



# TODAY

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## Students' artwork has got to put a smile on your face

BURLINGTON — Diners at several of Burlington's finer restaurants got a special treat in November, thanks to the Burlington Education Association's Placemat Project and a lot of artistic school children. "People sit down to have a nice dinner and they see a student's artwork in front of them," explains BEA President Terry Buehner. "It's got to put a smile on your face."

For the second year, BEA distributed placemats designed by students to local restaurants. The placemat theme in November was "What we are thankful for." Designs by 45 students, from elementary through high school, were selected for printing.

"Last year we started with African American History celebration in February as the theme, and it was so well received by the community, by the restaurants, and by the student winners, that we decided to expand it to 'What we are thankful for.' Now we do two placemat art contests a year," said Terry.

The participating restaurants are Coyotes, Three Tomatoes, Ice House, The Shanty on the Shore, Smoke Jack's, and Cannons. "The restaurants were just so excited about getting the placemats," said Terry. "They were waiting for them, and they said, 'Oh, these are just so cool.'"

Six-year-old Haven Williams of C.P. Smith School in Burlington thought his winning placemat "looked pretty good." He drew a picture of his family, the people he is thankful for.

Each winning student received a certificate and a laminated copy of his or her placemat, and they were treated to a lunch of pizza, salad and cookies prepared by culinary arts students at Lattice Works at Burlington High School.

Why does BEA invest time and money in a Placemat Project? "We do it because it's an excellent PR piece and a good community builder," says



Vermont-NEA Photo/Art Huse

Six-year-old Haven Williams of C.P. Smith School in Burlington designed this beautiful placemat as part of the Burlington Education Association's Placemat Project. Here he poses with BEA President Terry Buehner and UPS Store manager Bill Thomas, who gives special discounts to educators. The UPS Store at Lang Farm copied the placemats for distribution to restaurants.

Terry, adding: "It's great to reach out to students and give them recognition for their artwork and the research they do, especially for African American history placemats."

Terry says the public reception has been superb: "I have people calling to say they saw the placemats, and to thank us for doing the project. I think that the tone has changed a little bit in our community regarding teachers and schools. The placemats allow students to reach out to the community. The feedback has been good from the school board, too. They all get a copy of a placemat." - LBH



A winning placemat by first grader Chris Reiss.

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**"Identified" Schools Reveal NCLB Flaws**

*Vermont finally has officially entered the Elementary and Secondary Education Act (ESEA)/No Child Left Behind Act (NCLB) era of accountability.*

**By Angelo J. Dorta, President**

On November 18<sup>th</sup>, the Vermont Department of Education belatedly released the 2003 accountability determinations for "identified" schools and supervisory unions. The Department based its results on 2002 and 2003 New Standards Reference Examinations (NSREs) at grades four, eight, and ten, and the Vermont Developmental Reading Assessment (VT-DRA) at grade two.

Unfortunately, the news was worse than expected. For the first time, 29 schools didn't make Adequate Yearly Progress (AYP) in at least one test category. The Department expected to identify only about 15 schools, according to prior testimony to Vermont's NCLB Joint Legislative Oversight Committee.

If, in 2004, any of these identified schools again fail to make AYP in the same English/language arts or mathematics category, they encounter Year One "School Improvement" sanctions. Sanctions in NCLB's Year One School Improvement phase essentially mean students can obtain school-paid private tutoring or transfers and transportation to other public schools. The school district must begin to use a portion of their federal Title 1 funds for these services instead of for direct classroom instruction.

Due to earlier Vermont decisions based on its own state School Accountability System and mandatory inclusion of pertinent pre-2002 test scores, four additional schools actually entered 2003-04 Year One School Improvement, while four different schools remain in Year One of School Improvement for at least one more year. For the same reasons, two schools became "Corrective Action" schools, and thus subject to harsher consequences.

That's 39 schools total, approximately 13% of Vermont public schools already on the Department's list of identified schools. Specific information about each school's and supervisory union's AYP performance may be found on the Department's Web site at [www.state.vt.us/educ/new/html/mainnew.html](http://www.state.vt.us/educ/new/html/mainnew.html).

More bad news, however. The November data also revealed the Department's first AYP determinations for Vermont Supervisory Union Districts. Grade level enrollment in many of our public schools is so small that AYP figures for disaggregated student sub-groups (special education, poverty, limited English, racial/ethnic) can't be validly calculated at the school level. However, when the grade level enrollments of individual schools are added together at the su-

perisory union district level, the numbers of students in each disaggregated student sub-group are large enough to make statistically valid AYP computations.

This year, 41 of 61 supervisory union districts (66%) did not make Adequate Yearly Progress because the academic gains of one or more categories of students in individual schools weren't sufficient. In many cases, special education students lagged behind and were the primary reason for AYP shortfalls. Those SUs risk Year One School Improvement beginning in 2004-05.

**The Achievement Gap**

Vermont-NEA wants to help eliminate the "achievement gap." We want all students to succeed, and some students in every Vermont school always need extra help.

Yet, ESEA/NCLB is a bureaucratic, one-size-fits-all framework based solely on annual standardized test scores to measure students and schools. "Adequate yearly progress" (AYP) indicators for each Vermont school demand that all children make the same achievement gains in the same amount of time. Every child can learn, but parents and teachers know that every child doesn't learn at the same speed or in the same way.

Unfortunately, compulsory yearly reading/language arts and mathematics tests in grades 3-8 and science tests in several other grades ultimately reduce students to test scores. Relying exclusively on standardized tests disregards additional meaningful data about students and school improvement. Teacher professional judgments of individual student progress and individual learning differences and needs are minimized.

