

1 TO THE HONORABLE SENATE:

2 The Committee on Education to which was referred Senate Bill No. 162  
3 entitled “An act relating to the collective bargaining rights of teachers”  
4 respectfully reports that it has considered the same and recommends that the  
5 bill be amended by striking out all after the enacting clause and inserting in  
6 lieu thereof the following:

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

8 § 1752. GROUNDS AND PROCEDURES FOR SUSPENSION AND  
9 DISMISSAL

10 (a) A teacher under contract to teach in a public school who fails, without  
11 just cause, to complete the term for which the teacher contracted to teach, shall  
12 be disqualified to teach in any public school for the remainder of the school  
13 year.

14 (b) Unless otherwise negotiated in a collective bargaining agreement under  
15 chapter 57 of this title that provides the teacher just cause rights, a teacher  
16 under contract to teach in a public school whose contract is not to be renewed  
17 for the ensuing year shall be notified in writing, setting forth the grounds  
18 therefor, ~~no~~ not later than April 15. If the teacher so notified desires a hearing,  
19 the teacher shall so request in writing to the clerk of the school board. The  
20 teacher shall have the right to a hearing before the school directors within  
21 15 days, may present witnesses and written evidence, and may be represented

1 by counsel. A hearing shall be in executive session unless the teacher making  
2 the appeal requests or agrees in writing that it be open to the public. The  
3 school board shall affirm, modify, or reverse the nonrenewal and shall issue its  
4 decision in writing within five days. In the case of a probationary teacher who  
5 has received two written performance evaluations per year of probationary  
6 service, a decision of the board shall be final. The standard for nonrenewal of  
7 a contract shall be:

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

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

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

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

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

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

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

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

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

6       ~~(i)~~(7) The decision of the school board shall be in writing and filed with the  
7       clerk of the school board not later than five days after the hearing or after the  
8       time for taking an appeal has expired. The clerk shall within three days notify  
9       the superintendent and the teacher in writing of the decision.

10       ~~(j)~~(d) No court action shall lie on the part of a teacher against any school  
11       district for breach of contract by reason of suspension or dismissal unless the  
12       procedures described in this section have been followed by ~~said~~ the teacher.

13       ~~(k)~~(e) Every teacher's contract shall be deemed to contain the provisions of  
14       this section, and any provision in the contract inconsistent with this section  
15       shall be considered of no force or effect.

16       Sec. 2. 16 V.S.A. § 1698 is amended to read:

17       § 1698. CAUSES FOR LICENSING ACTION

18       Any one of the following, or any combination of the following, constitutes  
19       potential cause for licensing action whether occurring within or outside the  
20       State:

21       (1) Unprofessional conduct, which means:

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21

\* \* \*

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

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

(H) with respect to a superintendent, prohibiting or directing someone else to prohibit a teacher from exercising the teacher’s right to interview for, be offered, and accept a new teaching position under subsection 1752(a) of this title.

\* \* \*

Sec. 3. 16 V.S.A. § 1986 is added to read:

§ 1986. NONINTERFERENCE WITH RIGHT TO TESTIFY

(a) Subject to subsection (b) of this section, no teacher, administrator, or other employee of a school district or supervisory union shall be subject to discipline by the school district or supervisory union for testifying before the General Assembly or a committee of the General Assembly or before the State Board of Education.

(b) A teacher, administrator, or other employee of a school district or supervisory union who testifies before the General Assembly or a committee of

1 the General Assembly or before the State Board of Education shall not divulge  
2 information that is confidential to the school district or supervisory union or to  
3 its students or staff and may be disciplined by the individual’s employer for  
4 divulging such confidential information.

5 (c) A teacher, administrator, or other employee of a school district or  
6 supervisory union who testifies before the General Assembly or a committee of  
7 the General Assembly or before the State Board of Education shall, unless  
8 authorized by the individual’s employer to testify on the employer’s behalf,  
9 state for the record that the individual is not testifying on behalf of the  
10 individual’s employer.

11 Sec. 4. EFFECTIVE DATE

12 This act shall take effect on passage.

13

14

15 (Committee vote: \_\_\_\_\_)

16

\_\_\_\_\_

17

Senator \_\_\_\_\_

18

FOR THE COMMITTEE