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Bill Proposes Spending \$5.5 Million for Teacher Liability Insurance State-Paid Legal “Protections” a Ruse to Discourage Membership

Legislation to provide state-paid liability insurance for teachers was delayed for two weeks in the House Education Subcommittee on Wednesday, February 8. **HB 2170** is sponsored by Rep. Charles Sargent (R-Franklin), who is himself in the insurance business. The legislation would call for the state to acquire such a policy based on “a procedure requiring the submission and review of competitive proposals” which effectively means that private insurance companies, such as the sponsor’s, would be in a position to make profits off of the state expenditure. The obvious intent of this bill is to discourage teachers from joining organizations such as TEA where association membership includes far superior legal services than the state could ever provide. The proposed bill is purposely very vague as to what the proposed state provided insurance would cover. **It is important that education employees realize that this legislature – which has beat upon teachers for the past year – would be an unlikely “protector” of teacher legal rights and employment concerns!** TEA members are encouraged to contact all members of the House Education Subcommittee and ask that they vote “**NO**” on **HB 2170**. The message to legislators could include:

- This legislation is a thinly veiled effort to discourage Association membership.
- If \$5.5 million “extra” state money is available, it should be spent on teacher health insurance, not to provide some vague state-paid legal services to teachers.
- This proposal would offer a false sense of security to education employees.
- This bill sets up an untenable situation where the state would potentially be put in an adversarial situation with local school boards on teacher rights issues.

HB 2170 has been re-scheduled for the Education Subcommittee on Wednesday, February 22. All contacts with the sponsor or the subcommittee members should be made immediately. Contact information is listed below.

Rep. Charles Sargent – 206 WMB – 741-6808 – rep.charles.sargent@capitol.tn.gov

General Subcommittee of House Education			
Member (Party & District)	Office	Phone Area Code (615)	E-Mail Address
Chairman Joey Hensley (R-70)	106 WMB	741-7476	rep.joey.hensley@capitol.tn.gov
Vice Chairman, Joe Carr (R-48)	205 WMB	741-2180	rep.joe.carr@capitol.tn.gov
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John J., Deberry, Jr. (D-90)	26 LP	741-2239	rep.john.deberry@capitol.tn.gov
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Bill Dunn (R-16)	115 WMB	741-1721	rep.bill.dunn@capitol.tn.gov

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Debra Young Maggart (R-45)	103 WMB	741-3893	rep.debra.young.maggart@capitol.tn.gov
Richard <u>Montgomery</u> , (R-12)	109 WMB	741-5981	rep.richard.montgomery@capitol.tn.gov
Speaker Emeritus Jimmy Naifeh (D-81)	G19A WMB	741-3774	spk.eme.jimmy.naifeh@capitol.tn.gov
Joe Pitts (D-67)	34 LP	741-2043	rep.joe.pitts@capitol.tn.gov

Governor's Class Size Increase Proposal May be Abandoned Elimination of State Salary Schedule Would Still be Pursued

Due to pressure from many directions, including teachers, school administrators, and parents, there is a possibility that the Haslam administration will drop their proposal to raise class size in order to fund fewer teacher positions. The "savings" from the class size increase would allow additional monies to flow to local school boards to provide merit or incentive pay for teachers. While it would certainly be a positive step – and a big win for TEA – if the class size proposal is dropped, **it is almost certain that the administration will insist on deleting the state teacher salary schedule.** If the 20-step state salary schedule is deleted, teachers could not be assured additional salaries for years of service or for achieving advanced degrees. Eliminating the state salary "floor" would also likely increase salary discrepancies between school systems and add impetus to legal challenges on the salary equity issue. **It is important to understand that – at press time – no changes have been officially proposed to amend the Governor's class size/salary flexibility bill which is HB 2348/SB 2210.**

Many legislators have expressed their reservations to TEA lobbyists about the class size proposal. This includes some high-ranking officials who would need to be "on board" for the bill to pass. According to the Chattanooga Times Free-Press, Lt. Gov. Ron Ramsey (R-Blountville), in a speech to the Tennessee Press Association this week stated that legislators need to "back up" and do a better job explaining the proposal to raise class size. Ramsey was quoted as saying, "I don't want to say it's dead, but at the same time, we're regrouping and trying to figure out what local systems want."

TEA will keep members informed as developments occur around this legislation. Members should continue to contact the Governor's office and legislators urging the defeat of any legislation which would eliminate the state salary schedule. Below is information for contacting the Governor's office. Legislators can be contacted by going to the TEA website – www.teateachers.org. Click on "Issues and Advocacy", "Legislative Action Center", then "Elected Officials."

