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**March 21, 2025**

**To: Hon. Brian Collamore, Chair**  
**Senate Committee on Government Operations**

**From: Sarah Copeland Hanzas, Secretary of State**  
**Jennifer Colin, General Counsel, Office of Professional Regulation**

**Re: S.119, An Act Relating to Early Childhood Educators**

Dear Committee Members:

Thank you for the opportunity to testify about S.119 regarding licensure of Early Childhood Educators. Today our testimony will provide a high level overview of OPR's sunrise review assessing whether and how the State should regulate, through individual licensure, Early Childhood Educators working with young children from ages 0 to 8 in state-regulated private settings.

#### **HIGH-LEVEL SUMMARY**

##### **OPR Sunrise Review Assessment Process:**

- VTAEYC filed a petition under Chapter 57 of Title 26 requesting that OPR conduct a sunrise assessment to recognize Early Childhood Education as a licensed profession in Vermont at three levels, Early Childhood Educator I, II, and III, for educators working with young children, ages 0-8 in state-regulated, private settings.
- OPR engaged with stakeholders, professional organizations, state agencies, the workforce and the public and conducted significant research.
- OPR issued its Sunrise Review Assessment [Report](#).

##### **Key Findings:**

**Early Childhood Educators in non-public settings should be a regulated profession in Vermont at OPR.** Primarily, a uniform regulatory system of early childhood educators in non-public settings will ensure public protection by:

- Improving quality through increased educational and experiential requirements for early educators who bear primary responsibility for the care and education of young children from ages 0 to 8 in 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;
- 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.

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

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

**Conclusion:**

**OPR supports S.119 and the proposed structure of licensure into three categories, ECE I, ECE II, and ECE III, with uniform preparation pathways and scopes of practice for each license type. Phased implementation and transitional measures, such as transitional licenses for those who do not initially meet qualifications, will be critical to provide current practitioners sufficient time to satisfy licensure requirements.**

**Benefits of Regulating at OPR:**

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

## OPR'S SUNRISE ASSESSMENT IN GREATER DETAIL

### **Background – Child Care Crisis in Vermont**

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

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

### **Scope of OPR's Sunrise Review**

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

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

### **Sunrise Review Criteria**

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

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

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

### **Process**

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

- Engaged in significant research;
- Engaged with stakeholders in numerous meetings and communications, including VTAEYC, AOE, Let’s Grow Kids, DCF and its Child Development Division, Building Bright Futures, CCV, Northern Lights at CCV, NAEYC;
- Accepted public comments to the Agency’s public comments email address ([sos.opr.comments@vermont.gov](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 (AOE also included the public hearing information in a newsletter to their licensees);
- Conducted two hybrid public hearings (four hours total) where over 100 stakeholders and interested parties attended in person, via phone, or online; and
- Reviewed and considered the written comments and oral testimony from stakeholders and interested parties.

### **Principal Findings**

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

### **Detailed Findings Regarding Risk of Harm to Young Children**

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>1</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>2</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. 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 literacy, language, mathematics, social skills, self-regulation, and behavior.<sup>3</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>4</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>5</sup>

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 developmental foundation that compromises a child's brain architecture, resulting in enduring impacts.<sup>6</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>7</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>8</sup> Excessive

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<sup>1</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>2</sup> *Id.*

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

<sup>4</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>5</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>6</sup> Harvard University Center on the Developing Child.

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

<sup>7</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>8</sup> *Id.*

stress feedback on a prolonged basis leads the body to adapt its systems to manage threats as part of stress response.<sup>9</sup> This adaptation impacts "not just the developing brain, but also many other physiological systems, including cardiovascular function, immune responsiveness, and metabolic regulation."<sup>10</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, mental health problems,<sup>11</sup> and addiction. Furthermore, children who do not have access to high-quality early education have a 25% higher rate of dropping out of school.<sup>12</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>13</sup> Sustained access to high-quality early education with a stable workforce will improve developmental and health outcomes for children and reduce poor short- and long-term outcomes.