Furthermore, NCLB de-emphasizes other academic subjects and the arts. It encourages teachers to teach to the tests in reading/language arts, math, and science, rather than giving students the full curricula and individual attention they need and deserve.

Instead, we should support teaching that recognizes children as unique learners. Whenever necessary, instruction should be differentiated according to students' prior knowledge, natural learning abilities, and varied learning rates. Student achievement should be measured by several reliable assessments, not just standardized tests.

We also should invest our limited resources in what really works: high teaching and learning standards, better teacher training, up-to-date books and learning technologies, and more parent involvement. However, NCLB

requires penalized school districts to wastefully reserve up to 20% of their federal Title 1 funds to pay for students opting for private tutors and for transportation to other public schools.

Vermont Department of Education and independent analysts estimate a \$150 million price tag by 2007 for full NCLB compliance and personnel to help Vermont students and schools annually achieve required AYP goals. Currently, Vermont receives \$50 million in federal education funds. Thus, new NCLB expenses could constitute a direct cost-shift to local school districts and taxpayers, despite 51 school budget defeats last year.

Here's what must be done about NCLB's most serious flaws:

**1) Modify AYP:** NCLB penalizes Vermont public schools even if annual AYP gains are insufficient in only one of 37 categories for two consecutive years. Thus, a school can pass 97% of its AYP goals and still be punished. A fairer standard of school success prevents false labeling of many schools as "failing."

**2) Provide Flexibility:** Reasonable accommodations should allow "highly qualified" licensed teachers to instruct students in related academic subjects (e.g. history and civics), multiple measures of student and school progress (including improvement over time), and better assessments for special education and limited English students.

**3) Reward School Success:** NCLB emphasizes school punishments, including school-funded private tutoring and student transfers, replacement of staff, and even school closures. They simply aren't justified for Vermont's public schools and won't work in rural states. Rather, progressively loosen annual federal testing and accountability requirements as students achieve AYP goals. Provide increased funds to expand student programs and teacher professional development.

**4) Guarantee Full Funding:** States and school districts need NCLB's authorized full amount of federal money each year to pay for mandatory student testing and school assistance. Annual requirements should be suspended whenever NCLB is not funded at its authorized level.

Indeed, let's fix and fully fund NCLB to fulfill its worthy goals for all students: equal learning opportunities, continuously improving student achievement, and instruction by caring and competent teachers. If not, the law will leave behind too many children and hardworking public schools. ■

Vermont-NEA Photo/Art Huse



**Legislative Report**

**The linkage of law and politics has never been more significant for public education**

**By Joel D. Cook, Executive Director/General Counsel**

It's January and time for the formal legislative session to resume in Montpelier. The linkage of law and politics has never been more apparent or, perhaps, more significant for public education and the rights of educators. And, on top of the usual assortment of issues for the Legislature to consider, the numerous effects of the so-called No Child Left Behind Act (NCLB) are beginning to pile up.

First and foremost, it's an election year, like it is every even-numbered year in Vermont, a Presidential election year to boot. Many legislators, therefore, will be debating any number of issues with one eye on making public policy decisions by May and the other on getting voter support in November.

Unlike every other Vermont election season, however, this time around our own former Governor is a leading national and rational voice exposing the shortcomings of federal education law. Howard Dean's presidential candidacy gives us in Vermont unique potential involvement in national policy development. Accordingly, this November the Vermont-NEA Board of Directors adopted unanimously a statement supporting Governor Dean's candidacy. Our California and New Hampshire counterparts have also done so. The differences we had with Howard Dean dur-

ing his first terms as Governor pale by comparison both with how closely he is standing with us on national education issues and with how distant his successor Jim Douglas has been on education matters here in Vermont. For reasons unknown to us, Governor Douglas has on multiple occasions not followed up on agreement simply to meet with Vermont-NEA representatives and has chosen in virtually every speech about our school systems to comment, however briefly, pejoratively about your Association.

The prevailing rhetoric about schools, driven by NCLB, mentions student performance – measured increasingly, almost exclusively, by scores on a couple of standardized tests that have no direct effect on the students who take them – in the same breath as student costs. That is entirely fair: Huge portions of public policy are driven by attempts at cost-benefit analysis. What is plainly not fair are unadorned assertions that schools cost “too much” and that an education system that does not produce proportion-

ately high test scores is simply not doing its job.

The “job” expected of schools is much broader than just making our kids good test-takers. And it is a “business,” virtually unique, that does not – and is not permitted to – turn anyone away. It is also uniquely open to public scrutiny and to public debate, and that is how it should be. When something goes wrong in a school, it is matter for concern in the wider community.

With that backdrop, we expect the pending legislative session to be filled with ongoing consideration of the quality of our schools alongside debate about what we spend on them. We expect to hear – and say – more and more about the impact of NCLB on all of us. We expect to talk about the rights of teachers and other educators in the context of professional conduct and professional qualifications. And, we will undoubtedly be working with legislators on matters related to other broad public policy around health care and retirement.

**Cost issues dominate legislative landscape**

Vermont spends more than \$1 billion to educate fewer than 100,000 public school children. People understandably want to know why. Some legislators care less about why and conclude simply that we spend too much and are insistent on doing something – in some cases almost anything

– about it. Last spring, as part of the changes in how schools get money, the Legislature set in motion several special groups to examine school costs directly and indirectly. Their reports come due in and around January, and those who have been following them

*Continued on page 5...*

**Howard Dean would dismantle NCLB**

“What I would do is dismantle No Child Left Behind. There are a couple of good pieces in it. We'll keep those. What I like is the disaggregation of student scores (by racial, ethnic and other key subgroups).

