voice for people who would qualify for ECE III. When I read the letter...I had the sense that the Vermont Standards Board of Professional Educators suggested that ECE III and the AOE license were the same, and anyone who qualified for ECE III would then go under regulation by AOE. But the license offered through AOE is different from the proposal for ECE III. An early childhood educator with AOE licensure would qualify for ECE III, but not the other way around. Not every who qualifies for ECE III wants to take the Praxis and build a portfolio and take the additional steps required by AOE. For a lot of center directors and others who qualify for ECE III, there is no reason to do that..*

*My question is, if we know learning starts at birth if not earlier, and we know how much brain development happens early, we’re talking about the qualifications of everybody who works with young children. If the Vermont Standards Board for Professional Educators doesn’t have a problem with ECE I and ECE II, why really should it have a problem with ECE III? It’s a separate profession from theirs, and their licensure counts as a qualification for the subset of educators where there is overlap.”*

## Specific Areas of Concern Voiced by Stakeholders

Whenever the regulation of a new profession is proposed, voices in opposition to the regulation should be heard and thoroughly considered. Generally, regulation of a profession necessitates barrier to entry and a level of bureaucracy where none previously existed. Before adding those arguably unsavory layers to the marketplace, the government must understand the new potential burden and ensure the level of regulation is necessary and appropriate. Vermonters benefit from this analysis being codified in Title 26, Chapter 57.

A few stakeholders, including the Agency of Education, the Vermont Standards Board, and the Vermont branch of the National Education Association, expressed concerns and, in some instances, opposed the licensure of Early Childhood Educators at OPR.

### **Quotations from Public Meetings and Written Public Comments From Opponents of OPR-Issued Licensure for Early Childhood Educators:<sup>133</sup>**

#### **Director/Owner of a Center-Based Child Care and Preschool Program, M.Ed., AOE Licensee:**

*"I certainly do not want to sound as though I don't support the idea of this type of thing. I honestly am just thinking about it from the perspective of hiring practices, like we don't have the workforce. Now I know that sounds terrible because it sounds like I'm willing to sacrifice the quality of education of people for the sake for staying business, but that's not what I'm saying. I'm simply saying that for a profession where we are already struggling to hire, this is not going to help us at all."*

#### **Family Child Care Provider for Over 30 Years with a Higher Education Degree:**

*"We are in a child care crisis, and I don't believe this is the way out of the it...Yes there's free college, there's free schooling; there's people to help mentor you through this. But how many years is this going to take? We need immediate help right now caring for all of the children that need care in a quality setting...As a home child care provider, if I don't want to be in that same classification as...a teacher, then I should be able to have that choice but still be able to run a registered home."*

#### **Public Educator for Over 25 Years, Administrator for 17 Years:**

*"Early childhood educators in Vermont should be licensed by the Agency of Education rather than the Secretary of State's Office of Professional Regulation...[AOE] has systems in place for collecting and analyzing educational data. By including early childhood educators in the system, it becomes possible to make more informed, data-driven decisions about early childhood education policy and practice."*

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<sup>133</sup> Appendix 2 contains paraphrased summaries and/or quotations from each stakeholder who testified or emailed public comment to OPR.

**Family Child Care Provider for Over 30 Years:**

*“Ultimately, I provide a safe, loving, and nurturing environment where children can play, learn, and thrive. Letting the Vermont Secretary of State minimize my experience, achievements and rank me as a Level 1 provider simply because I do not have a degree is offensive. A degree does not automatically mean a person is more qualified to care for children than someone who has worked in the field for 30+ years.”*

**Family Child Care Provider for 40 Years:**

I would think by now the state would opt out of getting involved as the latest stunt of payroll tax to all to increase subsidy is such a ridiculous move!

Many years ago we held meetings to start informing others of the need for providers yet we were scorned and those in high places said for every childcare that went out she had many more to replace? Such untruths!

Many years ago many of us banded and stood against forming a union yet so much of this seems union related; is it another way in to get one through?

Providers are doing their jobs now, nurturing, teaching, training, helping, loving, giving our young children the sense of security all the while we are stressed with all the extra mandates handed down to us over the years: I have seen so many and in kind words- they for the most part have been USELESS!

HOW is any of this going to benefit children or providers or parents?

How is this going to make a difference in the "underground" world of childcare where so many are unregistered therefore unregulated? Why is it fair to continue more mandates on those that are registered yet the illegal ones keep on going with NO regulations at all?

When will you finally open your eyes to what is part of the issue: organizations pop up suggesting all these rules, in order to justify their jobs, all the while making it more difficult for providers to keep in the profession? OR is that your hope?? That someday children ages birth to 5 are all corralled into centers so you can make it easier on your end? Sure seems that way.

**Family Child Care Provider, B.S. degree, AOE licensee:**

*I believe this plan looks very appealing to people who sit at desks at a government agency but in practice, I think it will cripple the childcare in Vermont even further. I've seen many centers in our state continually advertising for help with no relief. I believe this plan will exacerbate those problems, not help them.*

**AOE-Licensed Educator for Over 30 Years, Former Chair of the Vermont Standards Board of Professional Educators, President of Vermont NEA:**

*“We applaud all efforts to further professionalize the ECE workforce and to improve the compensation and benefits for those who work in this area; early childhood education should be a viable lifelong career option for these devoted educators. It is this level of respect for the early childhood education workforce that leads us to conclude that the licensure of early childhood educators needs to remain within the jurisdiction of the Vermont Standards Board of Professional Educators, supported by the Vermont Agency of Education. The VSBPE process assures that the holders of the Early Childhood Education license are authorized and qualified to teach young children and base their practice on a deep understanding of early childhood development. The importance of our early childhood education programs is also reflected in the fact that the VSBPE also offers an endorsement for an Early Childhood Special Educator. With two license endorsement areas for early childhood education teachers already in place, we believe implementing a new and different licensure process for early childhood educators would create a ‘separate but equal’ set of standards through OPR. We do not believe a redundant system would serve either our preK-12 system or the ECE system.”*

## A. Retention of Family Child Care Homes and Providers

At the second public hearing, several stakeholders who are currently working as Family Child Care Providers strenuously opposed the Application, expressing stress, frustration and fear that they do not have time, money, or resources to surmount additional regulatory hurdles beyond those required for the registration of the Family Child Care Homes they operate. They also articulated a concern about the decline in child care availability if individual licensure of early educators is required by law.

These concerns weigh heavily upon OPR. Though recommending to move forward with licensure that requires Early Childhood Educators to increase their training and education, OPR has researched the issue of workforce retention and understands the potential for some providers to not make the transition, particularly those who have been working in the field for years in Family Child Care Homes. As discussed earlier in this report, full-day registered FCCHs have declined by 22%, with the same decline in Family Child Care Providers. Across the board, the percentage of infants, toddlers and preschoolers likely to need care who do not have access has also increased due to various factors. Vermont relies heavily on FCCHs to provide care and education to approximately 21% of Vermont's infants, toddlers and preschoolers, particularly in rural areas. These providers are vital to the State's early education system.

Especially for this reason, OPR is committed to collaborating with stakeholders in the rulemaking process to ensure adequate transitional measures are available for the current workforce. OPR understands that the years of experience of providers already working in these settings must be recognized toward qualifications. With a proposed implementation date of July 2027 (see *Timing* section, below), OPR also recognizes that providers may need two to four years after the effective date to complete their training and education. OPR is hopeful these transitional measures will mitigate and/or minimize potential workforce reduction. And ultimately, for all of the reasons discussed at length in this report, OPR finds that licensure will create a stronger Early Childhood Education workforce.

