

TENNESSEE EDUCATION ASSOCIATION PUBLIC SCHOOL ADVOCATE



LEGISLATIVE REPORT | March 5, 2018 | VOLUME 4, ISSUE 3

State grapples with keeping students, schools safe

After the school shooting tragedies in Florida and Kentucky, school security is a dominant topic in the General Assembly. There is universal agreement the state needs to do more for SRO funding, but with inaction from the administration in past years on helping pay for school security, there are now bills that differ greatly on how to address safety gaps.

With the backing of TEA, a bipartisan group of Tennessee lawmakers is proposing a measure known as the School Safety Act of 2018, utilizing off-duty law enforcement officers to provide security. Participation would be voluntary, officers will be required to carry a gun, and they will be paid using state and local civil asset forfeiture funds.

Rep. Micah Van Huss (R-Jonesborough) and Rep. Antonio Parkinson (D-Memphis) unveiled the school safety act during a news conference on February 28.

School safety
cont. page 7



SAFE SECURE SCHOOLS

TEA legal victory reinforces importance of tenure

TEA's legal team helped a tenured Cheatham County teacher with almost 30 years of experience win back three years of compensation and retirement eligibility after she was dismissed from her position at the end of the 2013-14 school year.

Carlisa Elmi dedicated 19 years of her teaching career to Cheatham Co. Schools when she was dismissed on charges of insubordination and inefficiency. A veteran TEA member,

Elmi turned to her association for help, and it filed a lawsuit on Elmi's behalf in the Cheatham County Chancery Court. When that court ruled against Elmi, TEA appealed to the Tennessee Court of Appeals — and prevailed. Elmi won her appeal at the end of last year.

“Even though I had tenure, I was fired,” Elmi said. “No one is immune to being dismissed from their

Tenure rights
cont. page 8

Legislators work to ensure raises reach teacher paychecks

With the goal of “Beating Bama” in average salary in sight, teacher pay is a hot topic at the statehouse.

Building on arguments made by TEA, lawmakers continue to press for assurances that money they approve for teacher pay makes it into their checks. The growing realization that pay raise money can translate to little or no salary increase for teachers has led several lawmakers to wonder if a legislative fix is needed.

“Why do we not automatically raise [the state minimum salary schedule] every year by whatever the raises are

going to be?” asked Rep. Charles Sargent, chair of the House Finance committee, during the department's budget hearing.

This is an approach supported by TEA as a means to drive money into teacher paychecks by raising the floor every year there is a pay increase provided by the legislature. This is especially important for rural teachers, where the most frequent teacher pay stagnation is seen.

Education Commissioner Candace McQueen pointed out that the State Board of Education did raise the state minimum salary schedule (SMSS)

Teacher salary
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Licensure proposal goes beyond student safety

How would you feel if your teaching license was suspended for a year, and your career destroyed, because you arrived 30 minutes late to one of your high school classes? Is that worth a career? It's a recent example of licensure action taken by the State Board of Education (SBE), and this teacher's career was saved because the educator was a TEA member.

TEA lawyers pushed back, and the year-long suspension was dropped.

The SBE has increased license suspensions, often for what classroom teachers would see as inadvertent or minor mistakes, and worked to establish licensure rules. Heavens help non-member teachers who get a license suspension letter from the state without the expert representation of their association.

Using a recent state report on

teacher sexual misconduct, the SBE has been pushing bills that substantially increase its ability to set rules and expand infractions that jeopardize educators' careers. Couching the rules as dealing with sexual misconduct, they were approved by the Joint Government Operations Committee on February 25. TEA testified against the rules, as it has done for the past year.

“Revocation and prosecution is the only response to sexual misconduct of a teacher. The state board of education already had the power to revoke licenses for these heinous actions and other crimes,” said Jim Wrye during the rule hearing. “Yet the vast majority of these rules deal with suspensions and reprimands, so this clearly is not about sexual misconduct. The state wants to override local discipline decisions. With these

Licensure bill
cont. page 7



THE STRONGEST VOICE FOR SCHOOLS AND EDUCATORS

Keeping students, schools safe requires a group effort

By TEA President Barbara Gray



It is time to bring back the “it takes a village” mentality to raising and educating our children. Their safety literally depends upon it. I believe strong partnerships, open communication and judgment-free support would go a long way toward keeping our students and schools safer.

Parents and teachers share this tremendous responsibility to help children become well-rounded, well-adjusted members of society. This shouldn't be something we take on alone.

