



MEMORANDUM

TO: Senate Education Committee
FROM: Jeff Fannon, Vermont-NEA Executive Director *JF*
DATE: March 1, 2017
RE: Miscellaneous Education Bill

Thank you for allowing me and Vermont-NEA to comment on the miscellaneous education draft you're formulating. My comments address the most recent draft on your website. While the website indicates that the most recent draft is dated February 27, in reality the version is dated February 24 when the link is selected. I will, therefore, comment on version 4.1 dated February 24 with your indulgence and understanding if that draft has been more recently updated.

State Board of Education:

The current State Board involvement in the secretary appointment process was achieved in 2011 in Act 98 as a result of difficult discussions between the Legislature and the Governor's office. The then prevailing agreement was that ceding so much authority to the Governor would overly politicize education policy in Vermont. Let me be clear, Vermont-NEA did not want a change to the pre-2011 statutory appointment process—the state Board controlled the appointment entirely. We did, however reluctantly, agree that the appointment of the Secretary of Education should be, somewhat and as much as possible, insulated from the political vacillations of the electorate in order to achieve educational stability for Vermont. That legislative back and forth resulted in the current appointment process that we believe is far more stable than section 1 of the current draft.

With regards to the make-up of the Board itself, as currently structured, the only designated members of the Board are the two student members. No other Board member is so specifically appointed because of his or her relationship to any ideology or entity. I believe that simple neutral designation for all other Board members should remain. Adding a Board member simply because he/she represents a particular entity or point of view is not in the state's best interest as it relates to educating Vermont's 80,000 students. The current Board make-up allows for a diversity of opinion and geographical representation, and the Board currently includes a former independent school employee and a member of a community that has a recent and robust independent school community.

As we have seen in these past few months, the independent schools are very capable of advocating for themselves. That is not a knock, but it is simply an observation, but because a small vocal group is upset with a particular action it should not result in a permanent seat on the Board of Education—the Board that is tasked with ensuring the educational well-being of all of Vermont's students, including the approximately 3.5% of Vermont students who attend Vermont's independent schools.

As the proposed draft bill seems to seek to influence the outcome of as yet proposed rules, I believe it's premature to enact section 5 of the draft bill ("Nullification of 2200 Series of the Rules and Practices). Moreover, section 4 (Limiting the powers of the Board as it relates to independent schools only) seems to pre-judge and vitiate the outcome of the formal statutory rulemaking process outlined in current state law. Specifically, the State Board of Education is merely preparing to submit its rules to formal rulemaking and, once it does, anyone in the state may then weigh-in with comments. The Legislature itself is ensured a voice in the Board's rules and may reject the rules if it sees fit. *See generally* 3 VSA §§ 800-849, *see specifically* 3 VSA §§ 840 (Public Hearing and Comment) and 842 ("Review by Legislative Committee").

Standards Board:

While the section focused on the Vermont Standards Board for Professional Educators ("Standards Board") has not received much attention, I believe that language needs to be clarified to ensure that the number of teachers remains the majority of the Board members. This Board is unique among the 47 other regulated professionals in that the regulated professionals, here teachers, have a professional licensing board that contains so many unlicensed people sitting in judgment of what is determined to be "professional" for teachers. Lawyers, doctors, plumbers, etc. all have licensing boards but those boards consist of vast majority of licensees on the boards. The Standards Board, however, has several unlicensed members, and Vermont-NEA believes the make-up of the Standards Board should be amended to ensure that teachers have an adequate voice in their professional standards like every other licensed professional in the state.

SLP:

I don't want to weigh into this arena too much other than to say that section 13 should be clarified to say that the waiver of the licensing fee is for one year only. Otherwise and as currently drafted, the language could be construed to allow any SLP to not pay a teacher licensing fee, which I don't think is the intent and, if true, would add licensing costs to all other licensed teachers because the system is supposed to be self-funded and any deprivation of funds adds costs to other teachers. We don't think that's the case but we do think it should be clarified.

Principal's Contracts:

Finally, we agree that principals' contracts should allow them adequate time in which to retain or seek a position. Likewise, we believe teachers should be allowed to change jobs without the threat of a licensing action, supervisors blocking job interviews, or civil lawsuits. As the teacher law stands, 16 VSA § 1752, teachers have great difficulty in changing jobs even after the school year ends. We would like to discuss this issue and have witnesses testify as to the problem teachers face when they want to change teaching jobs.

Thank you.