“What I hate is the unfunded mandates and the mindless adherence to third to eighth-grade testing...And the average yearly progress is ridiculous... designed to put public schools out of business...The way the administration has structured it, every public school in the country will be a failing school by 2013 unless there's 100 percent compliance, which is, of course, ridiculous and impossible.”

**- Democratic Presidential Candidate Howard Dean in an interview with “Education Week.”**

**NEA members: Gov. Dean wants your help!**

On Saturday, January 10<sup>th</sup>, Dean for America will be sponsoring a day-trip to New Hampshire to canvass on behalf of Gov. Dean. The trip will be exclusively for the NEA and members of their families. Gov. Dean needs motivated teachers and educators to help him win the New Hampshire primary and take our country back!

The NEA canvassing bus will pick people up at the following locations on Saturday morning:

- 6:45am** South Burlington H.S. Parking Lot
- 7:15am** Camels Hump Middle School Parking Lot
- 8:00am** Montpelier H.S. Parking Lot
- 8:45am** Randolph Union H.S. Parking Lot
- 9:30am** White River Junction Parking Lot next to Best Western on Route 5, 89, 91

The campaign provides all transportation, training, literature and food for the day. All you need to bring is warm clothes, good walking shoes and your enthusiasm.

For more information, or to sign-up to reserve a spot on the bus, please contact:

**Jon Eick**  
**Jeick@deanforamerica.com**  
**(802) 236-5583**

## ESEA National Round-Up

### Republicans Against ESEA

Thanks to the input they received in part from vocal NEA members, two Republican members of Congress—Sen. Olympia Snowe (ME) and Rep. Rob Simmons (CT)—have sent letters to the Department of Education criticizing ESEA/NCLB. Both talked with local teachers before crafting their letters. "The emphasis on standardized testing in the NCLB Act leaves school teachers and school officials with the impression that the Department is focused on a very narrow approach to measuring student knowledge," Snowe wrote. Simmons says he has met several times with an Education Roundtable he established to discuss ESEA reform. "If we are not able to restructure the law to address these issues, we run the risk of losing the worthwhile goals that motivated the passage of this important legislation," he said.

### Supers and Principals Speak Out on ESEA

"Rolling Up Their Sleeves: Superintendents and Principals Talk About What's Needed to Fix Public Schools" is a new 76-page research paper from Public Agenda, a public-policy institute, on the concerns of superintendents and principals about ESEA/NCLB. Some highlights:

- 90% of the 1,006 public school superintendents and 925 K-12 public school surveyed feel they're fighting an uphill battle against a torrent of local, state and federal government mandates and they're not getting the money needed to fund them.

- More than 60% in both groups say the federal law relies too much on standardized tests; more than 50% felt the sanctions are unfair and nearly 90% were highly concerned over the fact that ESEA/NCLB is an "unfunded mandate."

- Less than 10% of both groups feel that special education students and English language learners will show yearly progress with the law as it is now.

### Say that Again!

"The problem lies not in the goal but in the implementation [of ESEA/NCLB]. Government is now applying to education the same kind of micro-regulation that business has objected to for decades. Ambitious goals are set; funding to aid in implementation is reduced below target levels; harsh penalties are imposed. It doesn't work. It is a recipe for ultimate failure."

- Dr. Thomas P. McGarry, superintendent of schools (Mass.)

## Dept. of Ed postpones "highly qualified" letters

MONTPELIER — The Vermont Department of Education (VTDOE) has postponed release of letters to teachers about their "highly qualified" status until January 23, 2004.

The Department plans to send letters in January to teachers of so-called "core academic subjects" to elicit further data from them to determine if they are "highly qualified" under the so-called "No Child Left Behind" (NCLB) law -- the latest version of the 1965 Elementary and Secondary Education Act (ESEA).

If you're confused by the shifting "highly qualified" deadlines, you're not alone. Last July, the VTDOE informed us that it was planning on notifying teachers in writing by late summer or early fall that they might not be "highly qualified." In the last edition of this newspaper, based again on what the state told us, we said that the "highly qualified" notification letters would be mailed by late November or early December.

The reason for the delay is simple: determining who is highly qualified and who isn't has proven to be very complicated, confusing, and burdensome. The feds created a monster, and VTDOE (and you) have to live with the consequences.

When the letters go out in January, we believe the Department will communicate first with teachers whose endorsements are in what the law labels "core" academic subjects. The letter is likely to say the recipient is "highly qualified" or that the Department does not have enough information to determine if the teacher is "highly qualified."

In the latter case, the Department will allow the teacher about six weeks

or so to provide documentation (college or graduate-level coursework, in most instances) that it needs to make a more accurate determination of the teacher's "highly qualified" status. After this, we expect the Department to make an actual conclusion and to send a letter to this effect to both teacher and superintendent.

Vermont-NEA does not believe the process should end here. We are strongly recommending that the VTDOE establish a formal and efficient method through which a teacher may challenge a determination that he or she is not "highly qualified." At this time, we do not know if the Department will heed this advice and if it does, what the appeal process will look like.

The federal law that led to all this talks about schools being required to let parents know if their child has been taught for four consecutive weeks by a teacher labeled "not highly qualified." If this obligation is implemented, it will likely be in the form of a letter from superintendents. Vermont-NEA has provided Association leaders, the Department, and administrator organizations with a model letter for them to consider using for this purpose.