It's impossible for any one person to know and understand all aspects of a child's life or their daily struggles. To get a complete picture of our children's well-being and to identify potential problems, there must be more open and honest communication between parents, teachers, classmates and community members who interact with our students.

Parents and teachers share this tremendous responsibility to help children become well-rounded, well-adjusted members of society. This shouldn't be something we take on alone.

There is a lot of heated debate going on right now about how to best keep our students, educators and schools safe. While we work with elected officials to determine the best legislative course of action, improving our

communication and partnerships is something we can take action on right now. It is not the only answer and it certainly will not solve all of our problems, but it is a start and we don't need legislation to accomplish it.

In recent years we have seen an increase in collaboration among educator, parent and community organizations working together to advocate in the best interest of our students and public schools. These partnerships have proven quite effective in defeating legislation like private school vouchers and tying teacher licensure to test scores. Imagine the benefits for our students if we take these alliances into the classroom.

Working in partnership with parents, students and others, we could not only identify potential problems and those students who might cause harm, but we could also identify the support and resources all of our students need for success in the classroom and out in the real world.

For the sake of our students, let's drop our assumptions and judgment of the parents who can't make it to conferences or never sign the papers we send home. Let's take a different approach to the students who always act out or sit silently refusing to engage in the lesson. Let's look to colleagues, administrators and members of the community to help develop our students into the good citizens we know they can be.

Start the discussion in your classroom, in your school. Ask the questions. Form the partnerships. Let's do what we already have the power and ability to do to return our schools and classrooms to safe, welcoming learning environments.

Time for promises to end up in paychecks

By TEA Executive Director Carolyn Crowder



When the governor announces at the State of the State each January to a standing ovation his intent to increase public school funding, including a specific raise for teachers, it is understandable that teachers expect to then see that raise show up in their paychecks.

Unfortunately, that has just not been the case in Tennessee. Year after year, Gov. Bill Haslam has made good on his promise to increase teacher salaries, but when the new school year rolls around and teachers receive their first paycheck many are not seeing the raise the governor intended for them to receive.

So where is it going wrong? And more importantly, how do we fix it?

Those who have been teaching in Tennessee for a few years will remember Kevin Huffman, Tennessee's former commissioner of education. His parting gift to the teachers of Tennessee was to almost completely dismantle the State Minimum Salary Schedule.

At his recommendation, the State Board of Education dramatically reduced the number of steps and removed increases based on advanced degrees - because why value an educated educator?!

To call these changes absurd and a slap in the face to our profession, would be an understatement. The salary schedule we were left with places no value on experienced teachers or those who chose to earn advanced degrees. It is a disservice to our teachers and to our students.

To make matters worse, when the governor and General Assembly passed a salary increase for teachers in recent years, the State Board no longer applied the full amount to the salary schedule. Changes to the salary schedule gutted its overall power to lift all teacher salaries, but especially hitting the lowest paid teachers working in rural Tennessee.

TEA has been working to reverse the damage done by these changes and will continue our efforts this year. TEA members successfully pushed for new language requiring districts at or below the minimum salary schedule to apply all increased funds to teacher salaries, eliminating loopholes to use that money for other expenses.

...too many teachers are still not seeing the full raise they were promised. We must keep the pressure on our elected officials, both at the state and local level.

In addition, as members worked to educate their elected officials about what was really happening with the teacher raises the legislature passed, TEA staff worked with the leadership of the General Assembly to apply pressure on the State Board to reinstate the practice of applying appropriated salary funds to the salary schedule.

While things have been slowly improving, too many teachers are still not seeing the full raise they were promised. We must keep the pressure on our elected officials, both at the state and local level, to ensure salary increases are showing up in teacher paychecks.

Be sure to read the article on pages 1 and 7 to better understand how teachers get paid and how you can join the effort to protect teacher raises.

TENNESSEE EDUCATION ASSOCIATION PUBLIC SCHOOL ADVOCATE (USPS 17201) is published nine times, biweekly, mid-January through mid-May, by the Tennessee Education Association, 801 Second Avenue North, Nashville TN 37201-1099. Periodicals postage paid at Nashville, TN, and additional offices. **POSTMASTER:** Send address changes to **TENNESSEE EDUCATION ASSOCIATION PUBLIC SCHOOL ADVOCATE**, 801 Second Avenue North, Nashville, TN 37201-1099. Periodical postage paid at Nashville, TN, and additional offices. The subscription price of \$6.89 is allocated from annual membership dues of \$258.00 for active members; \$129.00 for associate, education support and staff members; \$16.00 for retired members; and \$10.00 for student members. Member of State Education Association of Communicators (SEAC).