## B. Cost of Educational Programs for the Workforce

Stakeholders concerned about a licensure structure with increased qualification standards focused on the cost of education. Currently in Vermont, significant financial assistance through grants and scholarships is already available

to individuals pursuing higher education in early childhood education. It may be that the transition to increased educational requirements for the workforce will not require additional funding. Most early education students attending Community College of Vermont and Vermont State University graduate with little or no debt. Some scholarship programs, such as the T.E.A.C.H. Early Childhood Vermont Program and the Vermont Early Childhood Education Apprenticeship Program, pay for tuition, books, stipend and bonus funds and, in return, recipients work at the regulated early childhood program that sponsored them in the program.<sup>134</sup> Two examples to show the costs of in-state ECE programs, one for an Associates Degree and the other for a Bachelor's Degree, are set forth below.

### Associate's Degree in Early Childhood Education

Community College of Vermont (CCV) has Associate's Degree programs as well as certificate programs for early education.<sup>135</sup> CCV also offers Prior Learning Assessment options for students who are seeking college credit based on their prior experience, skills and knowledge.

*CCV focuses on tuition and fees for students when exploring the cost for someone to attend and complete a degree or certificate program. There are certainly other factors, such as textbooks/supplies and childcare, but when focusing on tuition and fees alone, a student pursuing an Early Childhood Education A.A. [Associates in Arts] can expect to pay, at maximum, \$17,200 with... current tuition and fee rates. It's important to highlight that this figure does not reflect any grants, scholarships, or other financial aid a student might receive. Financial aid and support are extensive in our current system for ECE students. Here's some data that reflect the aid received by CCV ECE students in Fall 2023:*

- *Percentage of ECE students that graduated debt free: 86%*
- *Average loan amount of those with debt: \$8,309*
- *Fall 2023, % of ECE students with financial aid: 75%*
- *Fall 2023, Average # of credits per financial aid recipient: 6 credits (\$1,780 average cost)*
- *Fall 2023, Average amount of grant/scholarship aid per financial aid recipient: \$1,808*

<sup>134</sup> <https://www.VTAEYC.org/teach/>

<sup>135</sup> [https://catalog.ccv.edu/preview\\_program.php?catoid=14&poid=634&returnto=1311](https://catalog.ccv.edu/preview_program.php?catoid=14&poid=634&returnto=1311).

As you'll see from the final two points, the average amount of aid per recipient was higher than the average cost per recipient. In other words, on average, students received **more aid** than the cost of their tuition and fees.<sup>136</sup>

As demonstrated in the following chart, CCV has two Prior Learning Assessment (PLA) Programs that are free for household making \$75,000 or less.

PLA OPTIONS	COST	PROCESS	AWARD (avg)	SAVINGS
Credit by Exam	\$0-\$155	Students sign up for 2-hour CLEP/DSST Exams	3 credits	+\$750
Competency Based Pathway	\$150 each	Students complete request form with advisor, have 60-days to independently complete pre-set assignments	3 credits	+\$750
Course Challenge	\$280 each	Students complete request form with advisor, have 60-days to independently complete individualized faculty assignments	3 credits	+650
EDU-1225 Focused Portfolio Development, 1-cr	\$580 for course and fees *If eligible for 802 Opportunity, course/degree program is FREE (making \$75k or less in household)	Students enroll in 1-credit course and are guided by faculty to develop a portfolio of individual learning for up to a 16-credit award, in one curricular area	12 credits (avg)	+\$3,000
EDU 1240 Assessment of Prior Learning, 3-cr	\$1240 for course and fees *If eligible for 802 Opportunity, course/degree program is FREE (making \$75k or less in household)	Students enroll in 3-credit course and are guided by faculty to develop a portfolio of individual learning for unlimited credit award and in any curricular areas	30-credits (avg)	+\$8,000

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## Bachelor's Degree in Early Childhood Education

Vermont State University (VSU) offers traditional and accelerated online programs for early childhood education. The majority of the costs of early childhood education at VSU are covered by state and federal grants. VSU offers an accelerated online program that is five semesters and designed for individuals who are working in the field in full-time roles.<sup>138</sup> The cost of the online program is \$375 per credit hour for tuition and \$29 per credit hour for online program fees with 60 credits required for the major. More than 80% of VSU students receive financial aid.<sup>139</sup> In 2024, Vermont State University's Early Childhood Educators Institute reported that the record

<sup>136</sup> Community College of Vermont. (November 2024) Email Communication with Leslie C. Johnson, Ph.D., Associate Academic Dean. On file with author.

<sup>137</sup> *Id.*

<sup>138</sup> Retrieved from: <https://vermontstate.edu/academic-programs/early-childhood-education-online-completion-bs/?overview>.

<sup>139</sup> Retrieved from: <https://vermontstate.edu/academic-programs/early-childhood-education-online-completion-bs/?affordability>

enrollment of 135 students in 2024 was supported by the State of Vermont's investments in early education administered through Child Development Division, making the program "substantially free."<sup>140</sup>

### C. License Nomenclature: "Early Childhood Educator"

Stakeholders who are part of or adjacent to the public school system expressed opposition to the Application because the proposal included use of the titles "Educator" and "Early Childhood Educator." They expressed that use of the word "educator" means AOE licensure and use in the context of this Application does not honor the work that AOE licensees have invested in their credential or the qualifications of AOE licensees. Also, AOE has a specific licensure endorsement for "Early Childhood Educators" working in public schools and as pre-qualified private providers for Universal Pre-Kindergarten. They articulated the concern that reports, statutes, and rules may reference Early Childhood Educators meaning the specific AOE license/endorsement (36), which could create confusion for the potential workforce, as well as families and the public at large. OPR received recommendations for another name for this profession from those opposed to use of the title "Educator." Those titles included "Early Childhood Professional" or "Early Childhood Provider."

OPR understands and appreciates these concerns. It can be said with certainty that no one proposing Early Childhood Educator licensure is using the title "Educator" to detract from the import the word conveys or from licensure granted by the Agency of Education. In fact, it is exactly the opposite. "Educator" is intentionally used in this report to connote formal education, qualifications, standards, and preparation enabling an individual to participate in the professional educator workforce. We find that licensure would require applicants for licensure as an Early Childhood Educator to meet the very same VTAEYC/NAEYC competencies and standards used for AOE-licensed educators with the ECE endorsement. Regulation of Early Childhood Educators working in private 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 settings. These consistencies between non-public settings and public schools will enhance children's readiness for public school. This benefits children, their families,

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<sup>140</sup> Vermont State University. (June 2024) *VTSU Early Childhood Education Institute Enrolls Record Number of Students*. Retrieved from <https://vermontstate.edu/news/vtsu-early-childhood-education-institute-enrolls-record-number-of-students/>

employers within Vermont, and the public. OPR also finds this regulation would benefit AOE-licensed educators, as they would be receiving children into public schools who have received early education from professionals adhering to the same competencies and standards.

There are other professions where a title, such as “nurse” or “alcohol and drug counselor” is used generally to refer to the workforce in the profession, while within that workforce there are various designations with differing qualifications and scopes of practice. For example, in the profession of “nursing” there are licensed nursing assistants, licensed practical nurses, registered nurses, and advanced practice registered nurses.

#### D. Dual Licensure Concerns of the Agency of Education

The Agency of Education (AOE) and other stakeholders expressed concern about licensure overlap or dual licensure between AOE and OPR. OPR understands these concerns, as multiple license types regulated by OPR (nurses, speech language pathologists, mental health counselors) must also obtain licensure from AOE when working in public schools. Dual licensure for those licensees is costly and burdensome.

