

MEMORANDUM

TO: Senate Education Committee  
FROM: Jeff Fannon, Vermont-NEA Executive Director  
DATE: January 12, 2023  
RE: Vermont-NEA Introductory Testimony

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Thank you for inviting me to talk a little bit about Vermont-NEA's priorities and about how we can work together to ensure that all Vermont students can succeed and become happy, productive adults. I am Jeff Fannon, and as the union's executive director, I want to take a moment to note just how important our local public schools are, especially in the third year of a global pandemic.

Before the pandemic, Vermont's public schools were the centers of their communities where generations of students learned, explored, played, and thrived. Not to brag – well, maybe just a little – our schools then and now have consistently outperformed nearly all of their peers across the country.

That didn't happen by accident. Vermonters – and this legislature – invested in their local public schools because they – and you – know how crucial a top-quality public education is to our future. They – and you – also know that for most cities and towns, local public schools are huge economic development drivers. Excellent local public schools are, simply put, crucial to our state's growth and success.

That remains true even after the unprecedented challenges our public schools faced – and met – with the onset of the global pandemic. Indeed, what the pandemic showed us was that our schools are a safe haven for kids; a provider of meals to all students; a place where students and their families can rely on even in times of turmoil. And behind it all are the state's dedicated public school employees: the teachers, paraeducators, school nurses, cafeteria workers, custodians, bus drivers, librarians, school counselors, administrators, and local school boards. They work hard every day to ensure that the ravages of the pandemic don't prevent our state's children from getting the education they need and deserve.

I am proud of our schools, and you should be, too. But that doesn't mean we are without challenges.

Vermont's public schools remain a strong economic driver for the state. Schools are achieving and recovering from the pandemic, but there are some realities that must be recognized. The mental health system in Vermont is broken, and because schools are where Vermont's children all are found, schools are stepping up in new and creative ways to address the social and emotional needs of students. Previously, these were Agency of Human Services costs, but they have been shifted to schools and the education fund, and these new solutions require human

beings, i.e., staff, to provide services inside the schools. Schools need to be celebrated for stepping into the mental health breach, but their work and corresponding expenses should be removed from education spending. This social and emotional needs work is absolutely critical to the success of our students and schools, and this work must and will continue.

This year, we will focus our work on providing schools with the resources and people they need to respond to the social and emotional needs of students. Obviously, there is a shortage of educators, and all of us must devise ways to ensure that Vermont continues to attract and retain an excellent public education workforce. To that end, we have been working with the curriculum directors in the Kingdom to grow their own teachers. That program, called GrowVT-Ed, has 81 para-educators who are working with Vermont-NEA's director of professional programs, Juliette Longchamp, EdD, to become licensed teachers. That is an example of our work and public schools' work that supports students, schools, and communities. Thank you, Chairman Campion, for pushing us last session and your ongoing support in this regard.

We think looking at whether we have enough counselors and mental health professionals in each of our schools is a worthy exercise. For example, because we know the social and emotional needs are so great right now, we believe there should be more school counselors, school social workers, and other mental health professionals in schools.

Indeed, we all must recognize the toll to social and emotional well-being the pandemic has taken on students, and we look forward to working with you to give our dedicated public school workforce the tools they require to address the needs of all students.

To that end, attached is a brief introduction of our legislative agenda. These items were initially created by Vermont-NEA's members, were approved by the Vermont-NEA board of directors, and they guide our advocacy in the statehouse and beyond.

Before I go, I want to give the newer members of this committee a brief introduction to who we are and what drives us.

You will see several of us in your committee throughout the course of the session. Most notably will be Don Tinney. Don is a 31-year English teacher who is serving as the president of Vermont-NEA. His work with Vermont's students focused on literacy and as such, he, alongside Senator Gulick, served on the Advisory Council on Literacy. I attached a copy of their December 2022 report to my email to Hayden Ross. Additionally, Colin Robinson, who many of you know, serves as Vermont-NEA's political director, and he is found most days inside the statehouse. Colin's wealth of information about Vermont-NEA makes him a trusted resource. Finally, our new general counsel, Rebecca "Becca" McBroom, will be in the statehouse this year. Becca's years of experience with education, including special education, and traditional labor law issues will send her not only to your committee but likely your neighboring committee, Economic Development.

