Tennessee’s Teachers
Will Not Be Silenced

page 8
**Speaking Out for You**

Gera Summerford, President

**Their Goal is to Divide and Conquer**

Many members of the 107th General Assembly seem to have a distorted view of the relationship between Tennessee educators and the Tennessee Education Association. They want to drive a wedge between their teachers and other professional organizations. They don’t appear to understand that TEA exists because a large majority of Tennessee teachers have chosen to make their voice heard at the local, state, and national levels. Some politicians are of the mind that TEA members stand in the way of what they want to accomplish. They say, “We can’t get our reform efforts off the ground while demoralizing teachers and destroying their professional rights.”

For more than 140 years, the TEA has been the largest organization of professional educators in Tennessee. It has been a voice stronger over the years than that of our lawmakers, administrators and education leaders combined. We have made the choice to unite and participate in a collective effort to improve public schools and the teaching profession. In the current legislature, there is a concerted effort to silence the voice of educators. Let’s imagine for a moment what would happen if they had their way.

Imagine your professional life in a state that prohibits professional negotiations. Your local school board could refuse to meet with you or your representatives to discuss your compensation and your working conditions. They could immediately cut your health insurance benefit so that you could pay for 55 percent of your annual premium, an average increase of some $3,200 per year. They could require you to work a longer day, take an extra duty, or give up your planning time. And they could apply such requirements to some teachers, while sparing others. Most legislation doesn’t recognize that your fellow teachers are the ones at the table representing you, seeking fair and equitable treatment for all. Nor do they realize that we also have to bargain for basic supplies, teaching materials, and textbooks for our students.

Imagine your professional life if you had to work up to 12 years without tenure. At any point during that time you could be dismissed for no reason. Even an exemplary teacher could be let go without cause. How easily it be for the school board to create a vacancy and fill it with someone to whom they had promised a job. As one TEA member said to me, “Tenure doesn’t mean I can’t be fired. It simply means if they want to fire me, they have to tell me why.” The current tenure law is simply a requirement of due process. Any board with the will to do so can get rid of teachers with that least of sufficient cause, so why the need to extend the probationary period?

Imagine schools would look like without the requirement of license for teaching. I once trained to be a teacher and just because I have a master’s degree in math, I don’t assume I could do any job requiring math skills. I don’t assume that anyone with a degree can do the job of teaching children.

When I consider these scenarios, I wonder what the extinction is for education. None of these proposals are intended to improve teachers and learning in our classrooms. None of these changes are intended to satisfy the professional contributions and services. So why have legislators proposed that we cut our representatives to the Tennessee Senate? Why do they want to end our ability to choose our payroll deduction?

I can imagine only one reason—to divide and conquer. This effort by legislators is not about school improvement. It is about weakening the ability of teachers to have a collective voice.

Now, more than ever, Tennessee’s teachers will not be silenced.

**TEA Teachers Must Correct What Misinformation, ILL WILL Hatched**

On February 18, 2011, the Senate Education Committee passed the first of at least 20 anti-teacher bills that have been filed this year. More than 400 TEA teachers and supporters came to Nashville to express their opposition to SB 113, which would make it illegal for school systems to negotiate with employee organizations.

The bill passed out of the committee on a six-to-three party-line vote. Sens. Groah, Westmore, Tracy, Crews, Rainey and Lumumba voted for the measure and Sens. Tate, Tate, Hare and Burke voted no.

This bill was presented to the committee by Sens. Jack Johnson (R-Franklin). Johnson’s presentation included broad statements filled with mistakes in favor of the bill.

Johnson commonly referred to “mandatory arbitrations,” “requiring the members to hold a vote to negotiate and boards of education must certify all contracts before they become effective.”

He said that a negotiating local only had to maintain a 30 percent share of eligible employees to avoid negotiating rights. In fact, the representative organization must maintain a membership of at least 50 percent of eligible employees. If membership drops below that number, the local level of education may challenge recognition of the local if it could lose its ability to negotiate.

