

My name is Rama Schneider, and I live in Williamstown where, among other things, I have just been re-elected for a third three year term on the Williamstown School Board of Directors. For most of the last six years I have also been on the Orange North Supervisory Union (ONSU) board including taking a turn as board chair, and I was on the Vermont School Boards Association Board of Directors for about three years.

My interest in the negotiating process has led me to explore the concept of "interest based bargaining" which is described by the Federal Mediation and Conciliation Service as a process that "begins with understanding the problem and identifying the interests that underlie each side's issues and positions."(1) The ONSU board devoted most of one meeting to this subject, and we had staff representatives at that meeting. We also engaged in several less formal board discussions on this matter.

I was a member of the ONSU negotiating council for the teachers' contract negotiation that was successfully completed in about three months last year. The negotiations were entered into and conducted in a non-confrontational manner. Both sides quickly agreed to mediation when it became apparent we were at a point of disagreement that could not be readily resolved. The end result was a document that had both give and take for all participants and to the best of my knowledge was well received by almost everyone.

Here are some thoughts regarding S.74:

The bill's intention is to impose arbitration by default, but it misleads the public decision making process by forming the question as one of allowing teachers to strike. It does this with no evidence as to which, if either, is worse: imposed binding arbitration or a work stoppage by educators.

The bill addresses a rarely used action, a strike, without any real goal other than to stop this rarely used action.

The bill would empower a private non-elected individual to impose higher taxes on a community, and that taxing authority would have to be exercised by state and local elected officials.

The bill does nothing to change the dynamics of district/teacher negotiations.

That last item is, in my opinion, what should be addressed. I firmly believe we need an entirely different underlying structure for our school staff and administration contract negotiations. New expectations in the delivery of education to meet our post-information age learning needs will not be addressed by processes developed sixty and seventy years ago to meet the needs of factories and manufacturing lines.

Labor law in Vermont makes it a certainty that our contracts are based upon slow, incremental change arrived at from a dialectic where the

outcome is predicated on two opposing views. This process is not well suited to sudden dramatic changes. It has become a well worn phrase in discussions regarding education that we don't know what the jobs twenty years out will be requiring from our students of today, so we need to be flexible in how we help them learn. That requirement for flexibility needs to find a way to transfer to the expectations we place on today's educators as we move forward. The pace of change in the needs of today's education is outpacing the usefulness of the industrial age negotiation process.

Given enough time the school boards and staff in Vermont would be able to make the necessary changes, but our students needs are immediate and of today. It will take state level intervention to force a change that will have the impact required. The primary focus of any change in labor law relating to Vermont's schools must focus primarily on the learning needs of our children and young adults.

A proposed path forward:

- All staff and administration contract negotiations will be held in public session without public participation.
- No staff or administration strikes.
- No locally imposed contracts.
- The negotiating cycle will be compressed with the intent of a final outcome prior to town meeting day.
- There will be four parties to the negotiations: staff, administration, school board and a guardian ad litem style representative for the student body.
- Mandatory mediation will be used if after no more then 60 days from start of negotiations there is no agreed upon contract.
- The Vermont Agency of Education will impose a two or three year contract using the existing proposals as a basis if after mandatory mediation no agreement has been reached.

The above will allow for a full representation of more views and bring the interests of the student body directly into the negotiating process. Drawn out contract talks will simply not be tolerated - our students deserve finality. Allowing disagreements to simmer will not be tolerated - again, our students deserve finality. And finally the state will have an opportunity to influence contracts in a way that reflects state policy if the local sides cannot reach an agreement. This final step is not only a hammer to force folks to cooperate, but if it turns out that cooperation is an elusive outcome the state will be able to slowly move to a statewide contract of some sort.

I thank you for your time.

(1) FMCS website url:

<http://www.fmcs.gov/internet/itemDetail.asp?categoryID=131&itemID=15804>