And now here's a little bit about who we are.

### **Purpose and Priorities**

**Vermont-NEA wants all children to have an excellent education. Our purpose is to make sure our members have a satisfying work environment where they are**

**acknowledged for the work they perform and where the work they perform helps students do their best.**

Simply put, students' learning conditions are educators' working conditions. They are inexorably intertwined and likewise, our advocacy efforts support both educators and students.

### **Organization basics**

- An affiliation of local Associations of educators (teachers and support staff) in almost all public school districts in Vermont (and more than 320 schools).
- Membership, including retired teachers and student teachers, comprises approximately 13,000 Vermont educators who belong to their local Association, Vermont-NEA, and the National Education Association.
- Structure: 20-member Board of Directors elected by membership (4 statewide Officers, 16 regional Directors) + executive director *ex officio*. 20 staff members almost entirely consisting of former teachers who train our members to bargain and administer their own collective bargaining agreements.
- Subject matter affiliates: Some 20 professional affiliation groups (such as teachers of math or English or special education) function as formal affiliates of the Association, and the Association sponsors about 20 other education organization projects and programs (such as the Scholars Bowl).
- Vermont-NEA is an affiliate of the 3-million-member National Education Association.

Thank you.





## THE UNION OF VERMONT EDUCATORS

### Vermont-NEA Legislative Agenda for 2023-24

**Maintaining strong, effective and responsive local public schools is vital to our state's economic prosperity now and for our children.**

#### **Guiding Principles of Equity and Inclusion**

*Vermont-NEA believes that all matters of public policy must be built upon and in services of creating equity for all Vermonters regardless of their race, ethnicity, national origin, religion, gender, or sexual orientation. Systems of oppression exist in all areas of our social, economic and governmental structures. They have been created over time and will take intentional work to dismantle and correct. To that end, it is our intention, to work in strategic solidarity with those impacted to advance public policy matters that make Vermont and our communities inclusive and empowering to all citizens.*

#### **Support of Public Education and Responding to the Radical Supreme Court**

*For centuries, Vermont has operated a school voucher system that entitles students in communities that don't operate a public school to attend other schools at public expense. In recent years, there have been aggressive attempts by anti-public school advocates to expand the use of public tuition dollars for ANY school, regardless of whether the school is in Vermont or whether the school discriminates against some students. In its June 2022 6-3 ruling in Carson v Makin, the US Supreme Court sided with the plaintiffs involving Maine's voucher system, where an anti-public school organization argued that Maine should not be allowed to continue its prohibition of spending public vouchers at religious schools. This recent ruling comes after the US Supreme Court ruled in 2020 that states do not have to pay vouchers to private schools, but if they use public dollars at any private school, then they may not exclude religious schools, thereby ignoring the Establishment Clause of the US Constitution. With this radical ruling, Vermont's voucher spigot is wide open, diverting public money to schools that don't abide by the same rules as public schools, namely the mandate to educate all students who come through their doors. As a result of this ruling, Vermont can no longer run its 200+ year historic tuition structure to function as it has.*

*Vermont's legislative leaders have a long history of acting promptly to address threats to deeply held core values. Indeed, when discrimination against same-sex couples threatened to deny the right to marry, Vermont legislators acted, becoming the first legislature to pass a marriage equality law. When it became clear that the ravages of a warming and more volatile climate will have a direct effect on Vermont's well-being, lawmakers passed the Global Warming Solutions Act. And when the threat to reproductive freedom became apparent, again because of the extremist US*

*Supreme Court, Vermont lawmakers spearheaded Proposal 5, which now enshrines reproductive autonomy in our state Constitution.*

As public education in Vermont faces its biggest threat in decades by a radical conservative ruling by the US Supreme Court, Vermont's legislative leaders need to act once again to protect another core value:

- The preservation of our state's public schools and their requirement to accept and educate ALL students.
- Public education funds must be used in a transparent and fair manner, and the legislature must act to preserve public accountability and equitable treatment for all students.