Contact Information for the Governor's Office

Email -- bill.haslam@tn.gov
 Phone – 615-741-2001
 Mail – Governor Bill Haslam
 First Floor, State Capitol
 Nashville, Tennessee 37243

Selected Education-Related Legislation

Below are “captions” for certain education bills which have been filed as of February 9, 2012. It is important to note that due to space limitations this is not a complete list of all education bills. “Captions” can sometimes be misleading and might not reflect the actual language of a bill. To access the wording in a specific bill you can go to www.legislature.state.tn.us and enter the House or Senate number in the “Find Legislation” box.

HJR 525 (Hardaway) -- Encourages inclusion of energy conservation curricula in K-12 education.

HJR 538 (Naifeh) -- Establishes a committee to study the teacher evaluation system known as the Tennessee educator acceleration model (TEAM).

HJR 602 (H Brooks) -- Expresses need to expand postsecondary credit-earning opportunities for high school students and urges state education agencies to provide assistance to any organizations conducting a statewide study of the issue.

HJR 607 (Hardaway) -- Proposes an amendment to explicitly prohibit the general assembly from levying, authorizing or otherwise permitting any state or local tax upon payroll or personal income, earned or unearned, or any state or local tax measured by payroll or personal income.

HB 2163 (Fitzhugh)/SB 2124 (Stewart) -- penalizes a parent for failing to report a missing child.

HB 2167 (Coley)/SB 2591 (Marrero) -- requires interest inventories to be administered to high school juniors and college sophomores to assist students in career decisions.

HB 2198 (Parkinson)/SB 3663 (Kyle) -- adds recordkeeping and other requirements for tattooing of minors, increases penalties for violations related to tattooing of minors.

HB 2229 (Hurley)/SB 2646 (Yager) -- requires high schools to forward vaccination records to higher education institution on behalf of dual enrollment student upon request of the student's parent or guardian; authorizes commissioner of education to promulgate rules to implement this act.

HB 2255 (Hardaway)/SB 3497 (Tate) -- requires the director of schools and the local board chair to prepare needs based budgets for the first, third, fifth, seventh and 10th school years beyond the next school year.

HB 2256 (Hardaway)/SB 3498 (Tate) -- requires a local legislative body to make maintenance of effort payments according to a standard statewide payment schedule adopted by the commissioner of education; permits adoption by the LEA and the local legislative body, with the approval of the commissioner, of an alternate payment schedule.

HB 2270 (Hardaway)/SB 3482 (Tate) -- defines maintenance of effort and requires local tax rate to be sufficient to fund maintenance of effort. (BEP)

HB 2316 (B Cooper)/SB 3249 (Ford) -- changes the permissive authorization in current law and requires local boards of education to offer preschool programs; requires the commissioner of education to recommend sufficient funding for space for all students.

HB 2318 (Fitzhugh)/SB 2454 (L Finney) -- permits certain students, at their own option, to include grades from courses taken during summer semester 2011 in the cumulative grade point average for continuation of the Tennessee HOPE scholarship.

HB 2322 (B Cooper)/SB 3253 (Ford) -- makes revisions to the Tennessee Public Charter Schools Act as amended.

HB 2346 (McCormick)/SB 2208 (Norris) -- revises various provisions governing school accountability and achievement school district.

HB 2347 (McCormick)/SB 2209 (Norris) -- removes prohibition on using records from students eligible for special education services under federal law as part of the value added assessment.

HB 2401 (Ramsey)/SB 2263 (Yager) -- enacts the "County Financial Management Act of 2012."

HB 2414 (Gilmore)/SB 2506 (Marrero) -- requires the office of research and education accountability and the department of health to do studies on AIDS curricula; requires department to survey other state health departments' AIDS public outreach and education programs.

HB 2416 (Gilmore)/SB (2521 (Berke) -- enacts the "Green Cleaning Schools Act."

HB 2444 (Naifeh)/SB 2523 (Berke) -- requires all municipal and county elections to be nonpartisan.

HB 2452 (Hurley)/SB 2294 (Campfield) -- limits any increase in tuition and school-related fees to the consumer price index.

HB 2461 (Forgety)/SB 2395 (Bell) -- allows retired teachers' children who are under 24 years of age to receive a 25 percent discount at any state-operated institution of higher learning; provided, that the parent retired with 30 years of full-time creditable public school service.

HB 2592 (McDonald)/SB 2900 (L Finney) -- requires a special education diploma be awarded to students who have satisfactorily completed an IEP with satisfactory attendance and conduct, but who have not passed the proficiency tests required for graduation with a regular diploma.

