

1 S.219

2 Introduced by Senator Mullin

3 Referred to Committee on

4 Date:

5 Subject: Education; statewide teachers' contract

6 Statement of purpose: This bill proposes to require that all public school  
7 teachers negotiate employment contracts with the state and that the state  
8 appropriate necessary funds to pay teacher salaries.

9 An act relating to a statewide public school teachers' contract

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

11 Sec. 1. 16 V.S.A. chapter 57 is amended to read:

12 CHAPTER 57. LABOR RELATIONS FOR TEACHERS

13 Subchapter 1. General Provisions

14 § 1981. DEFINITIONS

15 As used in this chapter unless the context requires otherwise:

16 (1) "Administrator" means any person so licensed by the Vermont  
17 standards board for professional educators, the majority of whose employed  
18 time in a school or a school district is devoted to serving as superintendent,  
19 assistant superintendent, assistant to the superintendent, supervisor, principal,  
20 or assistant principal.

1           (2) “Professional negotiations” means the meeting, conferring,  
2 consulting, discussing, and negotiating in good faith between a school board  
3 negotiations council or the state and a teachers’ organization negotiations  
4 council or an administrators’ organization negotiations council to reach  
5 agreement.

6           (3) “School board” means the board of school directors of a school  
7 district or its equivalent in any independent elementary or secondary school.

8           (4) “School district” means any public school district or any  
9 independent elementary or secondary school within the state ~~which~~ that  
10 directly or indirectly receives support from public funds.

11           (5) “Teacher” means any person licensed employable as a teacher by the  
12 Vermont standards board for professional educators who is not an  
13 administrator as ~~herein~~ defined in this section. “Public school teacher” means  
14 a teacher employed in a position requiring licensure by a public school or, in  
15 the case of a special educator, by a supervisory union. “Independent school  
16 teacher” means a teacher employed by an independent school that directly or  
17 indirectly receives support from public funds.

18           (6) A “teachers’ organization” or an “administrators’ organization”  
19 means an organization, committee, council, group, or separate unit thereof in  
20 which teachers or administrators participate and ~~which~~ that exists, in whole or  
21 in part, for the purpose of professional negotiation.

1           (7) “Agency fee” means a fee for representation in collective bargaining,  
2 not exceeding teachers’ or administrators’ organization dues, payable to the  
3 organization which is the exclusive bargaining agent for teachers or  
4 administrators in a bargaining unit, from individuals who are not members of  
5 the organization.

6           (8) “School board negotiations council” means, for a supervisory  
7 district, its school board, and, for school districts within a supervisory union,  
8 the body comprising representatives designated by each school board within  
9 the supervisory union to engage in professional negotiations with a teachers’ or  
10 administrators’ organization.

11           (9) “Teachers’ organization negotiations council” or “administrators’  
12 organization negotiations council” means the body comprising representatives  
13 designated by each teachers’ organization or administrators’ organization  
14 within a supervisory district or supervisory union to act as its representative for  
15 professional negotiations.

16           (10) “State” means the state of Vermont represented by the governor or  
17 the governor’s designee.

18 § 1982. RIGHTS

19 \* \* \*

20           (c) Neither the state nor a school board, nor any employee of the state or a  
21 school board serving in any capacity, nor any other person or organization

1 shall interfere with, restrain, coerce, or discriminate in any way against or for  
2 any teacher or administrator engaged in activities protected by this legislation.

3 Subchapter 2. Bargaining Agent

4 § 1991. SELECTION OF REPRESENTATION

5 (a) Teachers and administrators may select organizations to represent them  
6 on their negotiations council in collective negotiations with the state or a  
7 school board negotiations council. ~~The~~

8 (1) The state shall recognize an organization as the exclusive  
9 representative of public school teachers when that organization has proved its  
10 claim to sole and exclusive representative status as provided in this chapter.

11 (2) A school board shall recognize an organization as the exclusive  
12 representative of independent school teachers or of the administrators in the  
13 school district when that organization has proved its claim to sole and  
14 exclusive representative status of the respective group as hereinafter provided  
15 in this chapter. ~~The~~

16 (3) A superintendent, the an assistant superintendent, and the or a  
17 principal shall not serve as negotiating agents for the a teachers' organization.

