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H.80

Introduced by Representatives Townsend of South Burlington, Anthony of Barre City, Hooper of Burlington, Howard of Rutland City, Masland of Thetford, Troiano of Stannard, Vyhovsky of Essex, Walz of Barre City, and Yacovone of Morristown

Referred to Committee on

Date:

Subject: Education; teachers; collective bargaining rights

Statement of purpose of bill as introduced: This bill proposes to prevent interference with a teacher's right to seek employment while under contract, make the suspension and termination provisions that apply to teachers under State law subject to the teacher's collective bargaining agreement, and protect a teacher from discipline by the teacher's employer for testifying before the General Assembly or a committee of the General Assembly or before the State Board of Education.

An act relating to the collective bargaining rights of teachers

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

Sec. 1. 16 V.S.A. § 1752 is amended to read:

§ 1752. GROUNDS AND PROCEDURES FOR SUSPENSION AND
DISMISSAL

1 (a) A teacher under contract to teach in a public school who fails, without
2 just cause, to complete the term for which the teacher contracted to teach; shall
3 be disqualified to teach in any public school for the remainder of the school
4 year. While under contract, a teacher shall have the right to interview for, be
5 offered, and accept a new teaching position for the next school year, and
6 interference with this right shall be cause for a licensing action under section
7 1698 of this title.

8 (b) Unless otherwise negotiated in a collective bargaining agreement under
9 chapter 57 of this title that provides the teacher just cause rights, a teacher
10 under contract to teach in a public school whose contract is not to be renewed
11 for the ensuing year shall be notified in writing, setting forth the grounds
12 therefor, ~~no~~ not later than April 15. If the teacher so notified desires a hearing,
13 the teacher shall so request in writing to the clerk of the school board. The
14 teacher shall have the right to a hearing before the school directors within 15
15 days, may present witnesses and written evidence, and may be represented by
16 counsel. A hearing shall be in executive session unless the teacher making the
17 appeal requests or agrees in writing that it be open to the public. The school
18 board shall affirm, modify, or reverse the nonrenewal and shall issue its
19 decision in writing within five days. In the case of a probationary teacher who
20 has received two written performance evaluations per year of probationary

1 service, a decision of the board shall be final. The standard for nonrenewal of
2 a contract shall be:

3 (1) In the case of a nonprobationary teacher, just and sufficient cause.

4 (2) In the case of a probationary teacher, any reason other than those
5 prohibited by law. However, the standard for nonrenewal for a probationary
6 teacher's contract shall be just and sufficient cause if the teacher has not
7 received at least two written performance evaluations per year of probationary
8 service. A probationary teacher is a person who has been employed as a
9 teacher in Vermont public schools for less than two school years.

10 (c) Unless otherwise negotiated in a collective bargaining agreement under
11 chapter 57 of this title that provides the teacher just cause rights, the following
12 provisions shall apply:

13 (1) A superintendent may suspend a teacher under contract on the
14 grounds of incompetence, conduct unbecoming a teacher, failure to attend to
15 duties, or failure to carry out reasonable orders and directions of the
16 superintendent and school board.

17 ~~(d)~~(2) The suspension shall be in writing and shall set forth the grounds
18 therefor. Copies shall be delivered to the teacher, and to the chair and to the
19 clerk of the board of school directors. Thereafter, performance under the
20 teacher's contract shall be suspended, but he or she shall be paid pro rata to the
21 time of his or her dismissal by the board.

1 ~~(e)~~(3) The teacher so suspended shall have the right to appeal to the board
2 of school directors of the district for review of the decision. Filing a written
3 notice of appeal with the clerk of the school board within seven days of the
4 effective date of the suspension shall initiate the appeal. The clerk of the board
5 shall forthwith forward a copy of the notice of appeal to the superintendent and
6 send to the teacher an acknowledgment of receipt of the appeal.

7 ~~(f)~~(4) The school board to which the appeal is directed shall hear the appeal
8 within 10 days of receipt of notification. The teacher and the superintendent
9 shall be advised by the clerk of the board of the time and place of hearing by
10 written notice at least three days before the date of hearing.

11 ~~(g)~~(5) All parties shall be entitled to counsel at every stage of the
12 proceedings established by this section. Hearings shall be in executive session,
13 unless the teacher making an appeal requests or agrees in writing that they be
14 open to the public. A teacher making an appeal may waive in writing his or
15 her right to a hearing.

16 ~~(h)~~(6) Upon hearing, or if no appeal is taken, the school board shall affirm
17 or reverse the suspension or take such other action, including dismissal, as may
18 appear just. If the suspension, or the dismissal, is reversed, the teacher shall
19 not suffer any loss of pay, retirement benefits, or any other benefits to which
20 he or she would otherwise have been entitled.

1 (F) falsification, misrepresentation, or misstatement of material
2 information provided in connection with the application for or renewal or
3 reinstatement of a license or endorsement; ~~and~~

4 (G) with respect to a superintendent, the failure to maintain the
5 confidentiality and privileged status of information provided pursuant to
6 subsection 1700(c) and subdivision 1708(f)(3) of this title; and

7 (H) interfering or directing someone else to interfere with the right of
8 a teacher to interview for, be offered, and accept a new teaching position.

9 * * *

10 Sec. 3. EFFECTIVE DATE

11 This act shall take effect on passage.