

TO: Senate Education Committee
FROM: Jeff Fannon, Vermont-NEA Executive Director
DATE: February 9, 2022
RE: S.162 – Teacher Rights Bill

Thank you for allowing me to discuss with you S.162. This bill is important to Vermont-NEA's members, and I'll explain why.

The bill addresses three teacher labor and employment issues. Together, they are miscellaneous changes that are important to the teacher workforce, and these changes are about basic fairness in the employment of teachers – how we allow teachers to seek new teaching assignments, how teachers and schools process discipline matters, and whether teachers can speak to policymakers without fear of discipline.

Section 1 would allow teachers to enjoy the right that all other employees enjoy, specifically the right to interview for another teaching position. Unlike any other profession, the current system prohibits teachers from interviewing for another teaching job without first quitting her current teaching position. For most teachers, the risk of quitting one's job in hopes of getting an interview for another position is too great, therefore, most teachers don't seek employment elsewhere even if they have very good reasons for becoming employed in another school district. This problem is not new, but it has become more acute, and teachers are increasingly upset with how they are treated. No other professional in the public or private sector is required to get permission from a boss to interview for a new position.

The bill creates a modest 2-month hiring season wherein teachers can interview for a new teaching position and schools could seek new teachers to fill a vacancy. H.80, the House companion bill, allows teachers to change jobs until the school year begins. In contrast, S.162 gives teachers a modest and reasonable amount of flexibility to interview for a new teaching position while also ensuring school districts have teachers under contract in time for the beginning of the school year.

The argument that the bill would harm our rural schools goes about the problem of attracting and retaining teachers to rural schools in entirely the wrong way. To be clear, rural schools already have difficulty attracting and retaining teachers, but to attract and retain teachers to rural areas, we must ensure these teachers have the resources and supports they need to succeed, not keep them there artificially.

The problem is not just one of an urban versus rural divide. Indeed, prior to becoming the executive director, I was Vermont-NEA's general counsel. In that position, annually I heard from teachers who asked me what they could do to stop their superintendent from blocking them from interviewing in another district. The most notable example involved a math teacher trying to leave a Chittenden County teaching position for a teaching position in the Upper Valley, i.e., she

wanted to leave a higher paying position. Her reasons for wanting to leave were familial, as her husband had accepted a position at Dartmouth. Her then superintendent blocked her from interviewing at three Upper Valley districts. He contacted the superintendents in those three districts and said she was under contract and could not interview for the openings. In that case, all three Upper Valley superintendents agreed and did not grant her an interview. Ultimately, she quit her job later in the summer and accepted a position that was “only” 50 miles away from her family. This made no sense then and it still happens today. And, this is not a one-off scenario or even a contested matter. Superintendents have told teachers and Vermont-NEA that they have agreed amongst themselves to prohibit teachers from interviewing for another position while under contract at any time. This is not a good system and needs to be fixed. S.162 would fix this problem, for both sides, and allow teachers to change jobs without resorting to quitting first and hoping for a new job later.

The second proposed amendment, found at section 1752(b) and (c), addresses a recent Vermont Supreme Court decision. In that decision, *Northfield School Board v. Washington South Education Association and Paul Clayton*, the Court said that because the way the law is written, teachers and school boards must adhere to a restrictive 15-day timeline when processing a teacher’s challenge to her suspension or discharge. For years, local unions and school boards, essentially, ignored the 15-day timeline and, instead, followed the timeline in their collective bargaining agreement. The amendment allows school boards and local teacher unions to do what they did for years – follow their contractually agreed upon timelines in which to file a grievance and hear the matter and not unnecessarily adhere to the overly restrictive statutory timeline. The change would protect the parties’ right to contract.

The third change S.162 seeks is to add subsection (f) to protect teachers who testify before the legislature, a legislative committee, or the state board of education. We heard that teachers were retaliated against for appearing here and speaking up about educational matters. That is wrong and should be prohibited. The amendment would make clear that a teacher may appear and give testimony without fear of losing her job or suffering any form of discipline.

Thank you, and I would be happy to take your questions.