18 (b) When close or disputed questions of eligibility to vote and inclusion in  
19 the unit to be represented by the teachers' organization arise, the general  
20 principle to be adhered to shall be that eligibility to vote and inclusion in ~~that~~  
21 the negotiating unit will be limited to all teachers in the school district under

1 contract and actually engaged in full-time or part-time positions ~~which~~ that are  
2 not that of administrator.

3 \* \* \*

4 § 1992. ADMINISTRATORS AND INDEPENDENT SCHOOL  
5 TEACHERS; REFERENDUM PROCEDURE FOR  
6 REPRESENTATION

7 (a) An organization purporting to represent a majority of all ~~of the~~  
8 independent school teachers or of all administrators employed by ~~the~~ a school  
9 board may be recognized by the school board without the necessity of a  
10 referendum upon the submission of a petition bearing the valid signatures of a  
11 majority of the teachers or administrators ~~employed by that school board.~~

12 Within ~~fifteen~~ 15 days after receiving the petition, the school board shall notify  
13 the teachers or administrators ~~of the school district~~ in writing of its intention to  
14 either require or waive a secret ballot referendum. If the school board gives  
15 notice of its intention to waive a referendum and recognize an organization, ten  
16 percent of the teachers or administrators ~~employed by the school board~~ may  
17 submit a petition within ~~fifteen~~ 15 days thereafter, objecting to the granting or  
18 recognition without a referendum, in which event a secret ballot referendum  
19 shall be held in the district for the purpose of choosing an exclusive  
20 representative according to the guidelines for referendum contained in this  
21 ~~legislation~~ section.

1 (b) Recognition granted to a negotiating unit as exclusive representative of  
2 a group of independent school teachers or a group of administrators shall be  
3 valid and not subject to challenge by referendum petition or otherwise for the  
4 remainder of the fiscal year in which recognition is granted and for an  
5 additional period of ~~twelve~~ 12 months after final adoption of the budget for the  
6 succeeding fiscal year and shall continue thereafter until a new referendum is  
7 called for.

8 (c) A secret ballot referendum shall be held any time that ~~twenty~~ 20 percent  
9 of the independent school teachers or the administrators ~~employed by the~~  
10 ~~school board~~ present a petition requesting a referendum on the matter of  
11 representation, except during a period of prior recognition, as ~~hereinbefore~~  
12 provided in subsection (b) of this section. Any organization interested in  
13 representing the teachers or the administrators ~~in the school district~~ shall have  
14 the right to appear on the ballot by submitting a petition supported by ten  
15 percent or more of the teachers or administrators ~~in the school district~~.

16 § 1993. PUBLIC SCHOOL TEACHERS; REFERENDUM PROCEDURE

17 FOR REPRESENTATION

18 (a) To determine who shall represent public school teachers in negotiations  
19 with the state, the provisions of 21 V.S.A. §§ 1723 and 1724 shall apply,  
20 except that:

21 (1) "Municipal employer" means the state.

1           (2) “Municipal employee” means a public school teacher.

2           (3) There shall be no more than one bargaining unit.

3           (4) 21 V.S.A. § 1724(c) shall not apply.

4           (b) The Vermont labor relations board shall have the responsibility for  
5 making decisions on any matters in dispute regarding the mechanics of the  
6 election, eligibility to be in the negotiating unit, eligibility to vote, and other  
7 necessary decisions relating to the conduct of the referendum. Decisions of the  
8 board shall be final.

9           § 1994. PUBLIC SCHOOL TEACHERS; UNFAIR LABOR PRACTICES

10           For the purposes of this chapter, the provisions of 21 V.S.A. §§ 1726–1729  
11 shall apply to public school teachers and the state pursuant to the provisions of  
12 21 V.S.A. § 1735 and, for purposes of interpreting those sections:

13           (1) “Employer” means the state.

14           (2) “This chapter” as used in 21 V.S.A. § 1726(a)(1) means chapter 57  
15 of this title.

16           Subchapter 3. Negotiations between School Boards and Administrators or  
17 Independent School Teachers

18           § 2001. GOOD FAITH

19           The negotiations councils of the school board and of the recognized  
20 independent school teachers’ organization or recognized administrators’  
21 organization shall meet together at reasonable times, upon request of either

1 party, and shall negotiate in good faith on all matters properly before them  
2 under the provisions of this chapter.

