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To: Senate Committee on Education
From: Nicole L. Mace, Executive Director
Re: S. 157
Date: January 16, 2018

I appreciate the opportunity to come before the committee to discuss the VSBA's position on S.157. Let me start by saying that the VSBA is very supportive of collective bargaining as a means of getting to fair working conditions for teachers. Board members know that great teachers are the key to an excellent education. Our collective goal in this and any endeavor should be to attract and retain the highest quality teachers and to free them to be able to practice their craft in the most effective way possible.

While we support the collective bargaining process, the VSBA believes that some modifications are necessary in order to improve our public education system overall.

Staff

Nicole Mace
Executive Director
nmace@vtvsba.org

Susan Holson
Director of
Education Services
sholson@vtvsba.org

Kerri Lamb
Director of Operations
klamb@vtvsba.org

In Vermont public support for public schools is eroding in the context of rising property tax rates and continued inequity in outcomes and opportunities for our students. For the past several years, the General Assembly has enacted policy interventions designed to curb spending and address inequities, most significantly through Act 46's district consolidation requirements.

School boards have been active partners in that effort, because they believe that making constructive changes to our system is necessary to preserve a strong and sustainable public education system. The future of Vermont depends on achieving that goal. In order to meet the needs of today's students, educators and communities, protecting the status quo is not an option.

The collective bargaining process is an important element of the public education system. Vermont's collective bargaining law for teachers was enacted in the late 1960's and has significantly improved compensation and benefits for teachers and support staff over the years. This statutory framework, essentially unchanged in decades, has its roots in industrial unionism.

Industrial-style collective bargaining has served an important role for teachers, giving them voice and influence when they had none, and substantially improving their economic conditions. But this model of bargaining has also resulted in rigid contracts that fail to recognize teachers' expertise as professionals, their ability to exercise professional judgment in the performance of their duties, and the interests they legitimately share with management.

Collective bargaining in its current form also takes a very conservative approach to change - incrementalism is the norm. But we are at a point in time when education systems change cannot happen on an incremental basis.

We need to be able to adapt quickly to the needs of our students in the digital information age. Technology has changed how our children learn, the tools available for teaching, and the skills they will need for the future. Teachers are no longer purveyors of information and knowledge, but are curators, guides and facilitators. In a world where information is available 24/7, education need no longer be confined to the walls of a classroom, between the hours of 7:30 and 3:00.

In addition to the need to ensure greater flexibility in the time, place and location of learning, school boards across Vermont are under tremendous pressure to contain and reduce spending while continuing to provide excellent educational opportunities for their students.

The pressure to do more with limited public resources inevitably impacts the collective bargaining process, as boards attempt to negotiate changes to salary indexes, health insurance benefits, RIF

procedures and scheduling practices. When the differences between the parties are so great that the collective bargaining process breaks down, and the parties resort to imposition of a contract or a strike, the impacts on the community are significant and are often felt for many years.

S.157 creates a process that would eliminate the right to strike and impose contracts and calls for a committee to determine the best process for dispute resolution. It also makes clear that bargaining should be conducted in open session.

In 2015, members of the VSBA approved the following resolution:

The General Assembly should eliminate the right to strike and impose contracts by updating Vermont's collective bargaining process to be more in line with our New England neighbors. The new approach should not include mandatory binding arbitration because it would turn over important decisions that impact up to 80 percent of school budgets to out-of-state arbitrators generally unfamiliar with community issues and Vermont's education finance system.

Only 12 states in the country allow teacher strikes. All other New England states prohibit teacher strikes and imposition of contracts. It is time for Vermont to evolve to a different process for bringing negotiations to a conclusion, one that does not allow either party to resort to the use of drastic unilateral actions that are divisive to communities and unfair to students.

Eliminating the right to strike is not an attack on organized labor unions. It is a fair approach that will serve to improve labor-management relations in this state. Both unions and school boards will have lost the right to undertake drastic unilateral action like striking or imposing a final settlement.

Given the pressures on the public education system today, I wonder what adjustments to the collective bargaining system the NEA would support.

I read the VT-NEA testimony on this bill, stating that it is an attack on labor and an erosion of workers' rights. This familiar refrain is used whenever there is a bill introduced that would modify the collective bargaining process in any way. Other states like Massachusetts and New York that prohibit strikes would never be considered anti-labor; in fact, unions in those states have a tremendous amount of power and influence.

Three years ago, the VSBA could have easily taken the position that changes to our governance structure were an "assault on local control" and worked to prevent the passage of a law that fundamentally alters the role and function of a school board in this state. But our members understood that preserving the vitality and strength of the public education system required school boards to evolve and adapt to the world around us.

This bill does nothing to disturb the fundamental rights of educators to negotiate the terms and conditions of their employment with their employers. What this bill does do is create an expectation that the adults in our school systems will do precisely what it is we expect our students to do. Work constructively through difficult problems. Don't walk away from them or take drastic unilateral action if you can't get the outcome you want. Work it out. This bill isn't anti-union. It's pro-student, pro-educator and pro-community.

Thank You.