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Tenure Law Attack Could Face Committee Votes Soon **Proposal Would "Turn Back Clock" on Teacher Rights**

Legislation which proposes major changes to the state's tenure law will likely come before the education committees soon. **HB 1171/SB 1186** would extend the probationary period from three to four years. In addition, it would tie the granting of tenure to the value-added test scores of students by adding the following to the tenure law:

(2) At the end of the third year of the probationary period, an apprentice teacher whose teacher effect score determined under Title 49, Chapter 1, Part 6 is in the bottom ten percent (10%) of teacher effect scores statewide shall not be eligible to be rehired for a fourth year.

The bill would take effect July 1, 2009, and would "apply to teachers hired as probationary teachers beginning their first year of service on or after that date."

THERE ARE NUMEROUS ARGUMENTS AGAINST THIS BILL:

- ◆ 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. Value-added scores apply to teachers in grades 3-8 with grade three establishing the baseline. 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!

This legislation will be heard first in the K-12 Subcommittee of the House Education Committee and could come to a vote soon. It is essential that TEA members contact this committee and ask that they vote **"NO"** on **HB 1171**. Contacts can be made by e-mail, phone, or letter. In any communications made, TEA members should inform the legislator that they are constituents and it is very important to include your home address. Contact should be brief, to the point, and not threatening or caustic in tone. If you do not know your legislative district, you can find the name of your senator or house member by going to the TEA website – www.teateachers.org -- click "On the Hill," then click "Find and E-Mail Legislators." Contact information for the K-12 committee is listed below.

K-12 Subcommittee of House Education			
LP = Legislative Plaza WMB = War Memorial Building Address for all members is Nashville, TN 37243 All legislators may be reached by telephone at 1-800-449-8366. You must then enter the last five digits of their office phone number.			
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
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

Approximately 2,500 bills have been filed for this session of the General Assembly. Hundreds of these bills affect public education and school employees. In addition to TEA's proposals and bills opposed by TEA (carried in previous reports) listed below are some selected education bills which should be of interest to TEA members.

- ◆ **DRUG TESTING – HB 2026** by Rep. Mark Maddox (D-Dresden)/**SB 1792** by Sen. Roy Herron (D-Dresden) – Authorizes random drug testing of students who participate in extracurricular activities. Amends TCA Section 49-6-4213.
- ◆ **SCHOOL SAFETY/STUDENT OFFENDERS -- HB 202** by Rep. Bill Dunn (R-Knoxville)/**SB 680** by Sen. Jamie Woodson (R-Knoxville) – Expands the requirement that parents or the Department of Children's services notify schools to include when a school is adjudicated delinquent for an offense involving the use or attempted use of force, violence, or a deadly weapon. Amends TCA, Title 37, Chapter 1 and Title 49, Chapter 6.
- ◆ **CLASS SIZE – HB 248** by Rep. Harry Brooks (R-Knoxville)/**SB 217** by Sen. Dolores Gresham (R-Somerville) – Permits class size limits to be exceeded in career and technical classes in which physical safety precautions are not required; provided, that such classes do not impair instruction and do not exceed the limits for academic classes in grades 7-12. Amends TCA, Title 49.
- ◆ **SCHOOL CALENDAR -- HB 854** by Rep. Jason Mumpower (R-Bristol)/**SB 1536** by Sen. Tim Burchett (R-Knoxville) – Requires that the school year for all public schools start no earlier than the third Monday in august unless the school is conducted on a year-round-basis. Amends TCA, Title 49, Chapter 6, Part 30.
- ◆ **SCHOOL CALENDAR – HB 1170** by Rep. Bill Dunn (R-Knoxville)/**SB 1173** by Sen. Tim Burchett – Requires the school year, except for year-round schools, to start no earlier than September 1. Amends TCA, Title 49, Chapter 6, Part 30.
- ◆ **SCHOOL CALENDAR – HB 883** by Rep. Mark Maddox (D-Dresden)/**SB 1169** (L Finney) – Permits local boards of education to adopt a four-day school calendar, provided, that the calendar conforms to policy developed by the State Board of Education. Amends TCA, Title 49, Chapter 6, Part 30.

