

1 TO THE HONORABLE SENATE:

2 The Committee on Health and Welfare to which was referred Senate Bill
3 No. 206 entitled "An act relating to licensure of early childhood educators by
4 the Office of Professional Regulation" respectfully reports that it has
5 considered the same and recommends that the bill be amended by striking out
6 all after the enacting clause and inserting in lieu thereof the following:

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

8 § 122. OFFICE OF PROFESSIONAL REGULATION

9 The Office of Professional Regulation is created within the Office of the
10 Secretary of State. The Office shall have a director who shall be qualified by
11 education and professional experience to perform the duties of the position.
12 The Director of the Office of Professional Regulation shall be a classified
13 position with the Office of the Secretary of State. The following boards or
14 professions are attached to the Office of Professional Regulation:

15 (1) Board of Architects

* * *

17 (55) Early Childhood Educators

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

19 CHAPTER 111: EARLY CHILDHOOD EDUCATORS IN PROGRAMS

20 REGULATED BY THE CHILD DEVELOPMENT DIVISION

21 § 6211. CREATION OF BOARD

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

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

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

17 § 6212. BOARD PROCEDURES

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

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

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

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

4 § 6213. POWERS AND DUTIES OF THE BOARD

5 (a) The Board shall:

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

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

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

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

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

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

2 **CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS**

3 **REGULATED BY THE CHILD DEVELOPMENT DIVISION**

4 **Subchapter 1. General Provisions**

5 **§ 6201. DEFINITIONS**

6 **As used in this chapter:**

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

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

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

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

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

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

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

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

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

4 (8) “Program” or “program regulated by the Child Development
5 Division” means a program or facility approved by the Department for
6 Children and Families’ Child Development Division as a licensed or registered
7 family child care home or a licensed center-based child care and preschool
8 program.

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

13 § 6202. PROHIBITIONS

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

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

1 § 6203. EXEMPTIONS

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

4 (1) a teacher actively licensed under 16 V.S.A. chapter 51 by the
5 Agency of Education with endorsements in early childhood education, an early
6 childhood special education, or an elementary education; and
7 (2) an individual who provides care in an afterschool child care program
8 that is regulated by the Child Development Division or any other child care
9 program that is exempt from regulation by the Child Development Division.

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

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

17 Subchapter 2. Board of Early Childhood Educators

18 § 6211. CREATION OF BOARD

19 * * *

20 Subchapter 3. Licensure Requirements

21 § 6221. ELIGIBILITY AND QUALIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

14 § 6222. LICENSE RENEWAL

15 (a) Licenses shall be renewed every two years upon application and
16 payment of the required fee. Failure to comply with the provisions of this
17 section shall result in suspension of all privileges granted by the license
18 beginning on the expiration date of the license. A license that has lapsed shall
19 be reinstated upon payment of the biennial renewal fee and the late renewal
20 penalty pursuant to 3 V.S.A. § 127, except a Family Child Care Provider
21 license shall not be renewed after a lapse of two or more years.

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

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

11 § 6223. FEES

12 Applicants and persons regulated under this chapter shall pay the following
13 fees:

14 (1) Early Childhood Educator I:

15 (A) Application for initial license, \$125.00.
16 (B) Biennial renewal, \$225.00.

17 (2) Early Childhood Educator II:

18 (A) Application for initial license, \$175.00.
19 (B) Biennial renewal, \$250.00.

20 (3) Early Childhood Educator III:

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

1 (B) Biennial renewal, \$275.00.

2 (4) Family Child Care Provider:

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

4 (B) Biennial renewal, \$250.00.

5 § 6224. UNPROFESSIONAL CONDUCT

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

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

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

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

16 § 6225. VARIANCES

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

1 satisfactory supporting documentation of the individual's ongoing work to
2 obtain the required educational and experiential qualifications for licensure
3 under this chapter.

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

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

14 (1) 21 college credits in the core early childhood education competency
15 areas identified by the Board in rule; or
16 (2) prior experiential learning that is assessed by an appropriately
17 accredited institution of higher learning to be the equivalent of 21 college
18 credits in the core early childhood education competency areas identified by
19 the Board in rule.

1 § 6226. DISCLOSURE BY LICENSEES

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

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

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

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

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

14 Sec. 4. REPEAL; TRANSITIONAL LICENSE

15 26 V.S.A. § 6225 (variances) is repealed on July 1, 2036.

16 Sec. 5. REPORT; EARLY CHILDHOOD EDUCATOR LICENSURE

17 On or before November 1, 2031, the Office of Professional Regulation shall
18 submit a written report to the House Committees on Government Operations
19 and Military Affairs and on Human Services and to the Senate Committees on
20 Government Operations and on Health and Welfare regarding the
21 implementation of 26 V.S.A. chapter 111, including:

- 1 (1) the number of licensees by license type;
- 2 (2) the State resources necessary to implement the chapter;
- 3 (3) the number and nature of any complaints or enforcement actions
- 4 against a licensee;
- 5 (4) the qualifications required for each license type; and
- 6 (5) any other issues the Office deems appropriate.

7 Sec. 6. OFFICE OF PROFESSIONAL REGULATION; LICENSURE OF
8 EARLY CHILDHOOD EDUCATORS IN PROGRAMS
9 REGULATED BY THE CHILD DEVELOPMENT DIVISION;
10 APPROPRIATION

11 (a)(1) The establishment of the following new permanent positions is
12 authorized in the Office of Professional Regulation in fiscal year 2027:
13 (A) one full-time, classified executive officer for the Vermont Board
14 of Early Childhood Educators; and
15 (B) one full-time, exempt staff attorney.

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

19 (b)(1) It is the intent of the General Assembly to establish the following
20 three new permanent positions in the Office of Professional Responsibility in
21 fiscal year 2028:

1

2

3 (Committee vote: _____)

4 _____

5 Senator _____

6 FOR THE COMMITTEE