Postmaster: Send address changes to **TENNESSEE EDUCATION ASSOCIATION PUBLIC SCHOOL ADVOCATE**, 801 Second Avenue North, Nashville, TN 37201-1099.

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UniServ Staff contact information can be found on page 6.

TNReady scores do not match up with what we know to be true

High-performing system has most students going to college, yet state tests show they are below grade level

We've come to the conclusion, like a lot of parents, teachers and even lawmakers, that Tennessee's standardized testing system has serious flaws.

Forget misscored tests, lost student data or the other recent bad headlines for the state's TNReady system, the failure runs much deeper and is more hurtful to students and communities. We have at its core a system where state assessments are clearly often wrong about students.

Take Williamson County as an example. The key goal of parents and teachers—along with the state—is to have children graduate on time, and either go to college, enter a vocation or get a good job. Williamson County does better than most of the nation at meeting this goal.

Williamson's average ACT score is 25.3, four points above the benchmark for college readiness and well above the national average. The on-time graduation rate is 95.6 percent, with every student getting a diploma passing Algebra II, a difficult course that includes advanced polynomials and trigonometric functions. And to show just how deep success goes, 80 percent of all Williamson students scored a 21 or better on the Math portion of the ACT, indicating almost every non-special needs student will get a "B" or better in future college Math courses.

Adding to this record of success, the Tennessee Higher Education Commission says 83 percent of Williamson's graduates went directly into college—far out-pacing national averages—and 75 percent qualify for the Hope Scholarship.

Yet TNReady, the state standardized testing system, said that only 46 percent of Williamson County's students were on-track or better in

Math. From third grade to senior year, according to state tests the majority of Williamson students are below grade level in Math.


We've spent \$30 million on a testing system that provides data that is contradicted by student outcomes — every student will be demonstrably college ready but most are behind. If TNReady is wrong about Williamson County, they are wrong everywhere.

Headlines on how few Tennessee students were on grade level were recently plastered all over the state. According to TNReady, only one-third of Tennessee's students are on grade level in English and Math, with many urban and rural districts getting slammed for even worse outcomes.

We got here—where ACT and graduation rates have never been better as TNReady scores indicate disaster—because the Tennessee Department of Education is continually changing academic standards, ramping up requirements and altering how students show learning to a degree that may raise questions. TNReady results are also aligned to another test not designed for students to pass: the National Assessment of Educational Progress, a federal test given to a handful of fourth and eighth graders every two years to rank states. It's no surprise that Tennessee's number one goal according to the state strategic plan is to improve our rank in NAEP, more important than graduation rates or anything else.

As we approach another testing season of TNReady, we hope for the best for our students. But if last year was any indication, we may have already done poorly before the first test booklet is opened.

Use your teacher voice!
Start collaborative conferencing in your district.
TEA staff can help.



Contact your UniServ coordinator to learn how to get started. See page 6 for contact information.

ASK TEA

**ANSWERS FROM THE EXPERTS
AT THE TEA HOTLINE**

Q: In response to the school shooting in Parkland, Fla., I have heard that many students at my school are planning to participate in a walkout on March 14th. If the students in one of my classes do walk out, what should I do?

A: First, walkouts and strikes are against the law for Tennessee teachers. Tenn. Code Annotated (TCA 49-5-607) provides that educators who engage in or participate in a strike are subject to dismissal and forfeiture of tenure. Therefore, it is not recommended that you participate in any sort of walkout, unless authorized to do so by your school administration. It is suggested that members contact their local association leaders who have begun to engage school district administration in developing plans for student and teacher behavior on these days. Teachers have a responsibility while on duty to follow administration directives, and will need to have clear expectations communicated to them. So, if in doubt about what you should or shouldn't do, ask your administrator. If the school district has not developed protocols about how to handle student walkouts, educators should immediately inform administration when the situation arises and seek guidance as to how the walkout should be handled.

What teachers can do is participate in off-the-clock political and community action to advocate for policies that will make our schools safer. Educators can participate in marches, petitions, letter-writing, phoning, and lobbying. However, school employees should avoid making any complaints against administrators, co-workers, or — especially — students. They should also avoid any suggestion that they are acting/speaking in their official capacity or on behalf of the school or district which employs them.