### **Benefits of Regulating Early Childhood Educators in Non-Public Settings**

- Increased quality (evidence-based curriculum and developmentally enriching activities) resulting from increased educational and experiential requirements
- Adherence to the same professional standards across all early childhood settings, in public schools and private state-regulated family child care homes and center-based facilities
- Reduced short- and long-term harms of low-quality early care on young children, increased positive outcomes in education, health and well-being
- Return on investment of \$4-\$13 for every dollar spent on early education
- Increased school readiness for children, higher graduation rates, higher educational/professional achievement
- Streamlined preparation pathways to ensure necessary minimum qualifications to provide high-quality education
- Potential future license portability to other states
- Increased pay and benefits for the workforce resulting in greater workforce stability and attracting professionals who want a career
- Improved workforce health, reduced burnout, healthier professional environments
- Increased access to early childhood education
- Transparency for consumers and program providers to see individual qualifications and disciplinary history through a publicly accessible system, providing greater confidence to families
- Individual accountability for unprofessional conduct through a public disciplinary process

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<sup>9</sup> *Id.*

<sup>10</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/>.

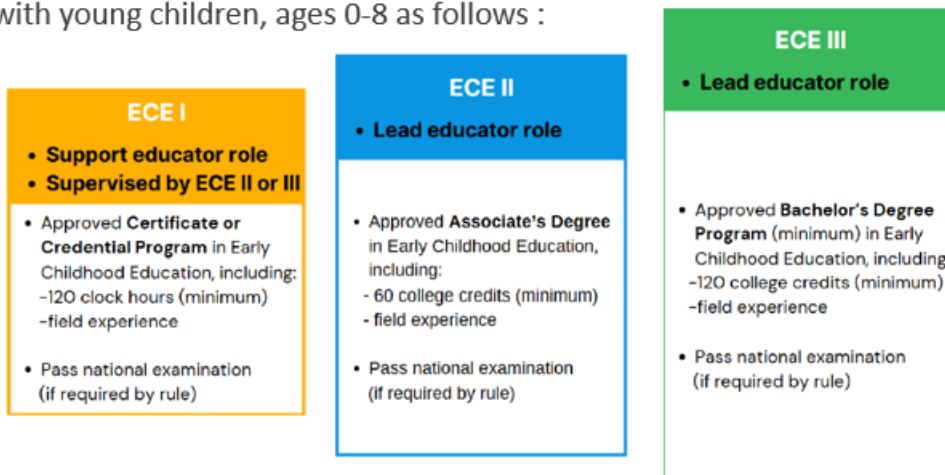
<sup>11</sup> *Id.*

<sup>12</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>13</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>.

## Recommended Licensure Structure

OPR Recommends licensure of Early Childhood Educators in non-public settings with young children, ages 0-8 as follows :



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

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

## Transitional Measures

The most significant concern expressed in the sunrise process was retention of family child care homes and center-based child care facilities. In recent years, the number of family child care homes and providers has decreased by over 20%. For our rural state, family child care homes are a critical part of the early education system in Vermont.

OPR takes these concerns to heart and have worked with stakeholders to develop transitional measures to mitigate the burden of a new regulatory program on current practitioners, particularly those who would not currently meet the licensure requirements. To meet these concerns, OPR recommended transitional measures that are vitally important to the draft legislation, namely:

- Implementation Phases:
  - Bridge that includes multi-year transitional licensure for all those currently in the workforce who may not meet increased qualifications;

- 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;
  - 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.

### **Other Concerns/Objections Expressed by Stakeholders and Participants**

- Licensure will increase cost of early child care and education. However, increased cost of service is the direct consequence of early educators being paid a professional wage and receiving benefits, such as insurance and leave. Also, the 2023 Rand Corporation Financing Study took increased cost of service resulting from increased qualifications into account when estimating the cost of achieving accessible high-quality early childhood education in Vermont.
- Resources required of providers to meet increased qualification requirements. Though some providers acknowledged the substantial financial assistance available to mitigate the cost of achieving degree/educational requirements, others expressed frustration regarding the perceived cost of education, as well as the time investment required to achieve a degree.
- Title protection for AOE-licensed educators with the Early Childhood Educator and Early Childhood Special Educator endorsements. A few AOE-licensed educators expressed that AOE statutes protect the title of educator and non-AOE licensed individuals should not be able to use the titles “teacher” or “educator” because they have not achieved the qualifications required by AOE. OPR intentionally used the term “Educator” in its report to connote formal education, qualifications, standards, and preparation enabling an individual to participate in the professional educator workforce. We found 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.

### **Implementation**

#### **Timing**

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



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

### **Resources Required**

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

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

However, only two of the five positions would be necessary and filled in SFY26 upon the passage of legislation – the Executive Officer and the Staff Attorney would be required for rulemaking and establishment of the Board. The estimated one-time cost for these two positions for SFY26 is \$261,209.43. The remaining positions would be filled in FY27 with an estimated one-time cost of \$349,372.35.

### **Conclusion**

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