

TEA Code of Ethics Placed in Law by Senate Bill Plan to Have State Board Develop Code Thwarted

Legislation which would have deleted all reference to the TEA Code of Ethics as grounds for dismissal and replace TEA's code by one developed by the State Board of Education, has been derailed by TEA. TCA 49-5-501(D) currently states that "disregard of the Code of Ethics of the Tennessee Education Association in such a manner as to make one obnoxious as a member of the profession" constitutes "conduct unbecoming a member of the teaching profession" and could be grounds for dismissal. **SB 2416** would have removed this reference to TEA and directed the State Board of Education to develop a teacher ethics code. TEA strongly opposed this change and was successful in amending the bill to place the TEA Code of Ethics into the state statute rather than have one developed by the state board. **Due to the extreme importance of this ethics code as it relates to potential dismissal charges, it is critical that all teachers understand its provisions.** Below is language contained in the amendment as passed by the Senate on March 3. No vote has yet been taken in the House Education Committee.

§ 49-5-1001. This part shall be known and may be cited as the "Teacher Code of Ethics".

§ 49-5-1002. The general assembly finds and declares that:

(1) An educator, believing in the worth and dignity of each human being, recognizes the supreme importance of the pursuit of truth, devotion to excellence, and the nurture of democratic principles. Essential to these goals is the protection of freedom to learn and to teach and the guarantee of equal educational opportunity for all. An educator accepts the responsibility to adhere to the highest ethical standards; and

(2) An educator recognizes the magnitude of the responsibility inherent in the teaching process. The desire for the respect and confidence of one's colleagues, of students, of parents and of the members of the community provides the incentive to attain and maintain the highest possible degree of ethical conduct.

§ 49-5-1003.

(a) An educator shall strive to help each student realize the student's potential as a worthy and effective member of society. An educator therefore works to stimulate the spirit of inquiry, the acquisition of knowledge and understanding, and the thoughtful formulation of worthy goals.

(b) In fulfillment of this obligation to the student, an educator shall:

(1) Not unreasonably restrain the student from independent action in the pursuit of learning;

(2) Not unreasonably deny the student access to varying points of view;

(3) Not deliberately suppress or distort subject matter relevant to the student's progress;

(4) Make reasonable effort to protect the student from conditions harmful to learning or to health and safety;

(5) Not intentionally expose the student to embarrassment or disparagement;

(6) Not on the basis of race, color, creed, sex, national origin, marital status, political or religious beliefs, family, social or cultural background or sexual orientation unfairly:

- (A) Exclude any student from participation in any program;
- (B) Deny benefits to any student; or
- (C) Grant any advantage to any student;

(7) Not use professional relationships with students for private advantage; and

(8) Not disclose information about students obtained in the course of professional service, unless disclosure serves a compelling professional purpose or is required by law.

§ 49-5-1004.

(a) The education profession is vested by the public with a trust and responsibility requiring the highest ideals of professional service. In the belief that the quality of the services of the education profession directly influences the nation and its citizens, the educator shall exert every effort to raise professional standards, to promote a climate that encourages the exercise of professional judgment, to achieve conditions which attract persons worthy of the trust to careers in education, and to assist in preventing the practice of the profession by unqualified persons.

(b) In fulfillment of this obligation to the profession, an educator shall not:

(1) Deliberately make a false statement or fail to disclose a material fact related to competency and qualifications in an application for a professional position;

(2) Misrepresent the educator's professional qualifications;

(3) Assist entry into the profession of a person known to be unqualified in respect to character, education, or other relevant attribute;

(4) Knowingly make a false statement concerning the qualifications of a candidate for a professional position;

(5) Assist a non-educator in the unauthorized practice of teaching;

(6) Disclose information about colleagues obtained in the course of professional service unless the disclosure serves a compelling professional purpose or is required by law;

(7) Knowingly make false or malicious statements about a colleague; and

(8) Accept any gratuity, gift, or favor that might impair or appear to influence professional decisions or actions.

SECTION 2. Tennessee Code Annotated, Section 49-5-501(3)(D), is amended by deleting the subdivision in its entirety and by substituting instead the following:

(D) Disregard of the teacher code of ethics in title 49, chapter 5, part 10, in such manner as to make one obnoxious as a member of the profession; or

SECTION 3. This act shall take effect July 1, 2010, the public welfare requiring it.

TEA Changes Personal Leave Approval Bill Now More Consistent with Current Practices

HB 3107 would originally have required that the director of schools or his/her designee approve any personal leave day request on a day scheduled for in-service or parent teacher conferences. As introduced, the legislation was far too restrictive on teachers and would allow conferences or training to be called on short notice, but still require approval. The House Education Committee amended the bill, at TEA's request, to require that the adopted calendar – with in-service and parent teacher conference days specified – be distributed to employees prior to start of the school year. Any days **not** specified on the adopted calendar would **not** fall under the requirement for approval. This was clearly addressed on the legislative record during questioning of the sponsor by Rep. Mark Maddox (D-Dresden). TEA did not oppose the bill – as amended – since it did not significantly change current practice as specified in most board policies or contracts. Below is the amended version of the bill which passed the House Education Committee on March 10.

The approval of the director of schools or the director's designee shall be required under the following conditions:

(D) If personal leave is requested for days scheduled for professional development or in-service training, according to a school calendar adopted by the local board of education prior to the commencement of the school year; or

(E) If personal leave is requested for days scheduled for parent-teacher conferences, according to a school calendar adopted by the local board of education prior to the commencement of the school year.

Change in Non-Renewal Deadline Advances Would Change Notification Date to May 15

Legislation which will change the date to notify non-tenured teachers of their dismissal or failure of re-election passed the full House Education Committee on Wednesday, March 10. **HB 2772** is sponsored by Rep. Richard Montgomery (R-Sevierville). As discussed in last week's report, the sponsor's primary argument in favor of the bill relates to teacher performance after they have been notified of their non-re-election. While TEA has told legislators that teachers who are not rehired need as much time as possible to make application for future employment, the Association does not oppose the legislation.

Bill to Change Kindergarten Entrance Age Stays in Committee Funding Decrease Issue Becomes "Sticking Point" in Debate

Legislation which would effectively require children to be older before they are admitted to kindergarten failed to pass the House K-12 Subcommittee on May 10. The vote was 5-5 on **HB 2820**, sponsored by Rep. Ty Cobb (D-Columbia). The legislation would have changed the date by which

children must be five (5) years of age from the current September 30 to August 1. While many early childhood educators support the change, the problem with the proposal relates to the funding loss for education which would result – at least for the first year of implementation. The official “fiscal note” on the bill estimates a **decrease** in state expenditures for FY 11-12 of nearly \$48 million and a one-time **decrease** in local expenditures of approximately \$24 million. This is based on an estimated decrease of 12,590 students who would be ineligible to attend kindergarten based on the date change. TEA’s concerns relate to the high probability of job losses in early childhood education programs, and to re-instituting the lost funding in subsequent years.

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