Educators should maintain contact with local association leaders who may have updates from the school district as well as from TEA and NEA.

Q: Since moving into a wing of the building that was renovated last fall, I've had strange dizzy spells and terrible migraine-type headaches. Some of my colleagues are having similar symptoms, and we realized it must be something environmental. Students have also started complaining about headaches, and many are missing school more than usual. Who is the right person to contact to make sure our building is a safe environment for teachers as well as students?

A: From your question it seems you have not identified a specific potential source of the concern, such as black mold or a gas leak. We suggest that you and your colleagues start by working with your building representative to make a report or complaint to the district's designated person responsible for environmental concerns. Also consider reporting your symptoms to your administration as an on-the-job injury pursuant to your district protocol. If those tactics do not result in remediation of the issue within a reasonable period, contact your UniServ coordinator for additional assistance in advocating for a solution to the issue. Your local association should also consider addressing workplace safety and environmental issues through the collaborative conferencing efforts under PECCA.



The TEA Advocacy Hotline supports local leaders and building representatives in answering member questions. If you have an employment-related question, please contact your building rep or UniServ coordinator.

Spring into

Don't miss these opportunities to stand united in education in advocating for our profession, our

TEA Civication

Every Tuesday: March 13 - April 10

TEA invites all members to come to Nashville on the Tuesday of your Spring Break to meet with legislators and advocate for public education. TEA provides breakfast, will reimburse mileage and provides a hotel room for those who live more than 50 miles from Nashville.

Agenda:

- 7:30 a.m. TEA building
Complimentary breakfast
Legislative briefing with TEA Government Relations staff
- 8:30 a.m. Walk to Cordell Hull, the new home of the General Assembly
- 9 a.m. House Education Administration & Planning committee meeting
- 12 p.m. House Education Instruction & Programs committee meeting
- 9 a.m.-2 p.m. One-on-one meetings with representatives and senators
Work with your UniServ coordinator to schedule meetings with legislators.
- 2-3 p.m. Return to TEA building

Register online: www.TEATEACHERS.ORG/CIVICATION



Advocacy at Home

Take action with your local school board

Not all of the action takes place at the state level. Local school boards make a lot of decisions that impact you and your students. School board members can also be powerful advocates in pushing back on state policies negatively impacting your district like high-stakes testing, unfunded mandates and more. Make plans to attend school board meetings and establish regular communication with your school board member.

Plan or attend local association meetings and events

Strong local associations are the backbone of TEA. Get involved with your local by attending meetings and participating in calls to action. If you do not have an active local in your district, contact your TEA UniServ coordinator (see page 6) for ideas on how you can help grow your local association.

Organize a collaborative conferencing campaign

The Professional Educators Collaborative Conferencing Act gives teachers the right to sit down with district leaders to establish a legally binding memorandum of understanding on issues like working conditions, salary and benefits. In order to participate, though, teachers must initiate the process by petitioning the school board. TEA UniServ coordinators have already worked with districts statewide to initiate PECCA and successfully negotiate a strong MOU to protect teachers' rights. Contact your local UniServ to get started!



Take action: Be an advocate for students, education

TO ACTION!

with colleagues, students and friends of public students and Tennessee's strong public schools.

Gun Violence in Schools

March 14: National Student Walkout

TEA and NEA are encouraging educators to wear orange on this day to show support for our students, but do not recommend that you participate in a walkout. Please read AskTEA on page 3 for more on what state law says on this topic and how to handle students walking out.

March 24: March for Our Lives

This student-led march was created by the survivors of the Stoneman Douglas High School tragedy. While the main event will take place in Washington, D.C., local events have been set up across the country, including here in Tennessee. To find a march near you, please visit www.marchforourlives.com.



April 20: National Day of Action to Stop Gun Violence in Schools

A coalition of national public education organizations including the National Education Association, Network for Public Education, Sandy Hook Promise and more are planning a day of action to tell elected officials the status quo is unacceptable and demanding a solution for gun violence in our schools.

TEA is encouraging members to lead conversations at the local level on how best to participate and show support for ending gun violence in schools. This should not be a "walkout" event. Please refer to AskTEA on page 3 for more information about state law on this topic.

TEA Conferences

March 23-24: Minority Affairs Conference, Cool Springs

The Minority Affairs Conference addresses the challenges facing ethnic minority students and educators in Tennessee, including the need for adequate funding for schools serving minority and disadvantaged students.