3 \* \* \*

4 § 2003. TIME TO BEGIN

5 The ~~teacher or administrator~~ independent school teachers' or administrators'  
6 organizations holding exclusive negotiating rights shall ~~make a request for the~~  
7 commencement of negotiations either to ~~their~~ the school board or to the school  
8 board negotiations council no later than 120 days prior to the earliest school  
9 district annual meeting conducted within the supervisory union.

10 § 2004. AGENDA

11 The school board, through its negotiations council, shall, upon request,  
12 negotiate with representatives of the independent school teachers' or  
13 administrators' organization negotiations council on matters of salary, related  
14 economic conditions of employment, an agency service fee, procedures for  
15 processing complaints and grievances relating to employment, and any  
16 mutually agreed upon matters not in conflict with the statutes and laws of the  
17 state of Vermont.

18 § 2005. WRITTEN AGREEMENT

19 The negotiations councils for the school board and the independent school  
20 teachers' or administrators' organization shall enter into a written agreement or



1 agreements ~~incorporating therein~~ that incorporate matters agreed to in  
2 negotiation.

3 § 2006. MEDIATOR

4 If, after negotiation has taken place on all matters properly before them, the  
5 negotiations councils for the school board and independent school teachers' or  
6 administrators' organization are unable to reach agreement on specific  
7 negotiable items, they may jointly agree upon the services and person of a  
8 mediator for the purpose of assisting them in reconciling their differences and  
9 resolving the controversy on terms ~~which~~ that are mutually acceptable. If  
10 agreement cannot be reached upon the person of a mediator, then either party  
11 may request mediation upon any and all unresolved issues to be conducted by  
12 the American Arbitration Association or its designee. The parties shall meet  
13 with the mediator and make ~~such~~ information available as required.

14 § 2007. FACT-FINDING COMMITTEE

15 \* \* \*

16 (b) The fact-finding committee, which shall be activated as soon as  
17 practicable upon request, shall be composed of one member selected by the  
18 school board negotiations council, one member selected by the negotiations  
19 council for the independent school teachers' or administrators' organization,  
20 and one member who shall serve as chair, to be chosen by the other two  
21 members. ~~In the event that~~ If agreement cannot be reached on a third member

1 for the fact-finding committee, then the American Arbitration Association shall  
2 be asked to appoint the third member.

3 \* \* \*

4 § 2009. DELEGATION OF AUTHORITY

5 The negotiations councils for school boards and for independent school  
6 teachers' and administrators' organizations are empowered to delegate in  
7 whole or in part the responsibility for negotiation of the collective agreement  
8 to any persons they may choose. However, final ratification of any agreement  
9 on behalf of a school board shall remain the sole responsibility of the school  
10 board, unless the school board has agreed to binding interest arbitration  
11 pursuant to subchapter 4 of this chapter.

12 \* \* \*

13 Subchapter 4. Binding Interest Arbitration

14 § 2021. NEGOTIATED BINDING INTEREST ARBITRATION

15 (a) ~~Arbitration~~ In connection with negotiations under subchapter 3 or 5 of  
16 this chapter, arbitration shall only occur if the recognized organization and the  
17 state or one or more of the school boards agree in writing to submit to binding  
18 arbitration for one or more issues remaining in dispute. An agreement to  
19 accept binding interest arbitration may not be revoked and shall apply only to  
20 the parties to the arbitration.

1 (b) The parties may mutually agree to accept binding interest arbitration at  
2 any time after impasse is reached. If the parties have neither accepted all  
3 recommendations of a fact-finder nor reached an independent agreement on all  
4 issues in dispute, either the state, the school board, or the recognized  
5 organization may request binding interest arbitration by written notice to the  
6 other party. The parties shall mutually agree on one of the following  
7 limitations on the jurisdiction of the arbitrator:

8 (1) Arbitration under which the award is confined to a choice between  
9 one of the following single packages:

10 (A) The last best offer of the state or school board.

11 (B) The last best offer of the recognized organization.

