

1 S.206

2 Introduced by Senator Lyons

3 Referred to Committee on

4 Date:

5 Subject: Human services; professional regulation; early childhood educators;

6 licensure

7 Statement of purpose of bill as introduced: This bill proposes to require the

8 Office of Professional Regulation to license early childhood educators.

9 An act relating to licensure of early childhood educators by the Office of
10 Professional Regulation

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

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

13 § 122. OFFICE OF PROFESSIONAL REGULATION

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

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

20 (1) Board of Architects

* * *

(55) Early Childhood Educators

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

CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS

REGULATED BY THE CHILD DEVELOPMENT DIVISION

§ 6211. CREATION OF BOARD

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

(b) The Board shall consist of nine members appointed for five-year terms

by the Governor pursuant to 3 V.S.A. §§ 129b and 2004 as follows: two

public members; two each of individuals licensed as an Early Childhood

Educator I, an Early Childhood Educator II, and an Early Childhood Educator

III; and one Family Child Care Provider. All members shall be Vermont

residents. The members who are early childhood educators shall have been in

active practice in Vermont for not less than the preceding three years and shall

be in active practice during their incumbency. The public members shall be

individuals who have no financial interest personally or through a spouse,

parent, child, or sibling in the activities regulated under this chapter, other than

as a consumer or a possible consumer of its services. Appointments shall be

made without regard to political affiliation and on the basis of integrity and

demonstrated ability.

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

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

3 § 6212. BOARD PROCEDURES

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

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

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

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

11 § 6213. POWERS AND DUTIES OF THE BOARD

12 (a) The Board shall:

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

17 (2) provide general information to applicants for licensure as early
18 childhood educators;

19 (3) explain appeal procedures to licensees and applicants and complaint
20 procedures to the public; and

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

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

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

6 CHAPTER 111. EARLY CHILDHOOD EDUCATORS IN PROGRAMS

7 REGULATED BY THE CHILD DEVELOPMENT DIVISION

8 Subchapter 1. General Provisions

9 § 6201. DEFINITIONS

10 As used in this chapter:

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

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

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

18 (B) establishing and maintaining a safe, caring, inclusive, and healthy
19 learning environment;

20 (C) observing, documenting, and assessing children’s learning and
21 development;

1 (D) developing reciprocal, culturally responsive relationships with
2 families and communities; and

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

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

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

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

20 (6) “Family child care provider” means an individual who provides
21 developmentally appropriate care, education, protection, and supervision of

1 children from birth through eight years of age and is authorized by the Child
2 Development Division to operate a family child care home as defined in 33
3 V.S.A. § 3511.

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

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

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

16 § 6202. PROHIBITIONS

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

20 (b) An individual shall not use in connection with the individual’s name
21 any letters, words, or insignia indicating that the individual is an early

1 childhood educator unless the individual is licensed under this chapter or
2 exempt from this chapter pursuant to section 6203 of this chapter.

3 § 6203. EXEMPTIONS

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

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

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

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

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

19 Subchapter 2. Board of Early Childhood Educators

20 § 6211. CREATION OF BOARD

21 * * *

1 Subchapter 3. Licensure Requirements

2 § 6221. ELIGIBILITY AND QUALIFICATIONS

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

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

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

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

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

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

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

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

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

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

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

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

16 § 6222. LICENSE RENEWAL

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

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

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

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

13 § 6223. FEES

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

16 (1) Early Childhood Educator I:

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

18 (B) Biennial renewal, \$225.00.

19 (2) Early Childhood Educator II:

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

21 (B) Biennial renewal, \$250.00.

1 (3) Early Childhood Educator III:

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

3 (B) Biennial renewal, \$275.00.

4 (4) Family Child Care Provider:

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

6 (B) Biennial renewal, \$250.00.

7 § 6224. UNPROFESSIONAL CONDUCT

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

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

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

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

18 § 6225. VARIANCES; TRANSITIONAL LICENSURE

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

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

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

11 § 6226. DISCLOSURE BY LICENSEES

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

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

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

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

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

3 Sec. 4. REPEAL; TRANSITIONAL LICENSE

4 26 V.S.A. § 6225 (variances; transitional licensure) is repealed on July 1,
5 2036.

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

10 (a)(1) The establishment of the following new permanent positions is
11 authorized in the Office of Professional Regulation in fiscal year 2027:

12 (A) one full-time, classified executive officer for the Vermont Board
13 of Early Childhood Educators; and

14 (B) one full-time, exempt staff attorney.

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

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

1 (A) one full-time, classified licensing staff;

2 (B) one full-time, classified enforcement staff; and

3 (C) one full-time, classified administrative staff.

4 (2) It is the intent of the General Assembly to appropriate \$628,867.00
5 from the General Fund in fiscal year 2028 to the Office of Professional
6 Regulation to be used for the licensure of early childhood educators in
7 accordance with this act.

8 (c) It is the intent of the General Assembly that in fiscal year 2028,
9 \$1,400,000.00 be distributed from the Child Care Financial Assistance
10 Program to the Office of Professional Regulation for the initial licensure
11 application fees and licensure renewal fees for early childhood educators
12 practicing in programs regulated by the Child Development Division pursuant
13 to 26 V.S.A. chapter 111.

14 Sec. 6. EFFECTIVE DATES

15 (a) This section, Sec. 1 (Office of Professional Regulation), Sec. 2
16 (Vermont Board of Early Childhood Educators), and Sec. 5 (Office of
17 Professional Regulation; licensure of early childhood educators; appropriation)
18 shall take effect on July 1, 2026.

19 (b) Sec. 3 (early childhood educators) and Sec. 4 (repeal; transitional
20 license) shall take effect on July 1, 2028.