We do not seek to replicate that structure. For OPR-licensed Early Childhood Educators, OPR would exempt AOE-licensed educators with the Early Childhood Education endorsement from licensure requirements. This means an active AOE licensee in good standing who wanted to work in a non-public setting would not need to obtain a license from OPR. If an AOE-licensed teacher with the ECE endorsement wanted OPR ECE licensure, they would be eligible by virtue of holding the AOE license with the ECE endorsement. However, if an OPR-licensed ECE III, with a bachelor’s degree or higher wanted to work in a public school, they would have to seek licensure from AOE under the current structure.

#### E. Exempt Child Care Providers

Early childhood providers for three or more families are already regulated through the Child Development Division. For one- or two-family providers, there is no regulation. OPR does not recommend changing this regulatory threshold with this new structure. In the long term, once there is data available about capacity impacts resulting from licensure requirements, this threshold should be reconsidered. At that time, a regulatory assessment of whether a registration or some other form of

licensure of those providers serving one or two families would be appropriate to ensure the same public protection mechanisms for enforcement of professional conduct.

## F. Impact the Credential Will Have on Cost of Services to the Public

A few stakeholders asserted that increased educational requirements and licensure for Early Childhood Educators in non-public settings will significantly increase the cost of services. This is a possible impact particularly, if there is not a substantial and sustained public investment during the transformation of the workforce into a licensed profession. The financial investments Vermont recently made in early education through Act 76 increased the available subsidy funding for families and expanded the eligibility so that working families who earn 575% above the federal poverty level currently have access to some financial support to pay for early childhood education. The expanded subsidies are intended to provide families with adequate financial support so they can pay the actual cost of early education provided, including educators with increased qualifications and licensure. This increased cost of a well-compensated workforce with ECE I, II, and III credentials were policy changes assumed in the 2023 Rand Financing Study analysis.

## Resourced Required for OPR to Stand Up This Profession

OPR would require new staff, as well as funding for IT setup, rulemaking, and the establishment of a nine-member Board comprised of at least two of each ECE license designation, as well as at least two public members.

## A. Funding

To establish this profession with intention, collaboration, and stakeholder engagement, OPR needs 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 for SFY26 is \$261,209.43. The remaining positions would be filled in FY27 with an estimated cost of \$349,372.35.

For IT set up, rulemaking and establishment of a nine-member Board, OPR would need funding in the amount of \$45,000.00.

## B. Timing

A phased implementation with purposeful effective dates will be required for onboarding this new profession.

Upon passage in 2025, OPR needs the authority to hire new positions, conduct rulemaking, and establish a Board. 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.

## 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. 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, is recommending 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.

In closing, the author of this report, the Office of Professional Regulation, and the Secretary of State wish to thank the stakeholders and legislators who have worked tirelessly to address the child care crisis in Vermont. We particularly want to thank the voices who participated in this review. It is not possible to conduct this type of work without hearing everyone's perspective. Irrespective of their position on this proposed regulation, the people who showed up and participated in the conversation are committed to improving and increasing child care and ultimately the physical and emotional development of Vermont's youngest population. With this achievable goal in mind, we look forward to the legislative discussion and potential implementation of this essential program.

**State of Vermont**  
**Secretary of State**  
**Office of Professional Regulation**

**By:**



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Jennifer Colin, General Counsel

**Approved:**



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Michael Warren, Interim Director

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## Appendix 2: Public Comment

The following entries contain excerpts of either quotations or paraphrased summaries of all individuals who made public comments at the public hearings on September 17 and 18, 2024 or emailed comments to OPR's public comments email address. The recordings of the public hearings and the emails with written comments are on file with the author at the Office of Professional Regulation.

**Teacher of early educators at a Career and Tech Center for high school students); has been a toddler teacher, preschool teacher and center director:**

- Supports licensure at OPR
- Currently teaches students that will graduate and qualify for licensure at the ECE I level
- “They aren’t afraid of enrolling in coursework or taking part in the licensure requirements. They want to learn and they’re really proud of their expertise and the supports for them in Vermont...free college classes and training are available for high schoolers. After graduation, my students take advantage of grants and scholarships, and they continue on to their associate’s and bachelor’s degrees. There are resources for them to do this while working. Many work and take courses and they can do this without taking on student debt. It’s the best kept secret really.”
- “For people entering this field right now, the biggest barrier is that societal opinion, the old fear of not being respected.”

**Policy Director, National Association for the Education of Young Children (NAEYC):**

- Supports licensure at OPR
- VTAEYC is one of 51 affiliates in NAEYC’s network
- NAEYC has 60,000 members – early educators, faculty members, students, advocates, allies across the country
- Mission: increase access to high quality developments like appropriate early childhood education for all children birth to age 8
- Goal is to bring professional recognition to keep people in the workforce
- Lack of compensation, low expectations for qualifications, lack of recognition has caused many to leave the field
- With staffing shortages, people who aren’t adequately prepared are hired, which leads to more burnout among experienced teachers
- “Protecting the public and public investments means working to ensure a floor of quality where parents can choose from any early childhood setting that meets their family’s needs knowing that the individuals who are licensed to practice there have a deep understanding of how children learn and develop and have the complex skills and knowledge that support them.
- “Professional licensure would be building supply rather than inhibiting it.”
- The intention is not to add regulatory complexity with an additional system on top of existing system. The intention is to unwind, reorient, and right-size the regulatory

structure “putting trust and autonomy for early childhood educators and not only the building in which they work at the center.”

- “The status quo of the early childhood education workforce isn’t working.”

**High School Senior enrolled in a Career and Tech Center Early Education Program:**

- Supports licensure at OPR
- In the ECE program, gaining college credit and field experience
- Completed her required coursework in ECE and earning more college credits and job experience as a youth apprentice
- Talked about the misperceptions about the field – it’s not just playing with kids, it’s supporting children and their families. Licensure ensures that educators are doing the work and they are serious about supporting children, not just looking for an easy temporary job before moving on to the next thing.
- “I’ve already seen people come in and out of centers I’ve worked at over the last few years because this job is not what they expect. They get burnt out and they get tired and they get mad. And that energy affects the children. That energy makes the children’s days difficult. It affects their learning and their development. And to have people who are prepared for this job’s challenges because we, as educators in their early childhood field, experience so much. We deal with trauma and we deal with growing pains. We are there for those children, and we need to have the proper knowledge and education to support those children.”
- “Licensure creates a pathway for students like me to envision a lifelong career in early childhood education. It’s not just a pit stop, it’s a meaningful and rewarding profession.”

**Associate Academic Dean of Education and Behavioral Science at Community College of Vermont (CCV):**

- Supports licensure at OPR
- Oversees ECE curriculum and faculty and the Northern Lights at CCV program
- Supports the application
- CCV has supported these educators for decades
- Serve 500 students each semester in their associate’s degree program and three ECE Certificate programs
- Northern Lights at CCV “operates as the hub of the professional development system for Vermont’s early childhood education and after school workforce”
- They offer pathways for earning credit for prior learning and professional experience, they offer range of course modalities including in-person and online options, robust academic advising and student support services, partner with organizations to provide scholarships and grants, “we embrace students at all stages of their lives” and offer full time and part time students – flexibility is key
- programs are aligned with NAEYC professional standards and competencies,
- “If the proposed system for professional licensure moves forward, CCV is well-positioned to support the educational and professional development needs of the members of the field. Our courses, certificates and degree program are aligned with

NAEYC's professional standards and competencies, and they provide a stackable pathway that prepares students at the ECE I and ECE II levels. For students who choose to continue their education, we have articulation agreements that provide transfer pathways to a range for bachelor's degree programs. CCV's academic advisors are highly skilled at supporting students toward their educational goals through individualized coaching. The Northern Lights at CCV Resource Advisors, who offer career advising to all professionals in Vermont's ECE and after school workforce, have rich knowledge of and experience in Vermont's ECE systems. For that reason, CCV is uniquely prepared to help support Vermont's early childhood educators as they learn about and understand a new system of professional requirements and create plans for how they will achieve their professional goals."