12 (2) Arbitration under which the award is confined to a choice between  
13 one of the following on an issue-by-issue basis:

14 (A) The last best offer of the state or school board.

15 (B) The last best offer of the recognized organization.

16 (c) A strike, which shall have the same meaning as provided in 21 V.S.A.  
17 § 1722(16), shall be prohibited if it occurs after both parties have voluntarily  
18 submitted a dispute to final and binding arbitration or after a decision or award  
19 has been issued by the arbitrator. ~~A~~ The state or a school board may petition  
20 for an injunction or other appropriate relief from the superior court within the

1 county ~~wherein~~ where such strike in violation of this section is occurring or is  
2 about to occur.

3 (d) If any provision of this subchapter is inconsistent with any other  
4 provision of law governing arbitration, this subchapter shall govern.

5 \* \* \*

6 § 2025. FACTORS TO BE CONSIDERED BY ARBITRATOR

7 (a) At the hearing, each party shall have full opportunity to submit all  
8 relevant evidence, to introduce relevant documents and written material, and to  
9 argue on behalf of its positions. At the hearing, both parties may present  
10 evidence regarding the financial capacity of the state or the school district.  
11 The arbitrator shall preside over such hearing.

12 (b) In reaching a decision, the arbitrator shall give weight to the factors  
13 listed in subsection (a) of this section, plus the following factors:

14 (1) The lawful authority of the state or the school board.

15 (2) Stipulations of the parties.

16 (3) The interest and welfare of the public and the financial ability of the  
17 state or the school board to pay for increased costs of public services including  
18 the cost of labor.

19 \* \* \*



1 day that salary covers; insurance benefits; related economic conditions of  
2 employment; leave time, excluding extended leave which under state board  
3 rule requires employment of a licensed substitute; duration of the contract; an  
4 agency service fee; procedures for processing complaints and grievances  
5 relating to employment; and any mutually agreed-upon matters not in conflict  
6 with the statutes and laws of the state of Vermont. Economic conditions of  
7 employment not bargained for under this section shall be determined by local  
8 school boards and teachers pursuant to chapter 9, subchapter 5 of this title.  
9 Nothing in this section shall preclude a school board and teachers from  
10 agreeing, pursuant to chapter 9, subchapter 5 of this title, to grievance  
11 definitions and procedures other than those negotiated under this section.

12 § 2034. WRITTEN AGREEMENT

13 The state and the public school teachers' organization negotiations council  
14 shall enter into a written agreement or agreements that incorporate matters  
15 agreed to in negotiation.

16 § 2035. MEDIATOR

17 After negotiation has taken place on all matters properly before them, if the  
18 state and the public school teachers' organization negotiations council are  
19 unable to reach agreement on specific negotiable items, they may jointly agree  
20 upon the services and person of a mediator for the purpose of assisting them in  
21 reconciling their differences and resolving the controversy on terms that are

1 mutually acceptable. If agreement cannot be reached upon the person of a  
2 mediator, then either party may request mediation upon any unresolved issues  
3 to be conducted by the American Arbitration Association or its designee. The  
4 parties shall meet with the mediator and make information available as  
5 required.

6 § 2036. FACT-FINDING COMMITTEE

7 (a) If mediation fails to resolve outstanding differences or is not requested  
8 and a continuing disagreement persists, either party may, after negotiation on  
9 all matters properly before them, request that any or all unresolved issues be  
10 submitted to a fact-finding committee by notifying the other party of its  
11 intention and setting forth in writing the issues to be submitted to fact-finding.

12 (b) The fact-finding committee, which shall be activated as soon as  
13 practicable upon request, shall be composed of one member selected by the  
14 state, one member selected by the public school teachers' organization  
15 negotiations council, and one member who shall serve as chair, to be chosen by  
16 the other two members. If agreement cannot be reached on a third member for  
17 the fact-finding committee, then the American Arbitration Association shall be  
18 asked to appoint the third member.

19 (c) The fact-finding committee shall convene as soon as practicable after its  
20 appointment, hold informal hearings as necessary, and provide adequate  
21 opportunity to all parties to testify fully on, and present evidence regarding.