**"What if our school district decided not to send out letters to parents notifying them that certain teachers were deemed not 'highly qualified' under ESEA/NCLB?"**

This question came recently from a local Association in Vermont, and it raises some intriguing possibilities. There is no federal or state posse as yet tracking down superintendents or school board members who refuse to play the "highly qualified teacher"

(HQT) game. In fact, in Manville, New Jersey, Superintendent Donald Burkhardt said recently he would not identify teachers who didn't meet federally imposed HQT criteria "unless somebody comes here and holds a gun to my head." We also know that Minnesota and Montana have told the feds they don't intend to revise their state standards to satisfy ESEA's new qualification standards. If they did this, they say, it would hurt public schools, particularly in rural areas, and damage teachers' professional integrity.

*Local leaders in Vermont should consider meeting with their Superintendents and school boards to discuss ways of not complying with the HQT notification requirements while bolstering support for public schools and teachers.* There is nothing to be gained by leading parents and others to believe their schools are not staffed by competent and qualified teachers. We know the opposite is true, and we know that Vermont's education standards are already high. A discussion of this sort with your administrators and school boards may yield some interesting results and produce an alliance to defend our schools from the worst aspects of ESEA/NCLB.

If your superintendent or school board won't go this far, propose a letter be drafted to Commissioner Richard Cate strongly recommending that VTDOE (a) reverse its present course on the HQT question and (b) aggressively seek greater administrative flexibility from the feds to use pre-ESEA/NCLB Vermont standards to measure teacher qualifications.

Let us know if you pursue this course of action or something similar, and what came of it. -- Mark Hage

## Vermont-NEA offers PRAXIS II workshops

MONTPELIER—Beginning January 2004, Vermont-NEA is sponsoring seven statewide workshops to prepare veteran educators who choose to take a **PRAXIS II content assessment test** to meet the "highly qualified" (HQ) provisions of the Elementary and Secondary Education Act (ESEA), the so-called "No Child Left Behind Act." These workshops will run from 9 a.m. to 3 p.m.; they are free and OPEN TO MEMBERS ONLY. If you're a non-member currently, you can attend these workshops by joining your local Association.

There are more than 140 PRAXIS II tests, but the state of Vermont has approved for its purposes tests only in five content areas: 1) English Language, Literature and Composition, 2) Mathematics, 3) Social Studies, 4) Science (science teachers must complete one test in General Science knowledge, followed by subject specific tests of their choosing from the following disciplines: Biology, Earth Science, Chemistry, and Physics), and 5) Elementary Education: Content

Knowledge.

The PRAXIS II preparation workshops Vermont-NEA is facilitating will be most useful to veteran educators who teach one or more of the five core academic subjects identified above. Those who teach other core subject areas delineated in ESEA are welcome to attend, but at this time there is no PRAXIS II test approved by Vermont for your academic discipline. We'll keep you posted on new test options as they develop. The workshops also may be useful to paraeducators whose districts are using PRAXIS exams to assess the qualifications of paras who must also become "highly qualified" under ESEA.

Here is a tentative agenda:

- A review of the HQ provisions of ESEA and how to meet them
- A general overview of PRAXIS II Content Assessment Tests
- How to deal with test-taking anxiety
- Structure & content of PRAXIS tests
- Critical test-taking skills to maximize success
- Resources to prepare and study for

the tests

Vermont-NEA cannot "teach" the content assessed on the PRAXIS II examinations, but we will provide you with insight into the knowledge domains and standards that are tested and the kinds of questions that are asked. We will also share with you important test-taking skills and give you strategies for dealing with the psychological pressures that such tests engender. Studies show that knowing how to take these tests and how to deal with testing anxiety significantly increase your chance of passing.

Here are the dates and locations of the tests; **note the changes:**

- Jan. 17:** Hampton Inn, Winooski
  - Jan. 31: Comfort Inn, Berlin**
  - Feb. 14:** Holiday Inn, Rutland
  - Mar. 20:** Hotel Coolidge, White River
  - Mar. 27:** Comfort Inn, St. Johnsbury
  - May 1: The Equinox Resort at Manchester Village**
  - May 1:** Putney Inn, Putney
- Reserve a spot by emailing [emcandrew@vtnea.org](mailto:emcandrew@vtnea.org) or calling 1-800-649-6375.

## Legislative Report – Continued from page 1...

know each group's work has huge overlaps with that of others. One special committee has been looking directly at "cost containment," another is looking at how school systems are structured – the word "governance" is used for that one – yet another is overseeing implementation of NCLB in Vermont, and the Commissioner is supposed to report on so-called "unnecessarily burdensome or redundant requirements placed on local school districts." Finally, the Legislature commissioned a study to determine the cost of a "sound education." Here's what some of their work looks like:

### "Cost containment"

The unadorned charge of this group has been to "target cost drivers and reduce the cost of education." It is supposed to look at an array of possible explanations for the cost of schooling and make recommendations. Fortunately, the committee, consisting of Democrats and Republicans from the "money" and Education Committees of both Houses, generally understood that there are limited ways to reduce the cost of education without compromising its quality.

This group is also a bit hamstrung because some of what it is supposed to be addressing is under more concentrated examination in other groups. For example, it is supposed to "review school district size to identify opportunities for economies of scale in administrative services," plainly within the assignment as well of what is called the Council on Governance. Another focus of this group is the supposed "cost savings resulting from a review of state and local mandates." Whatever "local mandates" means, it is plain that it overlaps with the Commissioner's duty to report on so-called "unnecessarily burdensome or redundant requirements." In any event, this committee has heard from many different sources for ways to address school costs, from energy efficiency to collaborative teacher recruitment to health insurance costs.