**Certified Teaching Pyramid Observation Tool Reliable Observer (observes and assesses "how well a teacher is implementing the Pyramid Model practices in their classroom, focusing on supporting children's social and emotional assessment.");**

**DCD Employee:**

- Has observed harmful impacts resulting from untrained staff, has observed classrooms where there have been over 50 negative directives (don't, stop, no, etc) given in a short period of time. When providers do not have adequate preparation, they may be putting children in activities, like circle time, that are inappropriate for their age and development, and the result is that the child appears non-compliant and the parent is informed that the child is non-compliant and has a behavior problem, when in reality, the activity given by the teacher was not appropriate.
- "When children hear only "no," "don't," and "stop," it harms their self-esteem. They begin to think that this is what I am, I am a negative person. I'm not able to make positive decisions so I must continue this."
- A child's preschool experience "affects the families and for so many families, it's a roll of the dice whether you have a well-prepared teacher or one who isn't. That is not equitable. The lack of individual accountability is a critical gap in our current system. When educators who engage in harmful practices are let go, there is nothing but word of mouth to prevent them from being hired elsewhere, as most licensed programs are not allowed to provide termination reasons.... Individual licensure brings accountability."

**Director of a Head Start Program:**

- Supports licensure at OPR
- Spoke about experience when Head Start increased its teacher qualification requirements
- Act was passed in 2007, and gave time for educators to meet higher qualifications
- "Head Start allows us to request a waiver for teachers or teacher assistants as necessary as long as they're on a robust plan and we communicate that to the office of Head Start and we usher them along that path to meet the qualification....We have been hiring people that have been on their path but not quite there and we just communicate that with the office of Head Start. For those we hire with limited

qualifications, we...create robust plans and we do have mentoring from qualified teachers to help them meet their goals.”

- With Head Start support, they made program changes and gave all staff a 16% raise, so they are working toward pay parity with public schools. And they offer excellent benefits (health and dental insurance, paid time off) and bonuses. But they do lose teachers to public schools because of pay disparity.

**Co-Executive Director of a Parent Child Center, AOE-Licensed Early Educator, M.Ed. in Leadership Studies:**

- Supports licensure at OPR
- Oversees all Early childhood education programming at 3 sites serving infants through Age 5
- “Act 76 brought about much needed funding, not just to allow more families to access early educational services, but to allow access to quality programming. Increased reimbursement has led to increased wages, keeping more educators in the field...Act 76 created ways to incentivize staff through better compensation and benefits. Now is the time to create a central and relevant system for professional preparation. A license to practice at ECE I, II, or III shows an early childhood educator’s qualifications and scope of practice, indicating specialized knowledge and skills, with a clear system of accountability.”
- “Staff retention suffered when key supports were not in place, and now they exist. VTAEYC and its partners how administer scholarships, student loan repayment assistance, grants, career advancement resources, and other incentives to help early childhood educators earn qualifications at no or low cost.”

**Chair, Commission on Professional Excellence in Early Childhood Education, Bachelor’s Degree in Early Childhood Education and Lower Elementary Education, M.A. in Child Development, Ed.D. Education Policy, Senior Policy Analyst at the National Education Association, and Former Kindergarten Teacher:**

- Supports licensure at OPR
- “Actualizing professional licensure is complex and thorny, and in the early childhood education field, it currently does not exist for most of the birth through age 5 ECE workforce, including those in Vermont..., but it is well-established for the K12 workforce, which encompasses the K through 3 sector of our ECE workforce. Navigating both this blank canvas and the crowded canvas is challenging.”
- Commission created model legislation for licensure of ECE I, II, III
- “As other states begin to recognize the ECE I, II, and III designations, we understand there are concerns from the State’s Agency of Education including the...ECE III designation in the ECE profession. However, we share the belief as articulated in the Application on page 9 that recognizing the ECE III designation within the ECE professional licensure system regulated by [OPR] need not duplicate nor supplant the ECE teacher’s license issued by [AOE]. Based on the data from the Vermont Child Development Division, VTAEYC estimates that nearly half of Vermont’s current early childhood education workforce holds a bachelor’s or associate’s

degree. This is a significant group of individuals at the ECE designation that, if not included in a professional licensure system, would also not be included in the current teacher licensure system operated by the Agency of Education.”

- Also the Board model at OPR allows “the profession to be the primary driver of educator quality, recognition, and accountability.”

**Parent of a Young Child:**

- Supports licensure at OPR
- When they started with an early care and education program in Vermont, child was 2 and the transition was difficult and child was not challenged at the program, which had very little structure. Staff improperly suggested the child might have ADHD or autism, “which was devastating to hear and which I recognize now was inappropriate.”
- Both children are now at a program that is structured. Teachers there allow time for transition and engage with parents. Children trust the educators. The educators adhere to professional standards and should be treated with the same deserving respect and accountability as any profession.

**VSU Office of Prior Learning Assessment Based at Community College of Vermont:**

- Existing supports available for early childhood educators to continue education OPLA
- Early childhood educators make up around 50% of students served by the OPLA
- Success rate of more than 90%
- Early childhood educators see an average 12 credit award in focus portfolio and a 30 credit award average in assessment of prior learning – they can do this before enrolling in traditional coursework

**Parent of Young Children, VTAEYC Board Member, School Board Member, Works in the Financial Services Industry for Over 20 Years:**

- Supports licensure at OPR
- Needs to be a system of accountability for early childhood educators that includes transparent qualifications, clear requirements and a system of individual regulation
- No way to validate teacher qualifications or compare programs objectively based on staff
- Lack of individual regulation creates opportunities for abuse

**Executive Director of a Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR
- New resources are impacting educators: Great increases in levels of qualification, professionalism, retention
- “Before Act 76, none of our educators were enrolled in school and now over half our staff is pursuing degrees. The shift is definitely motivated by the promise of better compensation, and we’ve been able to increase pay significantly. Resources like the T.E.A.C.H. PROGRAM have helped staff return to school without accumulating

debt...What I've seen is that when our staff have a degree, they eventually leave for public school jobs, not because they don't love what they do, but because they need increased pay and benefits for their own livelihood and that of their family members. However, right now what I'm seeing is retention rates seems to be on the rise."

- "Qualified staff show up invested each day. They can focus deeply on things like pedagogy and higher level teaching skills. They're more equipped to [help] children who have developmental delays or those who have experienced trauma. And I think [licensure] is a really critical piece to equitable access and caring for all children."

**Executive Director of a Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR
- She does all the hiring and paperwork without a system that includes individual regulation
- Her program has 27 diverse educators and they support students from local colleges working on experiential programs
- Most challenging part of her job is finding qualified early childhood educators: "The current titles and roles through the Child Development licensing regulations are so fragmented across the system that it's often hard to tell someone is qualified just by their resume alone, even harder if they're from out of state. More often than not, we're hiring people as trainees or teaching assistants and then spending a year providing on-site mentoring, coursework and training to ensure that they are prepared for the role they are assuming at our school. They do not necessarily arrive prepared and ready to go."
- Benefits of ECE I, II, III for early childhood programs:  
"As a director, I would be able to know the qualifications and preparation of applicants without having to do my own research into their background. Given the national profession with reciprocity across state lines, I can more easily attract and hire educators from out of state who seek to relocate to Vermont, expanding my applicant pool. I can more easily attract and hire qualified educators and be able to ameliorate staffing shortages, which are shortages, to be clear, of not just people, but of qualified people. And all of those positive impacts will free me up to do the most important part of my job, mentoring, supervising, and leading my excellent teaching community."