1 their respective positions. All parties to the dispute shall furnish the  
2 fact-finding committee upon its request all records, papers, and information in  
3 their possession pertaining to any matter properly in issue before the fact-  
4 finding committee. The fact-finding committee shall make a written report and  
5 shall deliver it to both parties recommending a reasonable basis for the  
6 settlement of the disagreement within 30 days after the appointment of all  
7 members of the committee.

8 (d) The report of the fact-finding committee shall be advisory only and  
9 shall not be binding on either party. If the issues in dispute have not been  
10 resolved within ten days of the delivery of the report, the report shall be made  
11 public by the fact-finding committee.

12 (e) All expenses of fact-finding and mediation shall be borne jointly by the  
13 parties to the dispute.

14 § 2037. FINALITY OF DECISIONS

15 All decisions of the state regarding matters in dispute in negotiations shall,  
16 after full compliance with this chapter, be final.

17 § 2038. RIGHT TO STRIKE

18 (a) In this section, “strike” means a concerted stoppage of work by teachers  
19 except as provided in subsection (e) of this section. “Strike” does not mean a  
20 concerted slowdown, interference, or interruption of operations or services by  
21 teachers, all of which are prohibited to public school teachers.



1       (b) Public school teachers may strike during negotiations under this  
2       subchapter with the state or following a decision of the general assembly to  
3       appropriate fewer funds than were requested under section 2039 of this title.

4       (c) A strike pursuant to subsection (b) of this section is prohibited under the  
5       following circumstances:

6           (1) A court of competent jurisdiction, after due hearing, finds that the  
7           commencement or continuance of the strike poses a clear and present danger to  
8           a sound program of school education which in light of all relevant  
9           circumstances is in the best public interest to prevent. Any restraining order or  
10          injunction issued by a court under this subdivision shall prohibit only a specific  
11          act or acts expressly determined in the findings of fact to pose a clear and  
12          present danger.

13          (2) The strike occurs sooner than 30 days after the report of a fact-finder  
14          has been made public pursuant to subsection 2036(d) of this title.

15          (3) Both parties have voluntarily agreed to binding arbitration under  
16          subchapter 4 of this chapter, except that the teachers may strike following a  
17          decision of the general assembly to appropriate fewer funds than were  
18          requested under section 2039 of this title.

19          (d) For a violation of subsection (c) of this section, an injunction or other  
20          appropriate relief may be obtained upon petition to the Washington superior  
21          court.

1       (e) A strike, which in this subsection has the same meaning as provided in  
2       21 V.S.A. § 1722(16), in protest of a decision or action of a school board is  
3       prohibited. For a violation of this subsection, a school board may petition the  
4       superior court within the county in which the board is located for an injunction  
5       or other appropriate relief.

6       § 2039. APPROPRIATION

7       An agreement between the state and the recognized public school teachers'  
8       organization shall be submitted to the governor, who shall request from the  
9       general assembly the amount necessary to compensate the teachers according  
10       to the negotiated compensation schedule.

11       Sec. 2. 16 V.S.A. chapter 9, subchapter 5 is added to read:

12               Subchapter 5. School Board and Public School Teacher

13                               Decision Making

14       § 568. RESOLUTION OF ISSUES

15       (a) Issues involving economic conditions of employment for public school  
16       teachers not bargained under chapter 57, subchapter 5 of this title and any  
17       other mutually agreed-upon matters not in conflict with law shall be resolved  
18       under this subchapter; provided, however, that matters of educational and  
19       school policy as set forth in section 563 of this title shall not be subject to this  
20       process.

1        (b) Nothing in this subchapter shall preclude public school teachers from  
2        organizing for the purposes of resolving issues under this subchapter.

3        (c) For purposes of organization, public school teachers shall be subject to  
4        the procedures of sections 1991 and 1992 of this title.

5        § 569. SCHOOL BOARD AND TEACHER DECISION-MAKING

6                PROCESS

7        (a) The school board and teachers of a district shall mutually agree upon a  
8        procedure for discussion and resolution of issues under this subchapter. The  
9        procedure shall be one that enables discussion and resolution of issues that are  
10       of importance to the teachers or the board in a way that is fair, satisfactory to  
11       all, and in keeping with the best interests of the students. The procedure shall  
12       be set forth in writing and ratified by each party.