The cost of health insurance has been an instructive exercise for many legislators. Many began last January without any knowledge of the decade-long successful effort by Vermont-NEA and the School Boards Insurance Trust to keep insurance costs in public schools manageable. Everything is relative in the world of insurance, of course. Over the decade, the Vermont Education Health Initiative (VEHI) has come to be the insurer of every Vermont public school and some private schools. Its average annual premium increase has been "just" 9.25%, which, as large as that increase is, compares favorably with virtually any other group, as does its roughly 5½% administrative costs. More significantly, the cost of its most subscribed plan is significantly below that of what the State offers its own employees. Upon learning these facts, the

committee concluded it would not be making any particular cost-cutting recommendation under this heading.

### "Governance"

The Council on Governance actually has a two-year life span. Half a year in, it appears headed toward enabling, rather than forcing, local communities to study the possible benefits of consolidating schools, boards, and programs. That may be the single most important direction it may take. Study after study of this topic in Vermont has gathered dust on shelves following completion simply because no one paid sufficient attention to the importance of local communities' values and circumstances. If this group avoids that mistake, some good things may result. That being said, some members of the council start with the premise the administration of our schools is simply too top heavy, too "inefficient," and, therefore, too costly. Some have been inclined to force that issue by "simply" collapsing our 60 supervisory unions into 1 for each of Vermont's 14 counties. Others believe we have too many small schools and that contributes hugely to the cost of the system. In reality, small schools enroll only about 2½% of Vermont's students, and their average per pupil cost is well below the overall state average. There may be sound reasons in different communities to arrange for schooling differently, but significant cost reduction is almost invariably not among them. This Council will be submitting a rather brief status report on its work this January.

### "Unnecessary mandates"

The Legislature required the Commissioner of Education to ask the school administrator and boards organizations to submit to him what obligations placed on schools they want to get rid of – because they are "unnecessarily burdensome or redundant." Those groups purposefully excluded other groups – notably Vermont-NEA and groups representing parents and children – from their process of developing recommendations. The result was predictable, and it was predicted. They submitted their report to the Commissioner, who now is placed untenably between the rock of accepting recommendations other groups find unworthy and the hard place of rejecting them and having to explain why.

A couple of examples: The combined effect of federal and Vermont parental and medical leave laws permits employees to take up to 6 of 12 weeks of leave out of their accumulated sick leave. The effect is that employers pay for those six weeks and, of course, the employee has 6 weeks less in sick leave. The school boards and administrator groups have asked the Commissioner to recommend repeal of this fundamental family and employee protection provision or have the State somehow pay di-

rectly for its use. Had these groups sought our counsel, they might have avoided looking so small. Anyhow, we gave the Commissioner comments on this report, despite the absence of any provision for doing so. Regarding this recommendation, we wrote:

*The report labels family and medical leave rights "important social policy" but nevertheless recommends its partial elimination. People make the same argument about the minimum wage but don't require government to pay it. And about overtime and limiting normal workweeks to 40 hours and keeping children from being exploited in the labor market, and a hundred other protections. The Department of Education should offer no assistance whatever to diminishing the hard-fought rights of working Vermonters. This recommendation is numbingly narrow in perspective and is simply unworthy of consideration.*

Another proposal is the elimination of the obligation that a school make driver education available during school hours. Here's what we wrote in response:

*This narrowly conceived idea crops up every few years or so. Please do not even consider acceding to it without hearing from insurance adjusters, whose rates for young drivers vary with their having successfully completed driver education, from low income parents who often have no means of transporting their children, from them and their children, who often must undertake after-school employment to help their families make*

*ends meet, and from driver educators themselves, who can confirm what these others will tell you. But for the availability of driver education during school hours – whatever scheduling difficulties it presents school administrators and boards – many children simply would not have access to it. Finally, there is no impediment now to offering driver education outside normal school hours as well.*

The report from school boards, superintendents, and principals has some good recommendations, but it has many others – beyond the two mentioned here – that are unworthy and small. Unfortunately, these groups chose a closed process through which to develop their proposals, and the Commissioner and the rest of us now have to deal with them. (You can find the report itself on the school boards association website. You can get our comments on it just by asking.)

### NCLB Oversight

This legislative group is among the now best informed about the difficulties Vermont and other states face implementing this fatally flawed law. We are hopeful its members will bring to legislators the message generally that, however high-minded the stated goals and rhetoric of the so-called "No Child Left Behind" Act are, its methods are punitive, statistically impossible, narrowly focused on tests, and, consistent with the theme of the legislative session itself, costly. Indeed, the very gathering of this committee costs the State money it would not otherwise be spending.

## The Legislature is about more than cost

Beyond the cost of education, there is an array of policy discussions the Legislature will surely have about education. As usual, we will have to contend with the politically charged issue of what some call "school choice." There will be assorted public pension retirement issues up for discussion. We may face some legislative fallout from several teacher discipline matters. And, of course, we will have the ongoing task of explaining the implications of imposed federal law. Beyond that, this may be one of those years that general public policy around health care draws focused attention. Waiting in the wings are labor issues, such as spiked worker compensation premiums and agency fee.

### School choice

It is an election year, after all, and proponents of school choice always try to heighten the focus on this issue in an election year. We've been informed that the Governor intends to "make" school choice an election issue this year. We know that several new members of the State Board of Education serve on the governing boards of pro-voucher organizations. We believe some members of the House Education Committee will be seeking to consider related legislation.

The underlying concerns public

educators have had about school choice have really never changed. Indeed, Vermont-NEA voiced concern that State-imposed school choice would inevitably "leave" many children "behind" long before the term was co-opted by federal law. We hear supporters of "No Child Left Behind" – the law – support enabling children to leave their community's school with what amounts to \$6000 pinned to their lapel. We never hear a peep of concern from them about lost resources, programs, and course offerings to the children left behind in their own community.

