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for the week ending April 24, 2009

Votes Scheduled on Legislation Attacking Tenure Law **TEA Strongly Opposes Bill and Proposed Amendment**

Legislation which would drastically change the teacher tenure law is scheduled for the Senate Education Committee on Tuesday, April 28 and the K-12 Subcommittee of the House Education Committee on Wednesday, April 29. **SB 1186/HB 1171** is being pushed by Stand for Children, an advocacy group which has traditionally supported early childhood issues, but is now apparently joining anti-Association forces who would undermine basic due process rights of Tennessee's teachers. An amendment is being proposed to the bill, but, even with the proposed change, **this attack on the tenure law is totally unacceptable!** Below is printed a key portion of the amendment which inappropriately ties the granting of tenure to a teacher's "teacher effect score" (TVAAS).

(c) If a teacher is hired on or after July 1, 2009, and the teacher teaches in a grade or subject area in which teacher effect scores are calculated under 49-1-606, then:

(1) After the first two (2) years of the probationary period, if the teacher's teacher effect scores are in the bottom ten percent (10%) of teacher effect scores statewide, the teacher may be employed for a third probationary year, but shall not be rehired for a fourth year unless, after a review of the teacher's work by the principal of the school at which the teacher is teaching, the principal presents compelling evidence to the director of schools that justifies employment for a fourth year.

(2) After the first three (3) years of the probationary period, if:

(A) A teacher's teacher effect scores are in the bottom ten percent (10%) of teacher effect scores statewide, such teacher may be employed during the fourth year. Such teacher shall be considered for permanent tenure status, only if, after a review of the teacher's work by the principal of the school at which the teacher is teaching, the principal presents compelling evidence to the director of schools that justifies granting of tenure and employment in subsequent years. If in the judgment of the director of schools such teacher should be granted tenure, then the director shall recommend the teacher to the board of education for permanent tenure status. The board of education, upon recommendation of the director of schools, may grant the teacher permanent tenure status or refuse to continue employment of the teacher; provided, however, that the teacher cannot be continued in employment beyond the fourth year, if tenure is not granted by the board.

Similar language is carried in the amendment which would tie the re-employment of principals to school effect scores! The amendment states that a principal who has served three years in that position, and has school effect scores in the bottom ten percent of school effect scores statewide, may be employed as a principal for the fourth year, but **shall not be eligible to be rehired** as a principal for the fifth year unless the director of schools finds that there is compelling evidence to retain such principal and the director provides notice to the local board of education that such principal is to be retained.

TEA is adamantly opposed to **SB 1186/HB 1171** for several reasons:

- ◆ Tenure is a due-process/fair dismissal law. It does not protect "bad" teachers and is not a guarantee of employment for life.

- ◆ A three-year probationary period is quite sufficient. A minimum of nine evaluations during this period is already required by law. Three years is ample time for administrators to assess if a teacher should be afforded tenure status.
- ◆ Using value-added scores as a "litmus test" for tenure is a flawed concept. A very large number of teachers do not even have value-added scores. Also teachers must teach three consecutive years in the same grade level for TVASS scores to be credible. By applying to only a segment of the teaching population, it is discriminatory on its face!
- ◆ Value-added testing was never meant to be the sole criteria for teacher evaluations. Value-added scores legitimately can be a part of the process but numerous other factors should be considered in evaluating teacher effectiveness.

Contacts should be made with both the Senate Education Committee and the K-12 Subcommittee in opposition to **SB 1186/HB 1171**. Below is contact information for both committees.

Senate Education Committee			
Member (Party & District)	Office	Phone Area Code (615)	E-Mail Address (Please include your name, postal address, and phone number in your e-mail.)
Chairman Dolores Gresham (R-26)	308 WMB	741-2368	sen.dolores.gresham@capitol.tn.gov
Vice Chairman Reginald Tate (D-33)	320 WMB	741-2509	sen.reginald.tate@capitol.tn.gov
Secretary Andy Berke (D-10)	310 WMB	741-6682	sen.andy.berke@capitol.tn.gov
Charlotte Burks (D-15)	304 WMB	741-3978	sen.charlotte.burks@capitol.tn.gov
Rusty Crowe (R-3)	8 LP	741-2468	sen.rusty.crowe@capitol.tn.gov
Joe M. Haynes (D-20)	G19 WMB	741-6679	sen.joe.haynes@capitol.tn.gov
Bill Ketron (R-13)	13 LP	741-6853	sen.bill.ketron@capitol.tn.gov
Jim Tracy (R-16)	2 LP	741-1066	sen.jim.tracy@capitol.tn.gov
Jamie Woodson (R-6)	6 LP	741-1648	sen.jamie.woodson@capitol.tn.gov