13       (b) In the absence of a mutually agreed-upon procedure, the teachers and  
14       board shall follow the procedure set forth in this subchapter.

15       (c) Two or more school districts may develop and implement a joint  
16       procedure under this section.

17       § 570. FACULTY-BOARD RELATIONS COUNCIL

18       (a) Unless the teachers and the school board of a district agree to a  
19       procedure pursuant to section 569 of this title, they shall create a faculty-board  
20       relations council for the purpose of discussing and resolving issues under this  
21       subchapter. The council shall consist of two members of the school board

1 chosen by the board and two teachers elected by the teachers. The  
2 superintendent shall appoint one administrator to provide staff assistance to the  
3 council. The council shall meet at least monthly.

4 (b) At the request of any two council members, the council shall discuss  
5 any issue or issues described in subsection 568(a) of this title.

6 (c) Pending resolution of a dispute between the board and teachers,  
7 conditions of the former agreement or contract shall apply.

8 (d) If, after discussion, council members cannot resolve an issue or issues  
9 raised and discussed at a monthly meeting, they shall place the issue or issues  
10 on the formal agenda for the next monthly meeting. If an issue or issues  
11 remain unresolved following that meeting, they shall be placed on the formal  
12 agenda for the following monthly meeting.

13 (e) If an issue or issues are unresolved after being on the formal agenda for  
14 two monthly meetings, the council may proceed to one or more of the  
15 following:

16 (1) Mediation.

17 (2) Binding arbitration, but only if both the board and teachers ratify this  
18 step.

19 (3) Further discussion at monthly meetings.

20 (4) Postponement of discussion to a date certain.

1       (f) If the council does not agree to use any of the processes of  
2       subsection (e) of this section for dispute resolution or if mediation fails to  
3       resolve an issue and, following mediation, the council does not proceed to  
4       binding arbitration, then the council shall request that the issue or issues be  
5       heard by the faculty-board appeal panel.

6       (g) If, at any point in the process, the teachers and school board are  
7       satisfied that they have reached an agreement, they shall put the agreement into  
8       writing.

9       (h) The council shall be exempt from the open meeting law of 1 V.S.A.  
10       chapter 5, subchapter 2.

11       § 570a. REPRESENTATION; RATIFICATION OF AGREEMENTS

12       (a) If, by petition, ten percent of the teachers in a district question who shall  
13       represent the teachers in developing a mutually agreed-upon procedure under  
14       section 569 of this title, who is elected to be a teacher member of the council  
15       under section 570 of this title, or whether ratification of an agreement under  
16       either section is valid, the superintendent shall conduct a referendum by secret  
17       ballot. The petition shall be presented to the superintendent within 30 days of  
18       the choice of a representative, election of a council member, or ratification of  
19       an agreement.

20       (b) If the teachers are organized under section 568 of this title, the  
21       organization shall ratify agreements and represent the teachers in developing a

1 mutually agreed-upon procedure under section 569 of this title and in council  
2 meetings under section 570 of this title.

3 § 570b. FACULTY-BOARD APPEAL PANEL

4 (a) Unless teachers and the school board agree to a procedure pursuant to  
5 section 569 of this title, they shall create a faculty-board appeal panel for the  
6 purpose of hearing and deciding issues that are unresolved under section 568  
7 of this title. The panel shall be made up of five legal voters in the school  
8 district who are neither regularly employed by the school district or another  
9 school district within the same supervisory union nor members of a public  
10 school board. A member may serve for an unlimited number of terms. A term  
11 shall be one year. If a vacancy occurs before a term expires, the replacement  
12 shall be chosen in the same manner as the original member. The members of  
13 the panel shall be chosen as follows:

14 (1) Two shall be elected by a majority of the teachers voting. All  
15 teachers in the school district under contract and actually engaged in full-time  
16 or part-time positions that are not that of administrator shall be eligible to vote.  
17 If at any point up to 30 days after choosing a member or until the first hearing  
18 in which the new member will participate, whichever comes first, ten percent  
19 of the teachers in a district sign a petition requesting a secret ballot, the  
20 superintendent shall conduct a referendum.

21 (2) Two shall be chosen by the school board.