Register online: www.TEAteachers.org/MAC

April 13-14: Spring Symposium, Gatlinburg

TEA's Spring Symposium provides a challenging and invigorating experience for educators to strengthen their teaching performance. The Symposium is an excellent opportunity to attend quality professional development sessions and spend time with fellow educators from across the state.

Register online: www.TEAteachers.org/Symposium

April 21: Education Support Professionals Conference, Nashville

The TEA ESP Conference provides professional development opportunities for ESP members to gain the skills and knowledge necessary to be successful in their careers.

Register online: www.TEAteachers.org/ESP-conference



ators and strong public schools



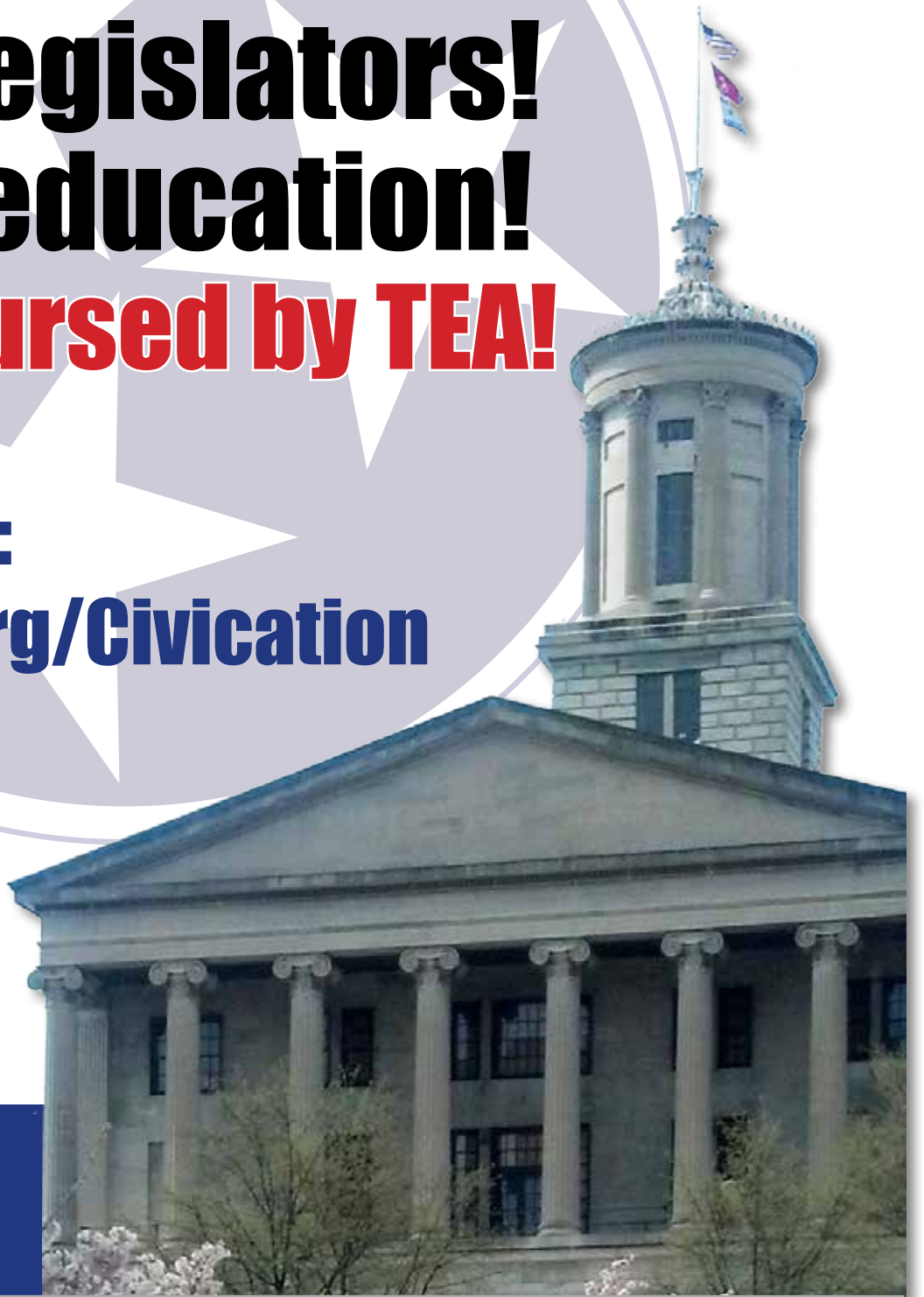
TEA Civication

2018

Join educators from across the state in participating in TEA's Civication on the Tuesday of your Spring Break. TEA will pay mileage, and if you live more than 50 miles from Nashville, we'll take care of your hotel room.

