

MEMORANDUM

TO: Vermont Superintendents and Directors of Special Education
FROM: Debi Price, Director of Educator Quality & Cindy Moran State Special Education Director
SUBJECT: Provisional License and Special Educators
DATE: April 26, 2017

This memo is to clarify the parameters under which Special Educators may practice under Vermont's Provisional License. Please share this information with Human Resources staff.

Critical Take-aways (more detail below):

1. **Vermont Special Educators can continue to be employed for special education work under Vermont's Provisional License:** The Vermont Standards Board for Professional Educators (VSBPE) issues Provisional licenses with Special Education endorsements to individuals who meet the eligibility requirements (VSBPE Rule 5351). While IDEA prohibits Special Educators from working under "provisional licenses", USDE-OSEP recognizes the "Vermont Provisional License" as equivalent to an "alternative route to certification."
2. **Vermont AOE cannot extend provisional licenses for Special Educators:** Past AOE practice of allowing for a one-year extension of a Provisional License with a Special Education endorsement due to extenuating circumstances will no longer be available to stay in compliance with OSEP regulations.
3. **AOE will inform Provisionally licensed Special Educators:** The AOE will be contacting provisionally licensed Special Educators to inform them that may continue to work for the term of the license. They will also be instructed on the requirements necessary to secure a full license within 2 years. Please feel free to reinforce this message.

Background Information

Assurance

To complete the annual grant application for the Individuals with Disabilities Education Act (IDEA) Part B funding, the Agency of Education is required to assure that a number of requirements are met. Among those, the requirement (Assurance 14 in the grant application) is that Special Educators are "...adequately prepared and trained...to

serve children with disabilities“(20 U.S.C. 1412(a)(14)(A)-(E); 34 CFR §300.156). Prior to 2017, that assurance was made by meeting HQT requirements under NCLB.

Impact of Elimination of HQT

When HQT was eliminated from ESSA, IDEA was amended. This amendment means that states are now required to assure that special education teachers meet the new IDEA requirement which requires that Special Educators be “fully certified,” and disallows emergency, temporary, and provisional licenses (ESSA Transition FAQ’s: US DOE, D-1a).

Consultation with USED-OSEP

AOE recognized that many school systems rely on Vermont Provisional Licenses to meet Special Education staffing needs. Through multiple discussions with OSEP, the AOE established that Vermont’s requirement to issue a “Provisional License” meet the federal requirements for an allowable “Alternative Route to Certification.”

Consequently, a teacher who has a Vermont Provisional License is by definition participating in an alternative route to certification program and is considered to meet the standard. This allows AOE to certify that the conditions under Assurance 14 in the Part B IDEA grant application are being met as long as Vermont’s program meets all federal statutory requirements for an “Alternative Route to Certification”.

Limitation on the Term

One of the requirements for an alternative route to certification (34 CFR 300.18(b)(2)) [20 U.S.C. 1401(10)(B) is that an educator participating in such a program, “Assumes functions as a teacher only for a specified period of time not to exceed three years.”

AOE was advised by OSEP that this requirement could be met with regulatory or statutory language specifically limiting the period of a provisional license to three years or less. Current Vermont statute 16 V.S.A. § 1696 (c), contains such language:

“Temporary licenses. By rule, the Standards Board may establish standards, if any, by which an applicant who otherwise does not meet the standards for a license may obtain, for a period not to exceed two years, a temporary license.” This statutory language fulfills OSEP’s requirement that there must be specific regulatory or statutory language limiting the time of an alternative route to special education certification to three years or less.