This was not to repeal the Education Professional Negotiations Act (EPNA) seek to split the voice of teachers so it is effectively silenced. It would, teachers will not be able to establish their working condition; create a class policy that clearly defines by whom and how those policies will be enforced.

The TEA teachers must correct what misinformation, ILL WILL wrought.

**A Call to Action**

to attend a **TEA Teacher Rally**

“**Tennessee’s Teachers Will Not Be Silenced**”

Saturday, March 5, 2011
Nashville, Tennessee

**Why:**
Several bills have been introduced to the 107th Tennessee General Assembly that attack public school educators and the Tennessee Education Association. It’s obvious these bills have nothing to do with “education reform” in Tennessee. To assist in the effort to defeat these punitive bills, it is essential that we let our legislators know we strongly oppose these bills. Your help is needed. Please attend the TEA Teacher Rally and wear RED!

**When:**
Saturday, May 3, 2011
12 Noon – 3:00 p.m.

**Where:**
Park and assemble at the Bicentennial Capitol Mall State Park
600 James Robertson Parkway, Nashville, Tennessee, 37243-3081

**March to Legislative Plaza**
Downtown Nashville

**Join Us!**

The careers of Tennessee’s Teachers are at stake!

(Transportation available for physically challenged persons)

Call TEA Communications for more information
615.242.8392 | 1.800.342.8367 Ext. 121

www.teateachers.org
An Urgent Message to all Tennessee Educators!

Several bills have been filed in the 107th Tennessee General Assembly that attack all educators and the Tennessee Education Association. To assist in the effort to defeat these punitive bills, it is essential that our legislators receive a “NO” message from every educator across the state. These bills have nothing to do with “education reform” in Tennessee.

SB 102 — sponsored by Sen. Dolores Graham (R-Somerville). This bill would remove from TEA the right to elect teacher representatives on the Board of Trustees of the Tennessee Consolidated Retirement System (TCRS). Your message to legislators might include:
• Teachers have every right to be involved in decision-making regarding their earned retirement benefits.

HB 159/SB 135 — sponsored by Rep. Debra Maggart (R-Franklin). This bill would “turn back the clock” and is an attempt to do with “education reform” in Tennessee. It is a myth that there is such a thing as “lifetime tenure” in Tennessee. It is a myth that there is such a thing as “lifetime tenure” in Tennessee.

Your Help is Needed!
TEA leaders want to impress on members that these bills are very real threats and could pass in the near future. Our strength in fighting these attacks lies entirely in massing opposition from our members across the state. This is the time to speak out — if you vote, it may be too late!

Contact your legislators now by visiting the TEA Legislative Action Center: http://capwiz.com/tn/svg/legislator/tn/home/

The careers of Tennessee’s Teachers are at stake!
Even more “bad bills” are being introduced to the Legislature.

It’s All About Due Process: Teacher Tenure Explained

By Bryan McCarty

Initial Evaluation Period Facts:

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teacher does not receive tenure immediately upon employment with a local school system. Teacher tenure applies to a teacher who:
1. has a degree from an approved four-year college or to any vocational teacher who has the equivalent amount of training and is licensed by the State Board of Education (Section 49-6-501 [2][A]);
2. holds a valid professional license based on training covering the subjects or grades being taught (Section 49-6-501 [2][B]);
3. has completed a probationary period of three (3) school years or not less than twenty-seven (27) months within the last five-year period.
4. has been reemployed by the board of education for service after the probationary period (Section 49-6-501 [2][D]) after recommendation by the director of schools (Sections 49-2-301 [C][2] and 49-2-203 [A][1]).

During the probationary period a classroom teacher will be evaluated and observed by a building administrator and others. The teacher gains no entitlement to permanent tenure status until the teacher is recommended to the board of education and elected by that board to tenure. By law the principal and director of schools make recommendations to the local board concerning the attainment of tenure and continued employment after the probationary period (Sections 49-2-101, 49-2-301 [F][1]) and 49-2-203 (a & c).