### **School Workforce in Crisis – Supporting Educators and Attracting New School Employees**

*Going into the 2022-2023, school districts were facing at least 1,000 vacant teaching positions and hundreds of vacancies for paraeducators, bus drivers, food services workers, custodian and maintenance workers. While the school employee shortage predates the pandemic, the last two years saw an accelerated exodus of experienced educators. As the school year progresses, vacancies remain across positions and districts. Furthermore, as presented in the 2018 Rutgers University report titled "Women's Work? Voices of Vermont Educators", it is important to note:*

*"Over three quarters of Vermont's educators are women, including 75 percent of teachers and 87 percent of paraprofessionals. In total, professional school employees are the largest group of college-educated women workers in Vermont. Three quarters of teachers have a master's degree (or a doctorate), and a further 15 percent are currently pursuing a master's while teaching. Although paraprofessionals are not required to have a college education, and can meet the federally-mandated minimum qualifications via a number of different paths, nearly half of paraprofessionals (49 percent) have at least a bachelor's degree."*

*Prior to and during the pandemic teachers and school support staff went above and beyond for their students -- and over the past two years they have gone even further. However, it has come at a cost. Schools across the state have struggled to attract and retain educators. Layer on to that a pension fight, school shootings, and significant increases in student behavior issues it is no surprise schools across the state are seeing people leave the profession and fewer young people enter the profession. The reality is there was a nationwide teacher shortage prior to the pandemic with a significant decline over the past 15 years in the number of people pursuing a college degree in education. Vermont-NEA believes the state must enact policies in the short, medium and long-term to attract and retain educators. The state should begin to address this by enacting policies that include:*

- Minimum Salary District Tax Incentive – With a target salary of \$50,000 for all starting teachers by the beginning 2026-2027 school year, the legislature should create a local residential property tax incentive for high-poverty or sparsely populated supervisory districts/school district that, through local collective bargaining, achieves this minimum starting salary goal. This incentive could be adjusted based upon the needs and taxing

capacity of the local district to achieve the salary goal.

- Teacher Student Loan Forgiveness – Create a system of student loan forgiveness for teachers who agree to work in Vermont for at least five years. Additional loan forgiveness should be provided to support people of color pursuing an education profession.
- Student Teaching Grants – Provide up to 12 free credits for students pursuing a degree in education to pay for the cost of their required student teaching in a Vermont school.
- Elimination of Peer Review Fee – Some teachers pursue a teaching license through alternative routes, including the Agency of Education peer review process. The cost of peer review is \$1200, and the fee should be eliminated and covered by the state.
- Elimination of Teacher Licensing Fee – The state should cover the cost of all licensing and relicensing fees for teachers.

### **Safe and Compassionate Learning Environments for All**

*Public schools are the heart of most of our cities and towns and the COVID-19 pandemic emphasized this once again. Public education is also the single most important way to prepare our future generations for economic success. In order for our schools to provide a high quality, appropriate education for all Vermont children, our schools must be safe places to teach and learn.*

Adverse Childhood Experiences (ACEs) are widely accepted as a serious challenge facing our state's children and their ability to learn. These issues pre-date the pandemic but have only gotten worse during the pandemic. The trauma these children experience, often at very young ages, are the result of poverty, the opioid epidemic, and other major societal issues like homelessness, unemployment, and lack of health insurance. These traumas are also often further compounded or even the result of one's race, ethnic, gender or sexual orientation. Our schools have become the backstop for these challenges and often serve as the only safe and stable place a child may have in their life. As a result, our students (and the adults responsible for their education) have experienced nothing short of an epidemic of violent student behavioral outbursts. Not only are students (and adults) being physically injured, but student learning suffers when the adults are diverted to protecting students and entire classes are exposed to the accompanying emotional trauma. The state should begin to address this fundamental issue of protecting our children by:

- Continue to increase funding and systems of care for community mental health services for all Vermonters including children and families.
- Continue to build upon the Vermont Community Schools Act of 2021– Act 67 (2021) that created a pilot program for local school district to implement a community school approach to support students, communities, and families. This law should be reviewed and expanded upon to address issues that have arisen during the pandemic.