School choice support is characterized by a mixture of bad ideology and good intentions. Those driving the issue ideologically often want to "privatize" public education. There are limited differences between them and those seeking to privatize Medicare, Social Security, and other bedrock social programs. They tend to bring along with them some well-intentioned folks who find choice simply a way of addressing issues of "fit," of individual student needs. Would it were that simple. When Vermont's Supreme Court concluded our own constitution required substantially equally educational opportunity to be the right of every child, it gave us a

*Continued on page 6...*

## AFLAC is not endorsed by Vermont-NEA

MONTPELIER — Beware! AFLAC sightings have occurred this year in some school districts. Certain administrators have been convinced to offer AFLAC representatives a captive audience at faculty gatherings or in other venues. A few words of caution:

1) AFLAC is NOT endorsed by Vermont-NEA or NEA Member Benefits, which means the company has not gone through our extensive application and review process, nor is it subject to our evaluation and accountability procedures.

2) Don't assume that if AFLAC or some other non-endorsed company is in your school it is with the blessing or even knowledge of your local Association. Find out who let them in and why your time is being taken to satisfy their business needs.

3) You should not be forced, at some administrator's fancy, to sit through a presentation by a salesperson from AFLAC or any other non-endorsed insurance company. Neither are you under any obligation to purchase something or sign a document confirming your intention NOT to buy what is being sold. If your administration tries to persuade you to do any of the above, consult with your UniServ Director about filing a grievance or taking some other measure to register your displeasure.

4) If AFLAC or another non-endorsed company doesn't deliver what it promises or falls short of your expectations, there is nothing Vermont-NEA or NEA Member Benefits can do, except to commiserate with your bad fortune.

5) This advice is for local leaders. Because you were elected to protect the well being of your colleagues, think long and hard before you invite or are party to an invitation that brings insurance agents from non-endorsed companies into your school. Your reputation, and that of the Association, is on the line if things don't go well and if people feel they are being pressured to buy something they don't want.

6) Finally, Vermont-NEA and NEA Member Benefits have experts who work on your behalf. Our endorsed representatives are specialists in their field and are bound by a code of ethics that puts the welfare of members first. We urge you to take advantage of the services, products and reputation of your Association's endorsed programs.

## Protecting your retirement system

# VSTRS fires Putnam Investment Advisors

MONTPELIER — In late October, the Board of Trustees of the Vermont State Teachers' Retirement System (VSTRS) fired Putnam Investment Advisors, one of its international equity managers, for serious investment transgressions.

VSTRS was the first to take this action, and several other retirement systems followed suit. VSTRS has \$1 billion in assets, and like most public retirement systems, the bulk of these assets are invested in stocks and bond markets. Putnam manages many billions of dollars in retirement investments; \$91 million belonged to VSTRS.

When VSTRS learned that Putnam had not been playing by the rules, it knew the investment firm would soon lose credibility—and business—nationally. As Jay Kaplan, a Vermont-NEA member and current VSTRS trustee, explained, "When we learned what Putnam had done, we anticipated the company would be

fired by many retirement systems. So speed was of the essence. Because VSTRS got out in front on this and severed its business ties first, it was better able to protect the value of its assets from the adverse financial pressures that came when other public retirement systems dropped Putnam and the firm started selling its securities in response."

According to Kaplan, Putnam admitted to engaging in the following unethical or illegal practices:

### Market Timing

Each day at 4 p.m., when U.S. markets close, fund managers set the price of their mutual funds' shares based on the market value of stocks and bonds they own. This price setting is framed by the value of international shares that closed many hours earlier. Setting prices like this is not illegal, but it opens the door to handsome and ill-gotten profits by unethical fund managers who choose to trade "late" on their inside knowledge.

### Late Trading

This practice is illegal. It occurs when fund managers either trade on their own accounts or others trade for those accounts after 4 p.m. when no one else is allowed to trade and late-breaking investment news suggests that such trading would be financially beneficial.

### Directed Brokerage

This, too, runs foul of the law. Essentially, it's when fund managers confer favors on select brokers they want to reward, like placing more trades with them.

VSTRS acted promptly and correctly when it severed its investment relationship with Putnam. The trustees, who include three members of Vermont-NEA—Jay Kaplan, Joe Mackey and Jon Harris—made a decisive move that protected the long-term interests of Vermont's teachers and the financial stability of their state retirement system. -- Mark Hage, Benefit Programs Director

## Legislative Report — Continued from page 5...

context for discussing competition in public education. Choice, free market, competition proponents have always asserted that putting schools in competition with one another for students would improve the system (and they also say, with unknown explanation, it would cost the public less). We said then, and we will continue to say, the notion of competition has its place in our culture and in the life of our public schools, but our obligation runs to every child, including those choice proponents would "leave behind." So has run the debate, and so will it continue, with the added burden of school choice as a federal punishment to schools that don't make adequate yearly progress.

### Retirement

**Teachers.** The annual funding issue in the teachers retirement system continues, although benefits to individual retired teachers are not affected in any direct way by it. In short, because the State has contributed less for each of the past 15 years or so than was actuarially called for, taxpayers now are paying nearly double each year than would otherwise have been necessary. We'll continue to make that point, and we hope the State Teachers Retirement System Board will be more vocal about it as well.

Beyond that, we will continue to draw attention to the absence of a spouse's health benefit in the system, in marked contrast to what is afforded retired State employees. We will also participate in the discussion about whether to create a single group to make investment decisions for retired teachers, State employees, and municipal employees (the majority of whom are retired school employees). The purpose of that plan would be to

save the State administrative dollars.