The Importance and Process of Tenure

Tenure is an obstacle to the elimination of an employee based on the employee’s age or eligibility for retirement; on the board of education’s belief about the employee’s voting record or support of candidates; on concerted activities such as bargaining or joining organizations; on support of other teachers with handicaps/ disabilities; on expressions of disagreement over educational policies, or on the board of education’s belief about the employee’s social, political, religious or other beliefs.

Tenure protects the teacher who will not conduct prayer in the classroom or support or non-support of a political candidate, and his or her speech, their race, their religious beliefs, eligibility for retirement, their support or non-support of a particular political candidate, and the list goes on.

The grounds (causes) for dismissal are contained in the tenure law. A teacher may be dismissed for incompetence, inefficiency, neglect of duty, unprofessional conduct, and insubordination, as these terms are defined in Section 49-6-501, Tennessee Code Annotated. As an example, “inefficiency” is defined as meaning that the teacher’s performance is below the standard of efficiency maintained by others currently employed by the board of education for similar work, or basically lacking, inadequate, or impairing in effective performance of duties. “Incompetence” can include a lack of training or experience, evident unfitness for service, physical, mental or emotional conditions making the teacher unfit, the inability to command respect from subordinates or to maintain discipline of those with whom the teacher must work, or being incapacitated, lacking adequate power, capacity or ability to carry out the duties and responsibilities of the position. All that the tenure act requires is that there be some change in the teacher, in writing, or one of more than the grounds for dismissal.

The written charge is taken to the local board of education, which reviews the written charge, without hearing any evidence, and determines whether that charge, if true, would warrant the dismissal of a tenured teacher. This is usually accomplished as a simple agenda item and the board accepts and certifies the charges on the basis that there is no other information available. Once the charge is certified by the board, it is the duty of the principal of schools’ responsibility to give the teacher notification of the charge or charges. Following receipt of the notice, the teacher has thirty (30) days in which to demand a hearing before an impartial hearing officer selected by the board of education. Pending the outcome of the hearing, the teacher may be suspended with or without pay by the director of schools.

If the teacher elects to have a hearing, the hearing is held pursuant to the new TFR provisions of Section 49-6-502, Tennessee Code Annotated. The director of schools names the hearing officer of the hearing officer manages and schedules the hearing through a prehearing conference. The attorneys for the parties participate and are heard on proof and evidentiary concerns.

The hearing officer is empowered to issue appropriate orders and to regulate the conduct of the proceedings. All parties have the right to be represented by counsel, the opportunity to call and subpoena witnesses, the opportunity to examine all witnesses, the right to require testimony under oath and the right to have evidence deemed relevant by the submitting party included in the record of the hearing. A complete record is maintained. The hearing officer has the right to: a) issue findings of fact and conclusions of law, and proposed initial or final orders. Within ten (10) days of closing the hearing officer shall issue written findings of fact, conclusions of law and a concise and explicit statement of the outcome of the decision. The final order of the process, after a board of education review, is a Chancellor Court which is no longer the record of the hearing held by the hearing officer and reviewed by the board.

The Reasons for Tenure

There is absolutely nothing about tenure that precludes the dismissal of a teacher. It is difficult to fire a “bad” teacher in Tennessee. It is a myth that there is such a thing as “lifetime employment” for a teacher or administrator in Tennessee’s public schools. What tenure provides is a minimal due process procedure that is the cornerstone of tenure give a teacher “limited job security.” That “limited job security” is the teacher’s expectation of continued employment unless the teacher has done something that would make the teacher disposable.