Come to the Capitol!
Talk to your legislators!
Stand up for education!
Mileage reimbursed by TEA!

Register online now:
www.TEATEACHERS.org/Civication



Contact TEA

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www.teateachers.org
www.nea.org

Ensuring safety of students, educators TEA top priority

School safety from page 1

"Although this is a stop-gap measure, it provides a real ability to increase the safety of our schools until we can properly fund SROs for every school," said Van Huss. "I've heard many in my area who would volunteer to do this, and want to keep kids safe."

The bill specifically calls on using law enforcement officials because of their training and the fact that they are insured, he said.

The act is meant as a short-term measure — it would expire in July 2022 — and lawmakers expect it to beef up security in the hopes of deterring a Tennessee school shooting.

"The best school security is with law enforcement officers, and in a time when barely half of our schools have SROs, this is an important step in improving safety," said Jim Wrye, TEA chief lobbyist. "Accessing the capacity of off-duty officers and providing resources for them may be an immediate solution for counties that struggle with funding enough SROs to protect all students and teachers. The next step is to find permanent funding to help these systems."

The lack of SRO funding is driving another bill TEA is opposed to: expanding the ability to arm teachers for security.

Tennessee state law currently allows a small number of distressed rural counties that can't afford SROs to designate a limited number of teachers to act as security if they volunteer. The law requires teachers to complete POST (police officer) training and ongoing certification. The local board must vote to approve and adopt policies on armed teachers, and the director has power to designate teachers and to remove the designation. The law has been seen as a last resort.

HB2208/SB2563 by Rep. David Byrd (R-Jonesboro) and Sen. Joey Hensley (R-Hohenwald) opens up this law to every school district in the state, regardless if they have SROs or not. The bill also allows private certified firms, rather than local law enforcement agencies, to provide POST training to teachers.

The bill passed its first hurdle on February 28, passing out of the House Civil Justice Subcommittee on a partisan 5-2 vote.

There was unanimous agreement among committee members that trained law enforcement provide the best security to students and teachers. Reps. David Byrd, Mike Carter (R-Ooltewah), and Andrew Farmer (R-Sevierville), pointed to the absence of funding for school resource officers across the state as the reason the bill is needed.

"The SRO program is what we

all want," Carter said to The Tennessean. "That's a message to every department and specifically to the administration. We need to talk seriously about getting funding."

Wrye spoke against the bill in committee, citing how arming teachers could impact interactions between teachers, students, administrators and parents. A teacher is very different than trained law enforcement personnel.

"There is a difference between a teacher or administrator dealing with a disruptive student, and an armed teacher or administrator dealing with a disruptive student. We don't want to trade one kind of tragedy for another."

Wrye noted the bill could actually stop the expansion of SROs, or even reduce their number, if county commissions decide to cut budgets

and see arming teachers as a cost-saving measure on security.

"I think there are a lot of unintended consequences in opening this law to every district in the state," said Wrye. "Far too many of our schools do not have SROs, but there has been steady progress in hiring more officers to provide security. That progress may grind to a halt if this is seen as a quick, cost-saving alternative."

For many Tennessee county governments, a majority of the annual budget goes to schools and sheriff departments, and SROs may be an attractive line item to reduce in a time of budget cutting or changing priorities.

Opening this law to all may go counter to what the consensus is in the General Assembly, that the best safety is trained law enforcement.

WHAT YOU CAN DO:

- ▶ Contact your legislator: say no to arming teachers, yes to SRO funding as proposed in HB2129/SB2059.
- ▶ Have your school board pass a resolution saying they won't arm teachers.
- ▶ Support efforts to increase law enforcement security in our schools.

TEA pushing 4 percent raise

Teacher salary from page 1

by 4 percent last year, which was the increase approved by the legislature. She noted that it was done to send a message to school systems that the money is intended to improve teacher salaries.

Commissioner McQueen also acknowledged that the increase last year was also a response to feedback received by members of the legislature, including Chairman Sargent and House Speaker Beth Harwell.