K-12 Subcommittee of House Education			
Member (Party & District)	Office	Phone Area Code (615)	E-Mail Address (Please include your name, postal address, and phone number in your e-mail.)
Chairman Les Winningham (D-38)	36 LP	741-6852	rep.leslie.winningham@capitol.tn.gov
Vice Chairman Ron Lollar (R-99)	209 WMB	741-7084	rep.ron.lollar@capitol.tn.gov
Judy Barker (D-77)	24 LP	741-0718	rep.judy.barker@capitol.tn.gov
Tommie F. Brown (D-28)	36 LP	741-4374	rep.tommie.brown@capitol.tn.gov
Bill Dunn (R-16)	110 WMB	741-1721	rep.bill.dunn@capitol.tn.gov
Beth Harwell (R-56)	107 WMB	741-0709	rep.beth.harwell@capitol.tn.gov

K-12 Subcommittee of House Education (Con't)			
David Hawk (R-5)	219 WMB	741-7482	rep.david.hawk@capitol.tn.gov
Joey Hensley (R-70)	106 WMB	741-7476	rep.joey.hensley@capitol.tn.gov
Ulysses , Jones Jr. (D-98)	35 LP	741-4575	rep.ulysses.jones@capitol.tn.gov
Mark L. Maddox (D-76)	17 LP	741-7847	rep.mark.maddox@capitol.tn.gov
Larry Turner (D-85)	208 WMB	741-6954	rep.larry.turner@capitol.tn.gov
Terri Lynn Weaver (R-40)	204 WMB	741-2192	rep.terri.lynn.weaver@capitol.tn.gov

Charter School Expansion Votes Scheduled for April 28-29 **TEA Opposed Bill Drains Resources from Regular Schools**

Legislation which would greatly expand the “pool” of students eligible to attend charter schools is scheduled for the Senate Education Committee on Tuesday, April 28 and the K-12 Subcommittee of the House Education Committee on Wednesday, April 29. An amendment proposed to **HB 2146** – sponsored by Rep. Beth Harwell (R-Nashville) – would make the following changes to the current law:

- ◆ Expands eligibility to “students who are eligible for free or reduced lunches and who are enrolled in LEAs who have an average daily membership (ADM) of twelve thousand (12,000) students or more.”
- ◆ Changes the length of the “charter” from the current five years to ten years.
- ◆ Exempts “conversion” schools from the current “cap” on the number of schools which can be created.
- ◆ Requires that 100% of state and local funds received by the LEAs, “including current funds allocated for capital outlay purposes” go to the charter school.
- ◆ Prohibits the LEA from charging the charter school for administrative or any other costs.

This bill fundamentally changes the focus of the 2002 charter school law. By expanding student eligibility to any “free or reduced lunch” student (in LEAs over 12,000 ADM), the bill would basically allow “open enrollment” in some school districts when the “free and reduced lunch” student population might range from 70-80% of the students! **Below are some key arguments against HB 2146.**

- ◆ The “jury is still out” on the effectiveness of charter schools. In fact, several states are now “reining in” charter schools rather than expanding them.
- ◆ Charter schools were originally created to focus on children who needed special attention – not to “cherry pick” students and “compete” with regular schools.
- ◆ Charter schools can represent a serious drain of financial resources from regular public schools.

Votes in the K-12 Subcommittee are highly likely the week of April 27 and TEA members are urged to contact members and ask that they vote “**NO**” on **HB 2146**. Contact information is carried in this Report.

Bill to Mandate School Calendar Deferred to 2010 **Association Opposes State Mandated Start Date**

Legislation which would require the school year to begin "no earlier than September 1" has been deferred to 2010 due to lack of support. **HB 1170**, sponsored by Rep. bill Dunn (R-Knoxville), was opposed by TEA whose legislative program contains the following language: "The Tennessee Education Association strongly opposes any state legislative effort to mandate the annual school calendar."

Due to activities related to the May 1-2 TEA Representative Assembly, there will not be a printed TEA Legislative Report dated May 1. The next Report will be dated May 8. Members of TEA's Grass Roots Education Action Team (G-R-E-A-T Team) will receive an electronic update on the week's legislative activities. To sign up for TEA's G-R-E-A-T Team send a request – giving your HOME e-mail address – to GreatTeam@tea.nea.org. Please include your first and last name and local association. This service is available to **TEA MEMBERS ONLY**, and you must provide us with your HOME – not work – e-mail address.