The careers of Tennessee’s Teachers are at stake! Even more “bad bills” are being introduced to the Legislature.
Using the postcards attached here to contact your legislators. See next page for your colleagues’ responses to anti-teacher bills currently before the 107th General Assembly.
A Sampling of Letters from Tennessee Teachers: Shock and Disbelief Prevail as Legislators Hurt Teachers’ Feelings, Attack Rights

Dear Sir/Madam,

I am a teacher. I’m not a “union guy.” In fact, I’ve never been a member of TEA. I care about my students and their education. I’ve never been a member of TEA.

Six Days Of Creation and SB 113

Senator Tracy, I am a teacher. I’m not a “union guy.” But recent events have caused me to reevaluate my role as a teacher and as a member of the teaching profession.

To be clear, I am not a member of the TN Teacher’s Association, nor do I belong to any other union. I am simply a teacher who cares deeply about my students and their education.

After the recent events, I have come to realize that I need to stand up for what I believe in and to speak out against the attacks on our profession.

I am now willing to stand up and open my mouth. I’m now willing to tell everyone what I think and show people who haven’t had the courage or the motivation to stand up why their votes need to be heard. I didn’t need to listen to the “union propaganda” Senator Johnson disparaged. I need to be heard. I didn’t need to listen to the legislators who attacked our rights. I need to be heard.

I hear you say and say again that you love education. I am not some “union guy.” I am a teacher. I love my students and their education. I have always been a member of TEA. I care about issues I believe in, somewhere in the middle, I have always felt that politics were a private thing, I’ve never told anyone who I voted for. I did not speak up in any public forum.

Continued on page 10.

Sincerely,

[Your Name]

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The legislators pictured here are the first to vote on most measures affecting public schools and teachers in the 107th General Assembly. They deserve to hear from you.

How to Access & Use Legislative Action Center

1. To find and contact your elected officials:
   a. Visit http://capitol.tn.gov/neo/home/
   b. Click on the Blue Elected Officials tab at the top.
2. Enter your zip code and click Go
   a. If necessary, enter your address (this is needed if your zip code is split among legislative districts)
3. Choose Your Member Location so your contact information is automatically filled in for you (or correspondence you may send from this site)
   a. Your local elected officials appear at the top, and links to legislative leadership and committees appear toward the bottom
   b. At the very top, there is a link to the Legislative Directory and a link to the Legislative Contact List
4. Click on an elected official’s name to see bio information
   a. Click on the Contact tab to get contact information including phone, email, street address and Web site, if available
   b. You can send an e-mail message directly to your elected official from this location
5. To follow Issues and Legislation:
   a. Visit http://capitol.tn.gov/neo/home/
   b. Click on the Blue Issues and Legislation tab at the top
   c. A current list of topics will appear from which you can choose
      i. The list includes items from NBE and TEA
      ii. The list includes legislative bill numbers and Action Alerts
5. Click on an Action Alert to get a pre-written e-mail that can be sent or customized and sent to your elected official(s)
   a. Select whether or not you’d like to send a pre-written e-mail that can be sent or customized and sent to your elected official(s)
   b. Select an issue or legislation
   c. Select which portions of the pre-written e-mail you want to include in your message and/or add your own sentence(s)
   d. Select your closing
   e. Add your name
   f. Enter your contact information
   g. Select whether you’d like to send a pre-written e-mail that will be sent to all the legislators in the House of Representatives
5. Click on an Action Alert to get a pre-written e-mail that can be sent or customized and sent to your elected official(s)
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2. House Education Committee
Teachers careers should not be restricted to administrators, but that’s what this bill attempts to do. The TEA urges teachers to contact their senators and详细 the tenure law.

Tenure laws are designed to give teachers freedom from the personal fancy of principals, directors and school board members who years ago could place unfounded complaints and fire them for no reason.

If the Republican-controlled Legislature feels it must change the law, it could go with a three- to five-year time frame for granting tenure, but 10 years is too long for an administrator to allow someone to damage the school

This bill should either be defeated or amended.