HB 2613 (H Brooks)/SB 2809 (Tracy) -- requires public postsecondary institutions, under certain conditions, to accept for credit any dual credit course developed by another public postsecondary institution in collaboration with a high school.

HB 2649 (H Brooks)/SB 2514 (Gresham) -- revises initial academic requirements for eligibility and the amount of the award of the Tennessee HOPE scholarship beginning with students entering college in 2015-2016; recommends use of net lottery proceeds for TSAA grants for 10 years beginning with 2015-2016.

HB 2653 (Hawk)/SB 2579 (Southerland) -- classifies schools teaching high school courses in grades 7 or 8 as secondary schools.

HB 2663 (Hensley)/SB 2819 (Massey) -- establishes a special joint committee to review and study the establishment of an occupational course of study for students with disabilities.

HB 2753 (Hensley)/SB 3044 (McNally) -- authorizes local boards of education to receive federal or private grants and to expend grant funds for purposes of the grant without seeking approval of or appropriation by the local legislative body; unless the grant requires matching funds.

HB 2777 (Camper)/SB 2520 (Bell) -- establishes a 25 percent tuition waiver for children of members of the military stationed overseas; provided, that the student qualifies for in-state tuition.

HB 2872 (Sargent)/SB 2783 (McNally) -- makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2012 session of the 107th General Assembly.

HB 2956 (Todd) -- permits creation of new city school systems and of joint city school systems in counties in which a school system has been consolidated with the county school system.

HB 3106 (Faison)/SB 2881 (Faulk) – states that teachers of non-academic subjects that are not measured by TVAAS data shall not be evaluated based on such data; allows each LEA to create an annual evaluation system for such teachers.

HB 3182 (Stewart)/SB 3088 (Berke) -- requires the accounting manuals provided by the boards of education covering the various phases of student body activity funds and other internal school funds to be published on the Internet for viewing by students, parents, and faculty.

HB 3210 (Pitts)/SB 2953 (Barnes) – permits state appropriations or state funds to be made to the directors of schools association.

HB 3211 (Pitts)/SB 3954 (Barnes) – requires the Tennessee Organization of School Superintendents and the Tennessee School Boards Association to collaborate to set and achieve goals related to the general improvement of education in the state.

HB 3232 (McCormick)/SB 2905 (Norris) -- requires the county mayor, county trustee and county board of education to make quarterly settlement of school funds from all sources, including the BEP and other state and federal funds.

HB 3234 (McCormick)/SB 2908 (Norris) -- removes prohibition on creation of municipal school districts.

HB 3238 (H Brooks)/SB 2967 (Tracy) -- requires local board of education to approve budget for operation of county schools after the county legislative body's approval in accordance with Local Option Budgeting Law of 1993.

HB 3239 (H Brooks)/SB 2966 (Tracy) – limits virtual school enrollment to students of the LEA creating the virtual school; permits LEAs to contract with each other to offer joint virtual education programs.

HB 3241 (H Brooks) -- requires local boards of education to adopt policies concerning a teacher's ability to relocate a student for the safety of the student and the safety of others.

HB 3249 (Hill)/SB 3541 (Crowe) -- changes the definition of "home school student" for purposes of the Tennessee HOPE scholarship to require that a student be home schooled the last year of high school instead of the last two years of high school.

HB 3266 (P Johnson)/SB 3060 (Summerville) -- prohibits LEAs, school administrators and educators from taking action that infringes on or waives first amendment rights of school personnel or students without written consent of those who would be affected.

HB 3267 (White)/SB 2738 (Johnson) -- requires at least 50 percent of the sample of school improvement plans reviewed by the office of education accountability to be comprised of plans from low-performing schools and low-performing LEAs; deletes reference to education oversight committee.

HB 3284 (Maggart)/SB 3048 (Kelsey) – broadens the purpose of certain statutory restrictions concerning who may enter school grounds during school hours.

HB 3301 (Hill)/SB 3026 (Gresham) -- requires a biennial report by the office of research and education accountability on costs of school construction for use by the BEP review committee in considering the capital outlay component of the BEP.

HB 3306 (Swann)/SB 3224 (McNally) -- requires department of education to recommend a teacher evaluation modification to the state board of education enabling local education agencies to set the frequency and extent of teacher evaluations to be completed for high performing teachers; requires implementation of teacher evaluation modification prior to 2013-2014 academic year; requires commissioner to report on modification recommended to education committees.

HB 3325 (Kernell) -- requires LEAs to notify parents and guardians of disabled children of services available to such children.

HB 3337 (Brown)/SB 3712 (Ford) -- revises outdated provision concerning eligibility for teacher preparation programs and teaching.