**ESP.** School employees other than administrators and teachers may participate in the Municipal Employees Retirement System. Vermont-NEA is in the midst of examining a wide range of issues leading toward a formal approach to retirement issues for ESP and other "municipal employees." A committee consisting of ESP delegates from each UniServ District has been meeting this fall and will present its report at our annual meeting in early April. In the State House, we intend to raise the inadequate manner in which the State helps provide for the retirement of this group of career civil servants.

### Teacher discipline

In the wake of several instances of teacher discipline that attracted public attention this past year, it would not be surprising if some bill or bills were introduced to address the general issue. Without seeing any, we don't know what our position will be. In general, the system operates well enough to address allegations of misconduct, where the public is protected and individual teachers well represented. What is inadequate in the current system, and one we will raise as we can, is the current absence of any useful peer role in professional discipline of teachers. This has nothing to do with leniency and everything to do with professionalism. The Department of Education not only offers teaching professionals inadequate involvement in disciplinary cases, where peer counseling over and above investigation of allegations is called for, it sought last spring to eliminate what involvement teachers actually do have. That is enough for the Association to raise the prospect of having

teacher discipline managed in ways directly comparable to that of doctors, lawyers, nurses, social workers, and dozens of other professional occupations.

### NCLB

Explaining federal law will be an ongoing activity in the State House. The law has dozens of major implications for schools and children. We tend to focus on the "big" ones: What does it mean for the State to conclude its licensed teachers are highly qualified but not under the imposed federal meaning of the term? What will it mean for the capacity of school systems to meet the needs of special needs students if the required minimal standard for paraprofessionals, as it does, is far out of sync with the typical wage rate offered them? What does the statistically irrational "adequate yearly progress" methodology portend for the integrity of school systems and communities generally?

The session is likely to be an intense one. The constant drumbeat about the cost of education, while it is always a legitimate component of public discourse, is simply louder than usual. It is one thing for the Governor, or other officials, legitimately to focus public attention on making spending for an already high quality school system more sustainable. It is quite another for the Governor, or other officials, to claim the system costs too much and at the same time claim "we're not getting what we're paying for," always relying on fundamentally flawed statistics to make the point. It is in this context that this session, and consideration of all issues, whether related directly to spending or not, continues. ■

# Welcome Tom Walters to the Vermont-NEA staff

Vermont-NEA Photo/Art Huse



*Tom Walters joins the Vermont-NEA staff this month as an organizer. He will assist local Association organizing efforts, including contract crisis build ups and mergers. He also will handle Vermont-NEA political organizing, candidate recommendations, and legislative relations.*

MONTPELIER — Thomas J. Walters, known to many of us as an accomplished instrumental music teacher at Mount Mansfield Union High School in Jericho and editor of the award-winning Green Mountain-NEA newsletter, has joined the Vermont-NEA staff as an organizer.

In his new role, Tom will assist local Association organizing efforts, including contract crisis build ups and mergers. He also will handle Vermont-NEA political organizing, candidate recommendations, and legislative relations.

What motivated Tom, at the height of a great career in music education, to change careers? "The current political climate made it easy for me to want this job!" said Tom, adding: "As a teacher, I've always been active in Association issues at the local level. When I first began teaching, I was employed part-time at only 60%; I began publishing the Green Mountain NEA newsletter as a way to help pay my Association dues. Over the years, as I researched and wrote articles for the newsletter, I became acutely aware of the often negative impact of politics upon the entire public education community. Currently, it seems like public education is under the gun and, in many cases, being dealt with illogically by politicians. For instance, when one studies the "No Child Left Behind" law, many of the provisions simply make no sense to those of us who actually work in schools. I will miss my music students terribly, but I feel it's time to try and make a change at the State level."

Part of Tom's new responsibility at Vermont-NEA will be to get more local Association members interested and involved in the political process. Asked why he thinks teachers and ESP ought to care about politics, he says: "My initial response is 'Do you want to keep and enjoy your job?' That may sound like hyperbole, but I am concerned about terms such as "highly qualified teacher" and "adequate yearly progress." Toss in local budgets being voted down and I think it's easy to see why every person involved in public education needs to be concerned. Like it or not, politicians hold the purse strings and the rule book for public education."

Tom brings unique skills to his work at Vermont-NEA. His experience directing a concert band, wind ensemble, marching band, and jazz band certainly honed his organizing ability. He also worked as a recording studio engineer at White Crow Audio in Burlington, where he produced and engineered advertisements for such clients as Senator Patrick Leahy, Senator James Jeffords, Congressman Bernard Sanders, and Ben & Jerry's.

What is he most looking forward to in his new job? "An office with a window!" he jokes. "I've worked for the past 16 years without sunlight!" Then, Tom is serious: "I'm looking

forward to working for and with people involved in public education from all over the state. From my experience in Chittenden East, I've learned that educators are the best people in the world and do some of the toughest, most thankless work to be found."

Tom Walters starts work on January 5. He'll continue to enjoy music as a musician with the band "Right Idea," and he's teaching himself to play the dobro, a slide guitar often used in country and blue grass music.

Tom lives in Burlington with his wife Shannon (librarian at C.P. Smith School) and sons Nathan, 4, and Luke, almost 2 months. ☺☆✧★

## Hats off for Dr. Seuss!

Whatever hat you usually wear — or even if you've never worn one — the NEA's Read Across America has plans for you on March 2, 2004. The day will mark what would have been the 100<sup>th</sup> birthday of Theodor Geisel, better known to millions as Dr. Seuss, and the plan is to bring the entire na-

tion under one hat — the familiar red and white stovepipe chapeau made famous by the good doctor himself.