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You have asked teachers what they need? I have asked this question for years to legislators and never received an answer. I think it’s because politicians would hear what they don’t want to hear: the programs, resources, and support we need for improved classroom instruction are not being provided. Standardized testing is the push, not student improvement. Instead, politicians introduced a bill to attack anti-teacher, job-killing, and collective bargaining.

As you proceed into the 2011 Legislative Session, the members of the Knox County Education Association (KCEA) and the Tennessee Education Association, (TEA) would like to take this opportunity to thank you for the work you have done and will continue to do to make Tennessee’s public schools a priority. Without working together, we are unable to meet our shared goals of providing a high quality education to all of our students. Responsible, elected leadership and committed professional educators must collaborate with each other in reaching out to the greater community to achieve success.

We understand that you have an important role in determining the direction of Tennessee’s public schools. It is because of that I am writing this letter today. My members are highly concerned about anti-teacher-union bills that have been filed recently. I urge you to oppose HB 30, which would repeal the Education Professional Negotiations Act, making bargaining by teachers illegal in the state. In Knox County, teachers severely limit a teacher’s access to membership in their professional organization, thus weakening their voice.

Education is a major stakeholder in the education of our kids. We deserve a seat at the table, a voice in the room, and the right to belong to an organization that works to improve the lives of students and school personnel.

This time a year ago, the TEA was commended by the Tennessee General Assembly for working closely with the legislators to make changes that allowed our state to win millions in federal Race to the Top dollars. Simply put, this could not have been accomplished without Tennessee’s teachers at the table. Please oppose any attempts to weaken, dilute, or erase the voice of Tennessee’s teachers during this critical era of school reform. The TEA is not a barrier to reform, but a necessary partner in school reform efforts and initiatives.

Sincerely,

Jessica Almson
Knox Co. Ed. President & TEA board member

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Continued from page 8.

Yesterday, I listened from the hall because I also strongly urge you to oppose HB 159, which would prohibit dues deductions for public employees, thereby making it more difficult for teachers to maintain membership in their chosen professional organization. This bill would severely limit a teacher’s access to membership in their professional organization, thus weakening their voice.

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TSBA Targets Tennessee’s Teachers

By Mike Lee

A union is a group of individuals who join together for collective action. The Tennessee School Boards Association (TSBA), which is opposing professional negotiations by teachers, is a union. On the TSBA Web site, Executive Director Tammy Grissom states: “TSBA provides school board members a collective voice in matters of legislation and public education concerns.” At the same time, the TSBA is working to take away the collective voice for teachers.

A lot has been said recently about the rights of an individual to make individual contracts with boards of education. While that may sound good to a few, this premise simply doesn’t work.

Grissom also states, “Individually, school boards may find it financially impossible to employ their own specialists in such areas as legislation, school law, policies and community relations.” The same is true for teachers. Few teachers would have the resources necessary to individually bargain or to plead personal causes.

Sometime I went before the Hamblen County Board of Education to ask teachers be allowed to have deductions for association dues. United Way and other groups were provided this same benefit without negotiating.

Collective bargaining has assured teachers a voice that would easily be ignored without the power of unity. A single sheet of paper in the hands of a very small child can be shredded to bits in seconds. However, if that same sheet is bound together in a thick stack or book, most adults would find it difficult if not impossible to rip it in two as a whole unit. To effectively advocate for our students and for ourselves as teachers, we must retain that collective voice.

The world is watching as we tackle overt attempts to silence the voices of unions which represent workers in our country. We are feeling some of the pain of previous union members who were jailed, beaten, and murdered because they wanted a decent wage and better working conditions.

The initial bills in the legislature were filed to silence TEA; a bill filed later will remove the requirement that supervisors, principals, and teachers be licensed. And they would find it difficult if not impossible to rip it in two as a whole. To effectively advocate for our students and for ourselves as teachers, we must retain that collective voice.

Mike Lee is a TEA UniServ Coordinator in East Tennessee.