**PUBLIC HEARING 9/18/24**

**Ph.D., Assistant Professor of ECE at UVM:**

- Supports licensure at OPR
- Research on effects of teachers w/Bachelors degrees and specialized ECE training that combination produces stronger child outcomes than when only one of those is present
- Licensure of ECE will address gaps in teaching licensure landscape
- ECE licensure programs will be aligned with NAEYC standards and competencies, just as AOE licensees, so it will improve early education across settings and

throughout the system – in other words, it meets the needs of public schools; College and universities will have access to ECE mentors (like supervising teachers in college programs) who have more training and education, which will make that student teaching/internship experience more valuable;

- Should increase respect and pay
- “Qualified and effective mentor teachers and high quality early childhood education and care settings are pivotal for the preparation of our future early childhood teachers at the ECE I, ECE II, and ECE III level. Under-qualified mentor teachers affect their preparation, their learning, and they put strains on higher education faculty.”

**Parent Whose Children Attend a Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR
- Program has teachers who have been there for longer than 20 years – that stability has significant benefits for children. In a profession with a high turnover rate, you don’t get that stability. Educators who have expertise should be treated as professionals, which supports stability
- “Stability in relationships has huge developmental benefits for children, but you can’t grow these relationships or create these bonds if you have a high turnover rate for teachers.”

**Employee at VTAEYC, Previously an Early Educator and Former Family Services Worker:**

- Supports licensure at OPR
- Vt justice system assumes ECE is a stable supportive factor for families in crisis, which it can be, but a lot of kids in the DCF system are not getting the support they need. Kids experiencing trauma express trauma and ECE educators have to be prepared for that. In the current system, many are not and don’t know how to support children when those behaviors are manifesting.
- While working for CPS, a number of folks in early care and education expressed that they felt underprepared and unsupported in managing behaviors of children who were experiencing trauma. Lack of preparation and trauma informed training for educators leads to high suspension/expulsion rates for children in crisis.
- “When early childhood educators aren’t prepared for working with children who are experiencing trauma, it can be difficult to know how to support and manage their behaviors and needs.”

**Early Childhood Education Program Coordinator, Vermont State University, Part-Time Employee at VTAEYC:**

- Early education needs preparation pathways that connect higher education to the career
- ECE I, II, III model does that with clear educational requirements for each designation

- Early educators need a tangible outcome like a degree that functions as a qualification
- VSU's program dovetails easily off of CCV's 2+2 program – stackable  
“I like the ECE II and III alignment with the associate's and bachelor's degree because it clarifies and reinforces the whole path and purpose of education and career development.”

**Early Childhood educator at a Center-Based Child Care and Preschool Program, AOE Licensee; Has Taught in Private CBCCPP for Entire 15-year Career, Has mentored UVM ECE Students, Has B.S. in ECE, M.Ed. in Educational Leadership, and Parent of a Toddler:**

- Supports licensure at OPR
- Children have the right to high quality ECE
- Families have a right to access and trust a system of ECE designed to support their children from the beginning, to walk into a program and have confidence that educators are highly qualified, well compensated and accountable – professionalizing does that
- “The notion that infants and toddlers require less prepared or less skilled teachers does not reflect current research about brain development and the science of learning. In this critical window of their lives, they are the most vulnerable population and deserve to have the people who care for them be well prepared, effective and compensated commensurate with their peers who work with older age groups.”
- The main driver for teachers leaving positions with infants and toddlers is pay.
- In a private preschool setting teaching universal prek, her salary is \$45,000 working full-time throughout the academic year, no benefits – if she was in a public school she would have a salary of \$58,000 and full benefits.

**Owner/operator of Family Child Care Home for 32 Years, Bachelor's Degree in Early Childhood Education:**

- Supports licensure at OPR
- “The idea of ECE III designation gives me hope. I have the qualifications to offer a pre-k curriculum in my program, but I don't have AOE licensure. Under current Universal Pre-k rules I would need to hire an AOE-licensed teacher at \$30 an hour to come to my program and teach what I'm already prepared to teach. This workaround would also require me to purchase insurance that is so cost prohibitive my insurance company won't offer it. This is a real barrier for family child care...I've had...families [who] were happy here, they needed to save money, so they left for 10 free hours a week.”
- We need to minimize transitions for young children, continuity is better, universal pre-k causes a lot of transitions for families
- She is losing preschoolers and cannot replace them with infants
- Hopeful that ECE III designation will create a pathway for her to offer UPK

**Employee of TEACH Early Childhood National Center:**

- Supports licensure at OPR
- 1 of 22 administrative homes licensed to administer the TEACH Early Childhood Scholarship Program
- VTAEYC pursued the TEACH license that was “indicative of their vision to thoughtfully and intentionally engage in wide-ranging, multifaceted work that would ultimately advance the complex systemic effort needed to recruit, sustain, and reward a well-prepared ECE workforce.”
- The fact that Vermont AEYC is embarking on this newest frontier to professionalize the workforce is emblematic of its long-standing work and commitment
- In FY24 alone, VTAEYC served 132 individuals by granting them access to a debt-free college education.
- 49% of those served are first generation students
- 7% are BIPOC
- Scholarship support provided on both associate’s degree and bachelor’s degree levels
- “Professional recognition is critically necessary to advance efforts intended to elevate advocacy efforts toward the improvement of compensation and the field needs to be recognized, supported, compensated, and held accountable for their practice, much like other industries.”

**Center Director/Owner – AOE Licensee, Bachelor’s and Master’s in Education, Concentration in Psychology:**

- Excited but nervous about this effort
- Struggling to hire qualified candidates. They have several who have gone through the TEACH apprenticeship program
- Hopes this new effort will create a larger pool of qualified people to draw from
- Worried that requiring associates and bachelors degrees will put centers out of business, right no they have teachers who are getting variances from the state for credits they have taken
- All of her centers are 4 or 5 stars
- Expressed questions about transitional/roll-out plan
- Time needed for implementation, can’t just be a requirement all of the sudden
- “I certainly do not want to sound as though I don’t support the idea of this type of thing. I honestly am just thinking about it from the perspective of hiring practices, like we don’t have the workforce. Now I know that sounds terrible because it sounds like I’m willing to sacrifice the quality of education of people for the sake for staying business, but that’s not what I’m saying. I’m simply saying that for a profession where we are already struggling to hire, this is not going to help us at all.”

**Employee of National Association for the Education of Young Children:**

- Supports licensure at OPR
- At least two other states are exploring licensure for early childhood educators, Minnesota and Delaware, both states are aligning standards and investing resources.
- “Profession building and public accountability go hand in hand. We are advocating for professional licensure because we believe this is the way to bring people into the ECE profession and keep people in.”
- Licensure will allow us to unwind the current complicated structure
- elevating the status of the profession will strengthen recruitment and retention
- “Our state’s ECE systems are built on the assumption that the ECE workforce is not prepared. And this has resulted in overregulated childcare programs that are often not held accountable for what matters most in delivering high quality early childhood education and care. And that is the educators.”
- National efforts and the unified vision are working toward creating thousands of well-prepared, diverse educators who can work across settings, including BIPOC educators, multilingual educators, educators who work in rural, tribal, and urban communities. NAEYC is elevating Vermont’s work to other states.