- Increase the number of school counselors, school social workers, and other mental health professionals in schools.
- Fund a comprehensive study by the AOE on student violence in schools, including key demographic information analysis and the development of model district procedures for dealing with student and staff safety and reporting of incidences. The AOE also should be required to maintain, in real time, an ongoing database of student violence in schools.

### **School Finance – Eliminate the Residential Property Tax**

*Vermonters invest in their local public schools through one of the fairest education funding laws in the country. Currently two-thirds of Vermont residential property tax payers pay based upon their income. We believe the principle behind that law – that a person’s ability to pay should be considered – should be expanded so that all Vermonters pay for schools based on their income, and that we continue to give our children great public schools. Additionally, as we work to further address the gender and race wealth and income gaps in society, Vermont can be a leader in making our education funding fairer for all Vermonters by correcting for current and historic inequities. The Vermont Tax Structure Commission recommended the state move in this direction in its 2021 report.*

- The state should make the school funding system fairer by eliminating the residential homestead property tax and moving to an income tax system for all to pay their fair share of their school taxes. An income tax for all will ensure everyone, not just middle-income Vermonters, pay their fair share based upon their income.
- The state should, as a matter of law, make it the default for those who borrow to purchase or refinance a home to escrow their property taxes as part of their monthly payment.

### **Health Care and Pharmaceuticals – Protecting Consumers and Controlling Costs**

*Over the past decade the majority of Vermonters, including all public school employees, have moved to High Deductible Healthcare Plans (HDHPs). This move was done with an eye toward “controlling” costs, which means encouraging people to not get care when they should. These HDHPs have helped to exacerbate the challenges all Vermonters face paying for their healthcare while doing nothing to actually control the cost of care. For example, education spending as a percentage of Vermont state GDP has remained steady at approximately 5% for over twenty years, while health care costs have grown from 10% to nearly 20% during the same period.*

The state should move forward with policies that both help protect Vermonters’ ability to access their healthcare dollars, while also moving forward with innovative ideas to actually control the cost of care. These policies should address and control for the fact that while generally healthier than men, women have greater healthcare costs, and due to systemic and financial barriers people of color have disparate health outcomes. The legislature and governor should:

- Establish a Prescription Drug Affordability Board to regulate the costs of pharmaceutical drugs for Vermont consumers. This has been done in other states, including Maryland. The board would be embedded within the Green Mountain Care Board and would have



regulatory oversight and control of drugs costs in Vermont.

### **Healthy Kids – Healthy Future**

*We know that the health and wellness of children is not only a foundational value of our society but also critical to ensuring they grow up to be health happy adults. We also know that hungry children can't learn. That's a simple fact that propelled Vermont's schools to ensure that all students have access to healthy, nutritious, and often local meals, regardless of their ability to pay. The pandemic ushered in a national program for universal school meals, and the Vermont legislature in 2022 passed – and the governor signed – a bill that funds universal breakfasts and funds universal school lunches to make this permanent.*

Vermont-NEA will work in partnership with other advocates to advocate for:

- The state to continue to fund the universal school meals program for all children in Vermont.

### **Support Healthy and Safe School Buildings**

*Vermont has had a moratorium on state aid for school construction since 2007. The vast majority of Vermont public school buildings are over 50 years old and are in need of significant renovations or replacement. We also know that the school building is the learning environment for children and teaching environment for education, and a poor learning environment does have an effect on the ability of students to access their education and educators to teach. Furthermore, with recent state laws requiring all schools to test for toxic PCB contamination, we know that in some cases our schools may not be safe for students and educators.*

Vermont-NEA will work in partnership with other advocates to:

- Pass legislation that will allow the State Treasurer to utilize state bonding capacity to help support and supplement local bonding for school construction needs. This support should take into account a supervisory union's or district's need and their local bonding capacity.
- Continue to fund and support the cost of PCB remediation in schools

### **Protecting our most Vulnerable – Repeal Act 173**

*Act 173 was passed in 2018 in an effort to address the delivery and costs of special education in Vermont. This law has the likely potential to have a greater impact on schools and students than did Act 46. When passed, Act 173 changed the special education funding method from a reimbursement method to a census block grant method. Correspondingly and more significantly, the law changed how special education services should be delivered to special education students. Vermont-NEA supported the delivery change because, if implemented with fidelity, the change would create greater flexibility for educators to meet the needs of all students while also allowing licensed teachers more time with special needs students by reducing special education paperwork. Unfortunately, since the passage of Act 173, the necessary professional development required to fully implement the changes in delivery has never been adequately delivered to teachers, which caused the legislature to delay full implementation of the law. Vermont-NEA and other public education stakeholders have worked to ensure the law is properly implemented, including providing schools and their staff with proper professional development.*

*Act 173 called for professional development of educators before implementation of the funding changes, but in a sad twist of fate, the funding changes required by the Act were implemented before educators received adequate training. This “cart before the horse” approach is causing havoc in schools, including reducing special education services for students across the state, thereby putting schools at risk of incurring additional costs to provide compensatory services.*

- Vermont-NEA believes the Act can still be effective, but implementation must be paused, training provided to educators immediately, and then, and only then, should the funding of special education be changed to Act 173’s census-based block grant system.
- Until that happens, Act 173 should be repealed

### **Expanding Early Childhood Education**

*In the 1980’s, Vermont was a leader in requiring all school districts to offer kindergarten to our state’s youngest children. Over the past several decades, research has proven that early learning is essential to brain development and the earlier that children gain access to these high-quality educational opportunities the better prepared they are to learn as they grow and develop. As the state looks to expand public Pre-K, it is essential that policy decisions don’t disadvantage children with special needs or those from poorer families. Vermont’s local public schools meet the needs of all students and families, while ensuring high-quality education is provided equitably across the state. Many public schools already provide public Pre-K for all children in their community, and all others should follow their lead.*

- The state should extend the definition of kindergarten to include four-year-olds and allow school districts to make investments in all local students by building out public kindergarten in an equitable, local, and sustainable fashion.
- The state should bring the Childcare Financial Assistance Program up to proper and adequate funding levels so that those families most in need get the support they need. This investment should come from a long-term, dedicated and sustainable funding source.

### **Keep Pension Promises**

*In 2010, 2014 and again in 2022, Vermont-NEA members fought for and reached historic agreements with the State protecting the fiscal security of the Vermont State Teachers’ Retirement System (VSTRS), saving taxpayers billions of dollars over the course of the next several decades. After being required to pay more and work longer in 2010, the 2022 agreement requires Vermont’s teachers, once again, to pay more while seeing a slightly reduced Cost of Living (COLA) benefit that they must wait an additional year to receive. There are many factors that resulted in the most recent VSTRS pension conversation, including teachers leaving the profession, but it was compounded by the fact that from 1979-2006 the state underfunded the teachers’ pension system by what the Treasurer’s offices estimated to be at least \$350 million. To help make up for the systematic underfunding, the 2022 pension agreement in Act 114 (2022), requires the state to not only continue to make its contributions as determined by the actuaries, but also make additional payments of up to \$15 million annually starting in Fiscal Year 2024. Additionally, what is often not known is that retired teachers only receive a cost-of-living adjustment that is equal to 50% of the*

*CPI. Act 114 creates an incremental path for future retired teachers to receive a normal COLA benefit of 100% of CPI, once the VSTRS reaches 80% funded. This sustainable path to a normal COLA benefit is funded by dedicating 25% of future state General Fund budget surpluses to this rebalancing of COLA benefits.*

*Additionally, non-licensed school employees, including paraeducator, bus drivers, custodians, food service workers and others, comprise 2/3 of the Vermont Municipal Retirement System (VMERS).*