- ◆ **SCHOOL BUS ADVERTISING -- HB 921** by Rep. Jimmy Eldridge (R-Jackson)/**SB 73** by Sen. Jim Tracy (R-Shelbyville) – Removes restriction on commercial advertising on school buses that requires such advertising to be composed of black lettering on a white background. Amends TCA, Section 49-6-2109(e).
- ◆ **ELECTED SUPERINTENDENTS – HB 952** by Rep. Les Winningham (D-Huntsville)/**SB 908** by Sen. Charlotte Burks (D-Monterey) – Provides for re-establishment of elected office of school superintendent for counties or cities upon two-thirds vote of governing body; any such ordinance or resolution once approved is not operative until approved in an election; provides for qualifications of candidates. Amends TCA, Section 49-2-203 and Title 49, Chapter 2, Part 3.
- ◆ **TESTING – HB 975** by Rep Joe McCord (R-Maryville)/**SB 452** by Sen. Doug Overbey R-Maryville) – Requires that TCAP tests be administered by LEAs during five-day period between last week of March and first three weeks of April each year. Amends TCA, Title 49, Chapter 6, Part 60.
- ◆ **PHYSICAL EDUCATION -- HB 1441** by Beth Rep. Beth Harwell/**SB 1927** by Sen. Bill Ketron (R-Murfreesboro – Requires every public school student to participate in physical education every day during the school year. Amends TCA, Title 49, Chapter 6.
- ◆ **PSYCHOLOGICAL TESTING -- HB 1552** by Beth Harwell (R-Nashville)/**SB 850** by Sen. Diane Black (R-Gallatin) – Places restrictions on universal mental health testing, or psychiatric or socioemotional screening of juveniles; requires certain consent by a juvenile's parent, guardian, legal custodian, or caregiver before such testing can occur. Amends TCA, Title 9, Chapter 4 and Title 49, Chapter 2, Part 1.
- ◆ **KINDERGARTEN ENTRANCE AGE -- HB 2014** by Rep. David Hawk (R-Greeneville)/**SB 2228** by Sen. Steve Southerland (R-Morristown) – Changes from September 30 to September 1 the date by which children must reach age four in order to enter preschool or pre-kindergarten or age five to enter kindergarten. Amends TCA, Title 49, Chapter 6.
- ◆ **SCHOOL BENEFITS -- HB 2173** by Rep. Lois DeBerry (D-Memphis)/**SB 96** by Sen. Andy Berke (D-Chattanooga) – Requires LEAs to report each fiscal year the percentage of expenditures made on classroom expenditures district-wide and by school; requires classroom expenditures to be at least 70% of the total operating expenditures both district-wide and by school by fiscal year 2013-2014 and to reach at least 90% by fiscal year 2017-2018. Amends TCA, Title 49.
- ◆ **SCHOOL SAFETY/ASSAULTS ON TEACHERS -- HB 2292** by Rep. Mike turner (D-Old Hickory)/**SB 2253** (by Sen. Jim Kyle (D-Memphis) – Requires expulsion for one year of student who commits “aggravated assault” instead of “battery” upon any teacher, principal, administrator, any other employee of an LEA, or school resource officer. Amends TCA, Section 49-6-3401.
- ◆ **SCHOOL SAFETY/ASSAULTS ON TEACHERS -- HB 485** by Rep. Eddie Bass (D-Prospect)/**SB 1217** by Sen. Bill Ketron (R-Murfreesboro) -- Prohibits parent from being issued arrest warrant against teacher without written approval of district attorney if the conduct alleged involved the teacher and a child of such parent. - Amends TCA Title 40.
- ◆ **HANDGUN PERMITS – HB 1806** by Rep. Ben West (D-Hermitage)/**SB 1622** by Sen. Mae Beavers (R-Mt. Juliet) – Allows non-student adult who has a permit to carry a handgun to carry gun onto school grounds if gun remains within private vehicle and is not handled by the adult or a person acting with the adult's consent. Amends TCA, Title 39, Chapter 17, Part 13.
- ◆ **SCHOOL NURSES – HB 55** by Rep. Eric Swafford (R-Pikeville)/**SB 105** by Sen. Diane Black (R-Gallatin) – Authorizes the general assembly to appropriate funding for the state school fund to provide for the inclusion of a school nurse in every public school.
- ◆ **SCHOOL BUSES – HB 92** by Rep. J Cobb (R-Spring City) **SB 23** by Sen. Ken Yager (R-Harriman) – Allows school buses to be used up to 20 years of service, subject to annual safety inspections, by extending permissible, yearly waiver limit for their service life after initial 12 years of service from current three years to eight years. Amends TCA, Section 49-6-109.
- ◆ **DRIVER LICENSE SUSPENSION– HB 865** by Rep. Kevin Brooks (R-Cleveland)/**SB 56** by Sen. Dewayne Bunch (R-Cleveland) – Suspends driver license of a student suspended for ten or more days during a school year until the student reaches 18 years of age or for two years from the date of the tenth day of suspension, whichever is later, and provides that unlicensed student who is suspended for ten or more days in a school year shall not be eligible for a driver license until reaching 18 years of age or for a period of two years from the date of the tenth day of suspension, whichever is later. Amends TCA, Title 49 and Title 55.
- ◆ **DRIVER LICENSE SUSPENSION – HB 983** BY Rep. Johnny Shaw (D-Bolivar)/**SB 1156** by Sen. Lowe Finney (D-Jackson) – suspends driver license of the parent or legal guardian of a student who refuses to participate in parent-teacher conference following the expulsion of the student. Amends TCA, Title 49 and Title 55.

- ◆ **BACKGROUND CHECKS – HB 2061** by Rep. Donna Rowland (R-Murfreesboro)/**SB 1598** by Sen. Mae Beavers (R-Mt. Juliet) – Expands background check requirements for certain school personnel. Amends TCA, Title 49.
- ◆ **TEACHERS/INTERNET INFORMATION -- HB 816** by Rep. Stacy Campfield (R-Knoxville)/**SB 1242** by Sen. Dewayne Bunch (R-Cleveland) -- Requires all disciplinary actions, criminal violations, and civil actions pertaining to official capacity of teachers and administrators be posted on a site on the Internet. - Amends TCA Title 49, Chapter 5.
- ◆ **SCHOOL CURRICULUM – HB 821** by Rep. Stacy Campfield (R-Knoxville)/ **SB 1250** by Sen. Dewayne Bunch (R-Cleveland) -- Prohibits the teaching of or furnishing of materials on human sexuality other than heterosexuality in public school grades K-8. - Amends TCA Title 49, Chapter 6, Part 10.
- ◆ **PACS -- HB 820** by Rep. Stacy Campfield (R-Knoxville)/**SB 1251** Dewayne Bunch (R-Cleveland) -- Requires certain political activities by labor organizations be funded separately through voluntary donations of members and not through regularly collected dues. - Amends TCA Title 50, Chapter 1.

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