**AOE-Licensed Early Childhood Special Educator, Higher Education Instructor and Advocate for Young Children – Dually Licensed by OPR and AOE:**

- Does not support licensure at OPR
- Early childhood education is already a licensed profession in Vermont that has strict educational and mentorship requirements
- OPR licensing would be redundant and confusing
- There is no national exam
- “Because the profession of early childhood educator already exists in Vermont through AOE licensing, ECE licensing through OPR would be redundant and confusing.”
- Numerous statutes provide protection around the use of regulated titles and “allowing another sector of the workforce to use ‘ECE’ is concerning to me and to others.”
- “The early childhood arena is already very complex in Vermont, with dual agency oversight between the Agency of Education and the Agency of Human Services. In practice this causes confusion and discrepancies with agency guidance and makes navigation incredibly difficult for consumers who are primarily young families. This proposal would add a third government entity into the early childhood arena, thus creating even more redundancy and likely increasing government costs. So in closing, I agree that all individuals engaging with young children should demonstrate essential core knowledge and essential skill sets. And perhaps there’s a need or benefit from another workforce certification or registration process. But I do not agree with a separate regulatory agency licensing a sector of the workforce by using a professional title that already exists, especially if those essential qualifications differ. As you consider this proposal, I urge you to respect the profession of AOE

licensed early childhood educators who have completed a rigorous course of study, passed an exam, completed student teaching, demonstrated all required competencies. Use of the professional title by anyone except those professionals who hold the AOE license should be prohibited.”

**Child Care Home Provider for 31 Years with a Higher Education Degree:**

- Does not support licensure at OPR
- Makes more money than a lot of teachers she knows
- Hundreds of child care providers who work in their homes, are raising their own children, helping to raise other people’s children, and working over 50 hours a week, doing exhausting work – “finding time to fit in education is sometimes really difficult”
- This is not the way out of the child care crisis
- “We are in a child care crisis, and I don’t believe this is the way out of the it...Yes there’s free college, there’s free schooling; there’s people to help mentor you through this. But how many years is this going to take? We need immediate help right now caring for all of the children that need care in a quality setting.”
- There is already regulation by CDD
- There will always be bad apples, licensure does not get rid of people who make bad decisions, as demonstrated in other professions where there is a license
- The child care providers are on the older side because not many people are coming into the profession.
- What about the people who don’t want to go to college
- Important to think about the pressure this would put on registered providers
- “I can’t do anymore hours”
- “As a home child care provider, if I don’t want to be in that same classification as...a teacher, then I should be able to have that choice but still be able to run a registered home.”
- “It would make me very sad to see a lot of my other provider friends leave the profession because they’re not going to go get an associate’s or a bachelor’s at this age.”
- “Families cannot afford the high quality child care and how much further is it going to go?”
- “I don’t need the title of teacher and that’s my opinion, but I think that there are a lot of home providers who feel the same way.”

**Public Educator for Over 25 Years, Administrator for 17 Years:**

- Does not support licensure at OPR
- “Early childhood educators in Vermont should be licensed by the Agency of Education rather than the Secretary of State’s Office of Professional Regulation.”
- AOE is better positioned with respect to standards and policies and also to assure high quality. AOE has expertise in educational practices, qualifications, competencies, professional development, and support. AOE “has systems in place for collecting and analyzing educational data. By including early childhood educators in the system, it becomes possible to make more informed, data-driven decisions about early childhood education policy and practice.”

**Director of Early Childhood Education at a Vermont Supervisory Union, Licensed Early Childhood Special Educator, Licensed Pre-K through 12 Principal and Officer of the VTAEYC Board:**

- Supports licensure at OPR
- Early childhood special education services should be carried out in a child’s natural environment, which is often in a child care setting, in her district 80% of those services for early childhood special education are served outside of public school settings. The supervisory union has staff that goes into those settings to provide direct IEP services to children.
- “In order for children to grow and meet the goals that they are working towards in their IEP, it is critical to have highly qualified staff around them to not only provide services, but to provide carryover and use what we call routines-based and embedded instruction in order to help...children meet their needs. What I see as a benefit to this system is that it would ensure that the early childhood educators at all levels that are working with students in classrooms in all settings would be held accountable to a common system of standards and competencies.”
- “The other piece of this that I think is incredibly important to recognize is how the AOE early childhood license and...a general education license really often isn’t something that children in the birth through three population have access to. I understand that the AOE license is birth through 3<sup>rd</sup> grade. However, having an AOE-licensed teacher in a child care setting for an infant or toddler is incredibly rare.”
- This proposed licensure is “a way to create a career system in which people are wanting to grow and learn and increase and advance their place in their job.”
- A lot of children receive Part C services, birth through age three special education.
- “I think the other piece that I just want to comment on here is that whereas I have fully experienced going through the licensure process with the Agency of Education, I don’t personally feel that the current enforcement of standards and competencies is adequate enough to fully support those working in early childhood, particularly those working with preschool infants and toddlers....I appreciate that the agency aligns with some of these standards, but at this point, I don’t personally feel that they have the level of oversight that our youngest children need in order to be successful.”

## **WRITTEN COMMENTS**

### **CEO, National Association for the Education of Young Children (NAEYC):**

- Supports licensure at OPR:

Early childhood education is not and should not be an “anything goes” profession. We know too much about the vulnerabilities of young children, as well as the science of early learning and the essential competencies for early childhood education to feel comfortable with the “buyer beware” market that currently rules the child care landscape. The lack of equitable, affordable access to quality child care is harming young children and their families. The research is clear that the first eight years of children’s lives are critical for brain development as well as social emotional, physical, and language development. Protecting the public and public investments means working to ensure a floor of quality, where parents can choose from any early childhood setting that meets their families’ needs, knowing that the individuals who are licensed to practice there have a deep understanding of how children learn and develop and have the complex skills and knowledge that support them in effectively practicing with a diverse array of young children and their families, including those with special needs.

### **M.Ed., AOE-licensed Birth – Grade 6 Educator – Former Preschool and K Teacher and Teacher in Higher Education for 30 Years:**

- Supports licensure at OPR
- “If ALL educators were respected and compensated with a nationally recognized credential, everyone wins – children, families, teachers, communities and our society. When we professionalize the entire profession, it lifts everyone up. Recognizing Early Childhood as a profession – the same way countless professions are recognized – ensures equitable teaching and learning opportunities for all.”

### **Owner/Executive Director, Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR

As a business owner, I know that my program is only as good as the teachers in it. We all know the science by now. During the first years of life, one million new brain connections are formed every second. Science has proven that it is through positive interactions with adults that these brain connections are used and strengthened. Therefore, the quality of any early childhood education, whether it be home-based or center-based, is totally determined by the people providing that care and learning, by the quality of those interactions. We need well-educated and experienced people interacting with our children every day.

- “Setting educational and experiential standards for each level (ECE I, ECE II, ECE III) will enable program owners and directors to easily determine if an individual is qualified for a position.”
- “Establishing early childhood education as a profession will attract more people to the field.”

**Family Child Care Provider:**

- Supports licensure at OPR
- “[A]fter I read the letter on the OPR website from the Vermont Standards Board of Professional Educators, and spoke with the center directors in my network...I feel like there need to be another voice for people who would qualify for ECE III. When I read the letter...I had the sense that the Vermont Standards Board of Professional Educators suggested that ECE III and the AOE license were the same, and anyone who qualified for ECE III would then go under regulation by AOE. But the license offered through AOE is different from the proposal for ECE III. An early childhood educator with AOE licensure would qualify for ECE III, but not the other way around. Not every who qualifies for ECE III wants to take the Praxis and build a portfolio and take the additional steps required by AOE. For a lot of center directors and others who qualify for ECE III, there is no reason to do that...  
My question is, if we know learning starts at birth if not earlier, and we know how much brain development happens early, we’re talking about the qualifications of everybody who works with young children. If the Vermont Standards Board for Professional Educators doesn’t have a problem with ECE I and ECE II, why really should it have a problem with ECE III? It’s a separate profession from theirs, and their licensure counts as a qualification for the subset of educators where there is overlap. And any early childhood educator could decide to continue their steps to get AOE licensure if they wanted to...It makes no sense to separate out the third designation.”