To maintain retirement security now and in the future for the men and women who teach the state's children, the state should:

- Continue its recent successful practice of providing full funding of VSTRS
- Maintain the requirement to make extra payments annually up to \$15 million in FY 24 to VSTRS
- Maintain the requirement that 25% of any future state budget surplus goes to build towards a normal COLA benefit for VSTRS participants.
- Maintain the commitment to pre-funding the VSTRS health care benefit (Other Post-Employment Benefits or OPEB)
- Correct the statute to ensure that currently retired teachers receive their appropriate 50% of CPI COLA benefit.
- Study enhancing retired school support staff healthcare benefits for those in VMERS.
- Refrain from statutory intrusion into the investment procedures of our public pension systems
- Oppose any effort to bifurcate the system or introduce risky 401(k)-type schemes for new teachers. Not only will such a process weaken retirement security for new teachers, it will threaten the fiscal health of those who are already participating in the pension system.

### **Help Schools Do Even Better**

*One of the most attractive attributes Vermont has to offer businesses, entrepreneurs, and young families is our public school system. Locally accountable, our public schools rank in the top 5 in the nation consistently year after year. We need to ensure our local public schools are equipped with the resources to provide Vermont's children with a top-quality education, so that they continue to be the catalyst for shared prosperity throughout Vermont.*

- **Student Resources.** Maintaining adequate resources for schools is essential to the future of our local communities. Vermonters invest wisely and appropriately in their local public schools and do so because they understand the importance of a high-quality local school in the health and vitality of our communities and, most importantly, our children. Despite the conclusions of academic studies, students are best served when they have access to high-

quality teachers, paraeducators and other professionals in our schools. We must resist simplistic “solutions” that will only result in fewer opportunities for our children.

- School Leadership. The State should commission research to assess why there is so much turnover among principals by, among other things, surveying the pool of potential principals, i.e., teachers, about their aspirations to become a principal, by surveying former principals about why they left, and by surveying school boards for reasons behind retaining or releasing individuals from the position. Of course, current principals also have important contributions to this research.
- AOE capacity. The State (every state) engages in “enforcement” and “technical assistance” to schools and other public service providers. The ranks of our AOE have been decimated over the past decade. The State should improve the capacity of AOE to do its job.

### **Educational Quality and Act 46**

*Perhaps the biggest reason Vermont’s local public schools succeed is the high level of local accountability under which they operate. Indeed, many states clamor for schools that have enough educators to really work with students one-on-one, that are the centers of their communities, and are accountable to local voters every year at Town Meeting. While the Act 46 merger process is completed, it is important to note that Act 46 did not establish specific metrics for equal educational opportunities.*

- Act 46 contains several references of intention to establish equal educational opportunities, but it leaves wholly unaddressed actual ways to do so, apart from a wholly presumed result of district consolidations. The State must do more to measure the stated promise of Act 46 to promote educational opportunities. It should establish or refine existing standards to be met by every school for every child, and it should confer on the Agency of Education the actual capacity to ensure that every school meets those standards for every student.

### **Make Vermont More Attractive for Working Families**

*We share the notion that Vermont can be the country’s most attractive place to live, work and raise a family. We also believe that working families will come to and stay in Vermont because of policies that can increase and share prosperity for all of the state’s communities.*

Among the policies the state should enact are these worker-friendly proposals on which Vermont-NEA works with our partners and allies:

- Pursue an omni-bus workers bill of rights for businesses and non-profits taking public grants to ensure that these state money created jobs are good for working people that offers them some basic protections like fair scheduling, just cause and a livable wage.
- Pursue implementation of a Family and Medical Leave Insurance (FaMLI) allowing workers to take needed leave to care for themselves or loved ones through a state administered insurance program. If funding requires a payroll tax or other fee by both workers and employers, the costs should be shared equally by both parties.

- Enact so-called good cause for all legislation that enables employers to discharge employees, but only if they have a good faith reason related to the employer's business and not trivial, arbitrary, or capricious reasons.