Data collected by TEA indicates that the strategy to tie the SMSS to state increases for teacher pay worked, and that average teacher pay rose more last year than in previous years when the schedule was only slightly increased. The SMSS should act as a rising tide to lift all boats, as the floor increase should provide movement for all teachers since state law prohibits cutting local dollars for teacher pay from one year to the next.

There is no guarantee that a similar increase will occur this year, despite the promising results from last year. TEA supports legislation ensuring the two are tied together if there is no assurance provided from the State Board of Education that it will happen.

The governor's budget calls for another 2 percent for teacher salaries, but TEA will continue to push for another 2 percent if revenue growth remains strong. A 4 percent increase projects to allow Tennessee teachers to "Beat Bama," which would be a signature accomplishment for Gov. Haslam as he leaves office.

TEA fighting State Board overreach on licensure

Licensure bill from page 1

rules, you will have a small staff in Nashville with little or no experience working in schools, deciding what is career-ending, or damaging, and what is not."

TEA has a pending lawsuit contending the board does not have the power to suspend and reprimand teacher licenses, and regardless of the legislative session, the legal team has confidence in the suit.

The state board is pushing HB2009/SB2011, a bill requiring directors of schools report teacher felony convictions. But at its end the bill changes law dealing with license revocation, changing it to "discipline of licensed personnel for misconduct by formal reprimand, or by suspension or revocation." The bill flew through the Senate, but has been held in a House subcommittee with concerns over due process and appeals.

"These are teachers' careers we are talking about, their livelihood and profession, and there need to be safeguards and due process in whatever we pass,"

said Rep. Harry Brooks (R-Knoxville).

Brooks is bringing a due process amendment that includes an expedited appeals process to protect the rights of teachers.

The other state board bill is a rewrite of the Teacher Code of Ethics, a code developed by TEA and made state law years ago. The rewrite adds many new provisions, including needed definitions of prohibited sexual behavior that were recommended by the state report on teacher sexual misconduct.

However, most of the new standards are about teaching practice and conduct that have nothing to do with student safety, such as "not knowingly make a false or malicious statement about a student or colleague," or to "administer state-mandated assessments fairly and ethically."

The problem with these vague provisions is that under the new board rules, violations of the Code of Ethics can lead to licensure action.

The bill makes it is a

responsibility of every teacher to report every violation of any part of the code to the director, local board, or to the state board itself. Failure to do so is also an ethics code violation.

"The code has been an important way to guide and enforce standards of practice at the local level for many years," Wrye said. "Parts of this code rewrite are a bit absurd for anyone who teaches. But now it could be used by the state board to damage and end careers. It moves from absurd to ominous."

TEA is working to make some common-sense changes to the code bill that would strengthen child safety, while not becoming punitive when dealing with judgments and actions of everyday teaching practice.

"This is a fight for teaching as a profession," said Wrye. "Every educator needs to be part of our professional association to defend teaching as a profession, and now it seems to defend our licenses as well."



Changes to PECCA law would compel districts to reach agreement on MOU

A TEA-backed bill seeking to improve good faith in collaborative conferencing was rolled last week in the House Education Administration and Planning Subcommittee and is expected to be up again this week.

Sponsored by Rep. Matthew Hill (R-Jonesboro) and Sen. Joey Hensley (R-Hohenwald), HB 2144/SB 2588 would require a Memorandum of Understanding at the end of the collaborative process, and makes other changes to improve and strengthen the process. The current law does not require an MOU.



Sen. Joey Hensley



Rep. Matthew Hill

“Since the PECCA law was passed, teachers across the state engaged in good faith in collaborative conferencing and have proven that it can lead to strong MOUs that can help local funding, secure state dollars for salaries and protect and improve benefits,” said TEA Executive Director Carolyn Crowder. “Strong schools depend on

effective collaboration between teachers and local school boards, and this legislation helps achieve that goal.”

Some local associations have reported problems not only in reaching an MOU, but in even starting the conferencing process. Some LEAs have cited current law as not requiring any discussion at all, even when a successful vote has taken place.

“We believe the law was passed with the intent to have interested teachers and boards participate in a process to reach an MOU, and the proposed bill removes language that has been used to prevent that process from even beginning,” Crowder said.

TEA is in the process of working with stakeholders to try to address concerns and allow the bill to proceed. It is important that educators make their voice heard and support making sure the conferencing process always takes place in good faith.