**Center-Based Child Care and Preschool Program (with 14 staff signatures):**

- Supports licensure at OPR
- “On behalf of our entire early childhood education staff, we wholeheartedly support recognizing early childhood educators as professionals through individual licensure. This recognition would elevate our profession, ensuring high standards of care and education for young children. A phased-in implementation period would allow educators to adapt smoothly while maintaining quality family services. As professionals dedicated to nurturing children’s development, we are excited to gain the same respect, resources, and career development opportunities that other licensed professionals receive.”

**President, Vermont-NEA, AOE-Licensed Educator for 31 Years and Former Chair of the Vermont Standards Board of Professional Educators:**

- Supports licensure at AOE and not at OPR
- “We applaud all efforts to further professionalize the ECE workforce and to improve the compensation and benefits for those who work in this area; early childhood education should be a viable lifelong career option for these devoted educators. It is this level of respect for the early childhood education workforce that leads us to conclude that the licensure of early childhood educators needs to remain within the jurisdiction of the Vermont Standards Board of Professional Educators, supported by the Vermont Agency of Education. The VSBPE process assures that the holders

of the Early Childhood Education license are authorized and qualified to teach young children and base their practice on a deep understanding of early childhood development. The importance of our early childhood education programs is also reflected in the fact that the VSBPE also offers an endorsement for an Early Childhood Special Educator. With two license endorsement areas for early childhood education teachers already in place, we believe implementing a new and different licensure process for early childhood educators would create a 'separate but equal' set of standards through OPR. We do not believe a redundant system would serve either our preK-12 system or the ECE system.”

**M.A. Ed., Executive Director for Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR
- Her center served over 90 children and has 35 early childhood educators and staff
- Highly qualified staff – 18 bachelors degrees, 8 masters degrees and 8 of those 26 are licensed by AOE
- Importance of early education for brain development
- Proper preparation and qualification is necessary in the work
- The profession has been underfunded and many programs can't stay open, fragmented workforce
- Having a unified profession is necessary to secure funding
- The profession can't compete with public schools that are publicly funded and have higher wages, health insurance and other benefits
- Many of their students have special needs

Programmatic responsibility is necessary and the licensing regulations and our own internal policies guide our daily practices. However, there are times when incidents occur, sometimes out of human error and sometimes out of negligence. When an incident occurs, the full burden falls on the program. I do believe in taking a team approach and being responsive as a program to anything that might occur in our learning community. However, this burden should not just fall on programs. There should be shared accountability. Currently, there is no individual professional responsibility in these cases even when it may be isolated to a specific person's behavior resulting in termination from a specific program. In the absence of a license to practice, a terminated employee can easily go to another program, especially in our scarcity workforce, and be hired to work in that program without divulging any previous malpractice or serious incidents. This puts children at high risk. We need to know when we hire someone that they have a license that verifies they are able to practice and provide the learning and care for our young children. We have an obligation to protect children from further harm and prevent people from practicing that pose a risk to their health and safety. A professional license to practice is absolutely necessary in order to ensure the safety of this vulnerable population.

For those who choose to hold dual licenses, this option would be available through a streamlined process. It is important to note that private programs who are not a pre-approved Pre-K provider are under no authority of the Agency of Education. Those who are, are currently regulated by both the Agency of Education and the Child Development Division. Neither of these agencies are field-led or charged with governance over individual professionals, only programs. Further, it is clear the Agency of Education is only concerned with those who are working within the public-school system. Anyone who works in a private program knows that we don't have collective bargaining units and teacher retirement. A license from the Agency of Education is not the only pathway to ECE III licensure. Omitting ECE III from our profession further forces the most qualified person to seek employment outside of our private programs (where by far the majority of young children and families are served) if they want to be recognized and compensated for their education and qualifications. This will most certainly leave many of my educators outside of the field and possibly without a job.

**ECE Teaching Director:**

- Supports licensure at OPR
- “We welcome and celebrate the proposed professional designation for a clear path forward in so many ways!...Act 76 has very intentionally built a foundation with recommendations to create parity in compensation and accountability across settings... The Vermont legislature, in passing Act 76, has paved the way for a sustainable exceptional child care system in our state. Professional designation for early childhood education offers a clear path towards ECE licensure of a well prepared and compensated workforce as well as the confident message of quality programs to families who see that reassurance when they need child care for their children.”

**M.Ed., CEO of Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR

I am writing to express my support for ECE as a licensed profession in Vermont. We know that 80% of the brain is developed by age 3 and 90% by age 5, an immense amount of growth and development. With such responsibility, we must recognize early childhood educators as a profession and hold the workforce to necessary standards of training to provide high quality education and care to our Vermont children. The Agency of Education has such a narrow view and understanding on training needs for providing high quality care in an early childhood setting and is currently the only agency in Vermont with licensed teachers as a regulated profession. As an emotional development researcher with a masters degree in early childhood education, I am in full support of the proposal from VTAEYC and think it plays a crucial role in the quality of care Vermont children will receive.

**Parent, Volunteer Board Member of Child Care Facility:**

- Supports licensure at OPR
- “My wife and I often reflect that the early childhood educators at our center helped to raise our children; they allowed the two of us to fully engage in our professional work during the work week, while also preparing our children for elementary school and as lifelong learners.”

Throughout my tenure in this capacity, recruitment and retention has been rather difficult. Historically when building the annual budget, I would fold in an assumption to have at least 5-10% of our employee spots vacant at any given time. This is both unfortunate and inefficient as a business practice.

More recently since COVID, hiring has become even more challenging. As recently as the start of this school year, we made the difficult decision to limit enrollment in our school by 25% due to limited availability of quality staff. This unfortunately prevents additional families from accessing quality care as my family was able to years ago.

These staffing shortages are the results of early childhood educators often being undervalued and undercompensated relative to other professions. Many talented individuals are discouraged from entering this field because it is not formally recognized as a career choice with the appropriate respect, training, and pay. I am confident that as a formally recognized profession, programs like ours will have an easier time recruiting and retaining talent.

**Family Child Care Provider for 34 Years:**

- Does not support individual licensing

In August of 2017, The Northern Lights Career Ladder awarded me with my Level 1 certificate for Early Childhood Professionals. Prior to receiving my certification, I had to submit my portfolio and write a letter to Northern Lights saying why my years of experience and hours of professional development/training qualified me to earn my Level 1 certificate without a degree or retaking a Fundamentals Course.

Once my request was approved, it took me months to put my portfolio together. I had to complete additional professional development trainings, have a licensed provider come into my program and do an evaluation of my performance with the children in my care, and parents had to fill out an evaluation form about me and the quality of care their children received. When I finally completed my portfolio, I provided over 150 pages of documentation of my experience and knowledge in early childhood care and development. When I achieved and received this certificate, I was the first and only provider that had ever achieved this certificate in the State of Vermont.

Ultimately, I provide a safe, loving, and nurturing environment where children can play, learn, and thrive. Letting the Vermont Secretary of State minimize my experience, achievements and rank me as a Level 1 provider simply because I do not have a degree is offensive. A degree does not automatically mean a person is more qualified to care for children than someone who has worked in the field for 30+ years.

**Family Child Care Provider, B.S. in Biology, AOE Licensee:**

- Does not support licensure at OPR

Childcare providers and teachers are already professionals and we are already regulated by the CDD, AOE and SPARQs for many of us. As a registered provider, I also make more currently than your plan is willing to compensate for.

I believe this plan looks very appealing to people who sit at desks at a government agency but in practice, I think it will cripple the childcare in Vermont even further. I've seen many centers in our state continually advertising for help with no relief. I believe this plan will exacerbate those problems, not help them.

**Family Child Care Provider for Over 40 Years:**

- Does not support licensure at OPR

I would think by now the state would opt out of getting involved as the latest stunt of payroll tax to all to increase subsidy is such a ridiculous move!

Many years ago we held meetings to start informing others of the need for providers yet we were scorned and those in high places said for every childcare that went out she had many more to replace? Such untruths!