Vermont-NEA members can get a FREE red and white Cat-in-the-Hat hat by posting your school's plan for celebrating Dr. Seuss' birthday on the NEA website. Go to [www.nea.org/readacross/contacts/rdact-vt.html](http://www.nea.org/readacross/contacts/rdact-vt.html)

and click "pledging to participate" to submit your plan and we will send you a FREE hat. Extra terrific plans can earn extra hats: Just send email to [vtnea@together.net](mailto:vtnea@together.net) to tell us why the plan you post on the NEA website deserves extra hats. ■

## Upcoming Association events...

### January 10

Vermont-NEA Board meets in Montpelier.

### January 5

Deadline for January issue of *Vermont-NEA Today*.

### January 10

Day-trip to New Hampshire for Vermont-NEA members to canvass on behalf of Gov. Dean.

Call Jon Eick to reserve a spot on the bus: (802) 236-5583,

### January 15

Vermont-NEA candidate petitions due.

Deadline for Vermont-NEA Teaching Excellence Award nomination.

### January 20

NEA New England Leadership Conference.

Martin Luther King, Jr. Day

### January 22

School Nurses Day

### February 1

Deadline for Vermont-NEA/Maida F. Townsend Scholarship Applications.

### February 7

Vermont-NEA Board meets in Montpelier.

## Vermont-NEA Board seats up for election

MONTPELIER — Six of 16 area director seats on the Vermont-NEA Board of Directors are up for election this year. To be placed on the ballot for the April election, candidates for the three-year terms on the Board must submit petitions signed by 25 Active Association members in their Area.

The deadline for candidate petitions to be delivered to Vermont-NEA headquarters in Montpelier is 5:00 p.m. on January 15. Call Sandy Perkins at 1-800-649-6375 for more information.

These are the Board Director seats up for election:

**Chittenden, Area 1** (Burlington, Colchester, Winooski)

**Northeast Kingdom, Area 1** (Essex and Caledonia counties)

**Southern Vermont, Area 2** (Bennington county)

**Northwestern Vermont, Area 1** (Franklin, Lamoille, and Orleans counties)

**Central Vermont, Area 2** (Washington & Orange counties)

**Addison-Rutland, Area 1** (Addison county)

# OPPORTUNITIES

**"No Child Left Behind"**  
Great name. Bad law.  
Learn why...

## DEFENDING VERMONT PUBLIC SCHOOLS

A Vermont-NEA Conference for Educators and Their  
Allies in School Administration, Government and Communities

February 6-7, 2004  
Sheraton Conference Center  
South Burlington

### "No Child Left Behind" focuses on punishments rather than help

Schools across Vermont have begun to feel the effects of a new federal education law. Despite the allure of its name, the so-called "No Child Left Behind" (NCLB) law -- the latest version of the 1965 Elementary and Secondary Education Act (ESEA) -- focuses on punishments rather than help, federal mandates rather than local flexibility, and one-size-fits-all requirements rather than solutions that meet each child's individual needs.

ESEA/NCLB mandates student testing, a complex system of accountability to determine adequate yearly progress (AYP), licensing requirements for teachers, quality standards for paraeducators, and sanctions against schools that don't meet new federal requirements.

Educators and the school community certainly support the goals of the new law: improving student academic achievement, ensuring that every classroom has a quality teacher, and holding high expectations for all children.

However, the new law's testing mandates present real obstacles to helping every student succeed. And our schools now are bracing for the excessive paperwork, bureaucracy, financial burden, and damage to public confidence that ESEA/NCLB is creating.

This Conference is dedicated to limiting the negative impact of the so-called "No Child Left Behind" law.

#### On Friday, February 6...

- ✓ Find out what teachers and paraeducators need to do to be considered "highly qualified" under the new federal law

#### On Saturday, February 7...

- ✓ Learn about the so-called "No Child Left Behind" law
  - How can a law that sounds so good do such damage?
  - What is the financial impact of the law?
  - What are the politics surrounding ESEA/NCLB?
  - How do certain provisions punish Vermont schools?
- ✓ Make plans with a team from your community to support and defend your school

### Register a team from your school. Here's how...

**Attendance:** All Vermont-NEA members are welcome to attend. Association members are encouraged to invite other members of their school community -- parents, school and select board members, administrators, legislators -- to join their team for the Saturday conference sessions that will deal with:

- ✓ "Adequate Yearly Progress"
- ✓ The politics surrounding ESEA/NCLB
- ✓ The financial impact of ESEA/NCLB
- ✓ Certain impossible-to-surmount provisions of the law
- ✓ What we can do to Fight Back

**Meals:** All meals -- dinner on Friday, breakfast & lunch on Saturday -- are FREE for Vermont-NEA members.

The Conference, including breakfast and lunch, is FREE for the guests you register for Saturday.

**Overnight rooms:** Rooms for Association members on Friday night will be paid for by Vermont-NEA based on these guidelines:

- ✓ All local Associations may send two members for FREE. If the local Association represents both teachers and ESP, then both groups must be represented.
- ✓ If the local Association is a merged supervisory union local, then the local may send five members for FREE.
- ✓ If schools where local Association members work have been identified as "failing to make adequate yearly progress," then the local may send five members from each school for FREE.

**The Conference** will focus on defending Vermont public schools from the punitive mandates and sanctions required by the federal government under the so-called "No Child Left Behind" (NCLB) law.

**Friday:** The Friday evening sessions will deal with the new federal requirements for paraeducators and teachers to become "highly qualified" under ESEA/NCLB, collective bargaining, and job security

**Saturday:** The Saturday program is open to school administrators, school and select board members, legislators and parents who are invited by local Association members to join the local team. In the afternoon, the teams will develop community plans to protect their schools.

**Call 1-800-649-6375 for a Registration Form**