1           (3) One shall be elected by a majority of the members selected under  
2           subdivisions (1) and (2) of this subsection. This member shall serve as chair.

3           (b) Upon request of the faculty-board relations council, the panel shall  
4           meet within 30 days. All meetings of the panel shall be open to the public.  
5           The panel shall give both parties the opportunity to present evidence and  
6           argument and to respond to argument on all issues involved. Either party may  
7           conduct cross-examination required for a full disclosure of the facts. The panel  
8           shall keep a record of its proceedings and other official actions. The record  
9           shall be filed in the office of the clerk of the district or supervisory union as a  
10          public record. For the conduct of any hearing and the taking of any action, a  
11          quorum shall be not less than three members of the panel. Any action of the  
12          panel shall be taken by the concurrence of a majority of the entire panel.

13          (c) The panel shall consider the position of the school board and either  
14          affirm, reverse, or modify the position or remand the issue to the council.

15          (d) In making a decision under this section, the panel shall affirm a position  
16          of the school board if it finds that it is more likely than not that the position:

17               (1) was taken after good faith discussions;

18               (2) was taken after following the procedures of section 570 of this title;

19          and

20               (3) was reasonable.





1 that services would be provided more efficiently and effectively in another  
2 manner, then it may ask the commissioner to grant it a waiver from this  
3 subdivision:

4 \* \* \*

5 (D) negotiate with ~~teachers and~~ administrators, pursuant to chapter 57  
6 of this title, and with other school personnel, pursuant to chapter 22 of Title 21,  
7 at the supervisory union level; provided that

8 (i) contract terms may vary by district; and

9 (ii) contracts may include terms facilitating arrangements between  
10 or among districts to share the services of teachers, administrators, and other  
11 school personnel;

12 \* \* \*

13 Sec. 4. 16 V.S.A. § 1751 is amended to read:

14 § 1751. SCHOOL BOARD OR SUPERVISORY UNION AS EMPLOYER;

15 CONTRACT

16 (a) Notwithstanding that the public school teachers' compensation schedule  
17 is negotiated between the state of Vermont and the recognized teachers'  
18 organization and notwithstanding that the school district or supervisory union  
19 receives aid from the state of Vermont for funding teacher compensation, a  
20 teacher shall be an employee of the school board or, in the case of special  
21 educators, the supervisory union. Decisions regarding hiring, evaluation,

1 suspension, nonrenewal of contract, conditions of employment other than those  
2 negotiated under chapter 57 of this title, and dismissal of the teacher shall be  
3 made as provided in chapters 7 and 9 of this title.

4 (b) A contract between a board of school directors and a teacher shall not  
5 be valid unless the same is in writing, or partly written and partly printed, in  
6 triplicate, and signed by the teacher and by a majority of the board or by a  
7 member of the board or other person who has been duly authorized by a  
8 majority vote of the board at a regular meeting to sign the contract in question  
9 on behalf of the board. One copy thereof shall be filed with the board, one  
10 copy delivered to the teacher, and one copy delivered to the superintendent.  
11 Such contract shall specify the date when the teacher shall begin service, the  
12 time, grade and date of expiration of the license held by the teacher, the salary  
13 of the teacher and such other matters as may be necessary for a complete  
14 understanding between the parties.

15 (c) A public school teacher shall be compensated by a public school board  
16 or supervisory union according to the agreement negotiated between the state  
17 and the public school teachers' organization negotiating council. Except as  
18 provided in this subsection, a school board or supervisory union shall not enter  
19 into separate negotiations with a teacher and shall not provide the teacher  
20 compensation above or below that set forth in the contract for a teacher of  
21 equal experience and qualifications performing the same duties. For extra

1 student-attendance days and extra teacher in-service education days, a board  
2 shall pay compensation according to the statewide contract on a prorated basis.  
3 A board may pay compensation at a different rate from that set forth in the  
4 statewide contract for the performance of extra- or cocurricular activities or  
5 days or hours worked during days which are not student-attendance or teacher  
6 in-service days.

7 Sec. 5. EFFECTIVE DATE; IMPLEMENTATION

8 This act shall take effect on July 1, 2012; provided, however, it shall apply  
9 to contracts negotiated for the 2013–2014 academic year and after.