Many years ago many of us banned and stood against forming a union yet so much of this seems union related; is it another way in to get one through?

Providers are doing their jobs now, nurturing, teaching, training, helping, loving, giving our young children the sense of security all the while we are stressed with all the extra mandates handed down to us over the years: I have seen so many and in kind words- they for the most part have been USELESS!

HOW is any of this going to benefit children or providers or parents?

How is this going to make a difference in the "underground" world of childcare where so many are unregistered therefore unregulated? Why is it fair to continue more mandates on those that are registered yet the illegal ones keep on going with NO regulations at all?

When will you finally open your eyes to what is part of the issue: organizations pop up suggesting all these rules, in order to justify their jobs, all the while making it more difficult for providers to keep in the profession? OR< is that your hope?? That someday children ages birth to 5 are all corralled into centers so you can make it easier on your end? Sure seems that way.

**Family Child Care Provider for Over 12 Years:**

- Does not support licensure at OPR

- “Yes it would be nice to be considered a profession....I do not need a ‘paper’ to say I’m a professional. It’s a participation trophy honestly. I feel that we providers all work 50+ hours a week especially those that have registered homes. We work hard for our children and families. We take professional development to stay current. We have a yearly inspection with the state. We may even have STARS come in to observe as I have just had my STARS CLASS assessment done to keep my 4 stars. I feel that if this goes through the state will lose more Childcare providers. Every time the state tries to ‘fix’ childcare more leave. We had stars mentors years ago and incentives. This was to help us be quality teachers and to keep us invested. Then they took away our mentors. Then the incentives. Then they go stars to subsidy to entice us to stay high quality to help families get a higher subsidy rate. That is no longer tied to stars which is good as it wasn’t fair to all families. Now they have rewritten stars completely and we are starting over. This is a lot of work....No one wants to pay to have someone say they are a professional. No one wants to worry about how they will make it through if they don’t have a degree. Many are older and don’t want to go back to school....Please do not make us a recognized profession if it’s going to push more of us out of business....Maybe the state needs to focus on the unregistered homes watching way more children than allowed and keeping those children safe. I have families come from unregistered homes that...charge more and the children had no structure, behind on skills and I work hard to help these children catch up again. Don’t make our jobs harder please.”

**Family Child Care Provider for Almost 30 Years:**

- Does not support licensure at OPR

Sent from Yahoo Mail for iPhone I'm a registered home provider of almost 30 years in St.Albans town,I'm very dedicated to my job, my families .I also have a family & home I need to care for along with having a relationship with my own grown children & grandson that lives out of state. Requiring us providers to work for a EDE 120 hours tier is ridiculous to add this to our list of responsibilities, the stress alone is not healthy.You have no idea what you're taking from these children.You state children our your #1 priority forcing us with more responsibilities leaves us limited time for curriculum preparation, research , updates, building relationships with families, self care the list goes on. Our jobs does not end at 6 PM when our children leave we still have hours of work , Cleaning , Prepare curriculum, meal's, updates on our home to keep our place safe.I've been doing this job for almost 30 years successfully .You know the old saying it's not broke don't fix it. We feel you're trying to force us home providers to shut down. When does this nonsense stop? Do you think requiring me to do 120 hours classes is gonna give me more knowledge to do my job better? The only ones that are going to be affected the most will be the children, You can only put a certain amount of stress on a human before it takes a toll on their performance, health, to do their job well keep everyone happy & safe.

**Family Child Care Provider:**

- Does not support licensure at OPR

Why in the world would the state of Vermont want to do this? When we have a childcare crisis as it is. Is the goal to push out the smaller Home registered child cares? When some of these people provide better care then centers! is it your goal to make hiring teachers for centers, even harder? Where is the common sense in this initiative? Rates will go up childcare will go down and you'll have more people doing underground childcare than you have ever had before. No regulations and oversight will happen and you'll be putting more children in danger because people will send their children to underground childcare. Because they won't be able to afford it or won't be able to find it because the people who staff these places won't be available for hire. We've held our registrations and our licenses through the state of Vermont for how many years and it's worked out just fine. I have no understanding why we need to be considered a profession and carry another license and jump through more hoops. This makes absolutely no sense on why you would make the state of Vermont childcare providers who've been here through thick and thin and Covid and all of the other changes. Why would you even consider this at this time. We already go above and beyond any other state in the United States. This is absolutely ridiculous! I truly hope you listen to the providers themselves not the organizations, but the providers who are in the field every day working with families and children.

**Family Child Care Provider for Over 17 Years:**

- Supports licensure at OPR

Family child care is a rewarding career and also a very tough business. You are the only one and you work in isolation. You own the business and make every decision. You are responsible for the nurturing the growth and development young children from birth on. This means planning the curriculum, shopping and preparing meals, designing the classroom, building and maintain relationships with families, record-keeping and administrative tasks, and all other things A to Z.

...

Vermont lacks the infrastructure to support center-based program operations, making family child care programs essential in many regions of the state. Center-based programs are required to have access to public water systems and when that isn't possible the only programs that can operate are the smaller family child care homes. We must do what we can to support and maintain our home-based programs. Without them many Vermonters will not be able to go to work. They will not have

access to child care and without child care adults will experience limitations and as the children grow they will experience different types of limitations due to lack of early exposure to early learning and stimuli.

Professionalizing early childhood in Vermont would increase accountability, support recruitment and retention and work towards building a stronger and more accountable workforce. Professionalizing early childhood will ensure children thrive, the workforce will be prepared and compensated and this is good for Vermonters and Vermont's economy.

**M.Ed., Director, Center-Based Child Care and Preschool Program:**

- Supports licensure at OPR

I am writing to share that I fully support requiring licensure or certification for professionals working in Early Childhood Education in Vermont. I believe this would organize and unite the field while creating increased respect for the profession from both educators and families.

However, I feel this must be launched in conjunction with universal public funding for programs via parent tuition and/or an accessible benefits package for educators. As a director, the only way I could increase staff pay to reflect licensure status or provide health/retirement benefits to staff would be to increase the tuition paid by families. Our program serves mostly small, middle class families who do not qualify for subsidy even under the new guidelines. It's these hard working middle to "upper" middle class families who would feel a heavy impact of increasing staff pay due to higher level education and/or licensure.

~~The new CCFAP guidelines have not positively impacted our program or our families, and should not be~~ an "answer" to providing public funding for early education programs. Act 166 rates would need to be increased substantially (as they are universally available to all families of 3-5 year olds) and/or CCFAP would need to be accessible to every Vermont family (perhaps similar to Act 166 where every family of a 0-5 year old child in Vermont receives a base amount regardless of income). Then we could pay staff wages on a scale similar to public schools and offer important benefits to support our staff and their families.

**CEO, Let's Grow Kids**

- Supports licensure at OPR
- "At the heart of Vermont's early childhood education and care system are the children: infants, toddlers, and preschoolers. The education and care of these young children requires specialized skills and knowledge in order to ensure their safe and healthy development. The early childhood educators who care for and educate these young children also provide guidance and support to these children's families, helping them navigate developmental milestones, social-emotional health, and offering a variety of family resources. Let's Grow Kids believes that it is critical for early childhood educators to be individually accountable for Vermont's early childhood education and care system to truly thrive. Professional regulation of the workforce will ensure that families have a clear understanding about the level of professional preparation of the individuals caring for their children. Child care program administrators will be able to track and more easily understand the professional preparation and conduct history of new hires. Early childhood educators will collectively participate in a standardized system of professional conduct and accountability that will have transferability to other states as the national model for professional recognition is adopted by the workforce in states

across the country. Professional licenses to practice for early childhood educators also creates broader accountability within the early childhood education and care system.”