

1 H.730

2 Introduced by Representatives Wright of Burlington, Hubert of Milton and

3 McAllister of Highgate

4 Referred to Committee on

5 Date:

6 Subject: Education; teacher; employment; disciplinary actions; separation

7 agreements

8 Statement of purpose: This bill proposes to ensure that supervisory unions and
9 school districts have adequate information when considering a teacher's
10 application for employment.

11 An act relating to employment of teachers

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

13 Sec. 1. 16 V.S.A. chapter 5, subchapter 4 is redesignated to read:

14 Subchapter 4. Access to Criminal Records and to Employment History

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16 Sec. 2. 16 V.S.A. § 255 is redesignated to read:

17 § 255. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

18 CONTRACTORS; CRIMINAL RECORDS

19 * * *

1 Sec. 3. 16 V.S.A. § 255a is added to read:

2 § 255a. PUBLIC AND INDEPENDENT SCHOOL EMPLOYEES;

3 EMPLOYMENT HISTORY

4 (a) For any person a superintendent or a headmaster of a recognized or
5 approved independent school is prepared to recommend for any full-time,
6 part-time, or temporary employment, the superintendent or headmaster shall:

7 (1) require the person to:

8 (A) provide a list of all employers, as defined in this section; and

9 (B) sign a written statement, to be developed by the commissioner,
10 that acknowledges the immunity from liability conferred in this section; and

11 (2) request that the three most recent employers provide all written
12 documentation prepared and maintained by the employer concerning the
13 person's job performance and reasons for separation, including:

14 (A) evaluations conducted during the person's employment;

15 (B) notes concerning specific events or an aspect of the person's
16 performance; and

17 (B) separation agreements and other documents concerning the
18 termination of employment.

19 (b) An employer shall respond to a request made under this section by
20 providing accurate and complete information about a current or former
21 employee's job performance and reasons for separation.

1 (c) A prospective employer that, when making hiring or retention
2 decisions, reasonably relies on the information provided to it under this section
3 shall be immune from civil liability in connection with that reliance.

4 (d) An employer shall be immune from civil liability in connection with the
5 disclosure required by this section, unless it has acted in bad faith. The
6 employer shall be considered to have acted in bad faith only if it is shown by a
7 preponderance of the evidence that the employer disclosed information that it
8 knew was false or that was deliberately misleading.

9 (e) As used in this section:

10 (1) "Employer" means all Vermont supervisory unions, school districts,
11 and recognized and independent schools by which a person is or has been
12 employed.

13 (2) "Job performance" includes a current or former employee's
14 attendance, attitude, awards, demotions, duties, effort, evaluations, knowledge,
15 skills, promotions, and disciplinary actions.

16 Sec. 4. EFFECTIVE DATE

17 This act shall take effect on July 1, 2010.