“This bill is among several very important pieces of legislation being considered in the General Assembly this spring, and engaging with our elected officials face-to-face is the only way to make sure our voices are heard,” Crowder said. “I invite every Tennessee teacher to come to Civication on the Tuesday of your Spring Break.”

TEA wins back-pay for tenured teacher

Tenure rights from page 1

position, which is why I’m grateful for my TEA membership. I had thousands of dollars of legal representation and I didn’t have to pay anything. TEA-NEA covered it all. They stayed with me through the end, supported me and let me know I was being mistreated. The amount of dues I paid would not have come close to the cost of legal representation I had. I am really grateful.”

Elmi had been charged with insubordination based on allegations that she was tardy, failed to enter grades on time, and that she did not follow the principal’s instructions for how to deal with the guardian of an unruly student. The Court of Appeals found that the facts did not support these charges. In addition, the Court of Appeals expressed concerns about whether the conduct in question, if true, even fell within the definition of insubordination, and whether Elmi actually was subjected to requirements that were unreasonable and discriminatory.

“We were debt-free, but when I was fired we had to go into debt,” Elmi said. “Thanks to TEA, the court awarded me three years of back pay. I’ve always been a member of TEA, so my husband and I determined no matter which way it went, I would stay with TEA because they stuck by me.”

Elmi also had been charged with inefficiency based on two years of her evaluation results. However, the only component of her evaluations “below expectations” was the observation component – the component controlled by the principal who wanted her dismissed – and the complete evaluation results for the second year were not yet available when Elmi was charged (TVAAS results were not yet in).

The Court of Appeals found that the reliance on observations only and the incomplete evaluation results for the second year fell

short of the proof needed for a dismissal on grounds of “inefficiency.”

“The Court of Appeals conducted an extensive analysis of the facts and the law to be applied to those facts,” said TEA Legal Manager Steve McCloud.

“Some of the lengthy discussion by the Court of Appeals is unique to the facts of the case, but a part of it is significant to teachers generally. There are several important takeaways for all tenured teachers.”

From the decision by the Court of Appeals in Elmi’s case, it’s important to point out that charges against a tenured teacher must be specific, and offenses not specifically stated in the charges cannot serve as a basis for dismissal. Also, a teacher’s refusal or continued failure to obey the rules of the principal is “insubordination” only if the rules themselves are reasonable and not discriminatory. The decision also points out that establishing “inefficiency” based on evaluation results requires consideration of entire evaluations, not just “observations” or other isolated components of those evaluations.

“The decision of the Court of Appeals not only was vindication for Carlisa Elmi, it was an important result for tenured teachers in general,” McCloud said. “We encourage all teachers to keep detailed records anytime their performance is called into question, and to contact their UniServ representative when any adverse action is taken.”



Carlisa Elmi

TEA Bill Tracker

The ones to watch

This a partial list of the key education bills being considered this session. Be sure to check back in future issues for updates on important legislation to watch in 2018.

The Good:

HB1686/SB1854 (Smith/Massey)

Provides a hold harmless year for the pre-k and kindergarten portfolio.

HB2129/SB2059 (Van Huss/Green)

Provides additional money for off-duty law enforcement to act as SROs in schools and at school functions.

HB2472/SB2393 (Love/Dickerson)

Community schools bill.

HB2164/SB1510 (Moody/Massey)

Requires instruction on child sexual abuse detection, intervention, prevention, and treatment be added to the family life curriculum.

HB2144/SB2588 (Hill, M/Hensley)

Requires MOU be reached if local engages in PECCA. Removes bad faith language from the law.

HB2203/SB2589 (Byrd/Hensley)

Reduces state-mandated assessments to align with flexibility granted under ESSA. Permits use of ACT to satisfy state testing requirements.

Need to amend:

HB2165/SB2013 (Goins/Gresham)

Expands teacher code of ethics to include several new items.

HB2009/SB2011 (Goins/Gresham)

Empowers state board of education to issue reprimands or suspend/revoke teaching licenses for violation of teacher code of ethics and other offenses.

The Bad:

HB2208/SB2563 (Byrd/Hensley)

Permits select teachers to carry concealed firearms in public schools. May be trained by public or private instructors.

HB1778/SB1896 (Kane/Gresham)

“Course Access Program Act” Provides for a “virtual voucher” where a student may take online classes paid for by a portion of the student’s BEP funding.

More updates:

If you are interested in receiving more frequent updates via email about action taken in the General Assembly, please email asmirnov@tnea.org. The frequency of the email updates varies depending on actions taken by the legislature.