HB 3347 (L Miller)/SB 3672 (Kyle) -- requires the THEC to publish its annual report prior to January 15 of each year, instead of February 15.

HB 3384 (Windle)/SB 3306 (Burks) -- allows home school students to participate in interscholastic athletics at the school the student would be authorized to attend if the student registers as a home school student and meets academic and conduct requirements as required for other students.

HB 3403 (White)/SB 3280 (Kelsey) -- requires department of education to compare number of students receiving lottery scholarships from each school to determine effectiveness of each school's lottery scholarship day program and facilitate such programs at other schools whenever possible.

HB 3496 (Hensley)/SB 3270 (Tracy) -- states that LEA shall allocate amount equal to state funds per pupil for education of children in mental health facilities and revises criteria for residential mental health facility to receive such funding.

HB 3505 (Gilmore)/SB 3606 (Haynes) -- authorizes and encourages LEAs to partner with individuals, community and faith-based groups and organizations and for-profit and nonprofit entities to devise parental involvement programs that reward schools and classes and honor parents for participating in parenting classes that increase parental involvement in education and schools.

HB 3539 (Matheny)/SB 3178 (Bell) -- makes charter schools subject to open meetings law; requires charter schools to maintain a web site and post certain notices and information on the web site; makes charter school records open records to the same extent as records of public schools operated by LEAs.

HB 3576 (Pody)/SB 3597 (Beavers) -- prohibits certain colleges and universities in this state from denying recognition, privileges or benefits to a student organization or group on the basis of religious content of the organization's or group's speech or the manner in which the organization or group determines its organizational affairs.

HB 3586 (J Deberry)/SB 3159 (Tracy) -- includes in definition of underutilized and vacant property of an LEA schools in which the number of students enrolled is less than 50 percent of the school's capacity; authorizes comptroller to conduct a review of the LEA's catalog of underutilized and vacant property, if requested.

HB 3587 (L DeBerry)/SB 3160 (Tracy) -- changes grounds for revocation of a public charter school agreement from failing to make AYP for two consecutive years to failing to meet achievement benchmarks of the state's academic accountability system for five consecutive years; allows revocations for failure to meet academic accountability to be appealed to the state board of education.

HB 3616 (Holt)/SB 3632 (Roberts) -- enacts the "Religious Viewpoints Antidiscrimination Act."

HB 3621 (Gotto)/SB 3310 (Johnson) -- requires that a family life education curriculum comply with certain restrictions.

HB 3664 (Fitzhugh)/SB 3671 (Kyle) -- makes appropriations for the purpose of defraying the expenses of certain legislative enactments passed during the 2012 session of the 107th General Assembly.

HB 3716 (McCormick)/SB 3100 (Norris) -- requires office of education accountability to submit a copy of its report on monitoring system and school improvement plans to the finance, ways and means committees, in addition to the education committees.

HB 3741 (Hill)/SB 3757 (Gresham) -- requires the commissioner of revenue to make a study of the fairness of the present distribution of local sales taxes in counties of population less than 300,000 that have more than one school district in meeting the needs of funding the school districts.

HB 3769 (H Brooks)/SB 3247 (Berke) -- revises charter school application process time frames; permits LEAs to charge charter school applicants an application fee; changes current law to allow, not mandate, charter school teacher participation in group insurance plans offered by the LEA.

HB 3770 (Ramsey)/SB 3283 (Gresham) -- allows county boards of education, in counties that have adopted the County Financial Management System of 1981, to remove the LEA from such system and manage the board's financial affairs under general state law.

HB 3813 (Fitzhugh)/SB 3725 (Herron) -- requires LEAs placed in Corrective Action to extend the school term by 10 instructional days and if subsequently placed in Restructuring 2 to extend the school term by an additional 10 instructional days.

HB 3816 (Dunn)/SB 3599 (Bell) -- changes a nonacademic eligibility requirement for receipt of Tennessee HOPE scholarship by home schooled student from being home schooled for two years immediately preceding completion of high school to being home schooled for one year immediately preceding completion of high school.

HB 3829 (Hensley) -- allows a 25% tuition discount for eligible children of local government employees and retired teachers.

HB 3833 (Butt) -- sets the number of members of the Maury County Board of Education at 11 to be elected from school districts coextensive with the county commission districts; sets staggered four-year terms for such school board members.

SJR 552 (Tracy) -- Urges support for school-aged children's access to immunization through school-based vaccination programs. -

SR 74 (Ford) -- Naming and Designating - "Tennessee School Choice Week," January 22-28, 2012

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Education votes 2012

Stay Informed – Watch How They Vote – Hold Them Accountable

During the 2011 legislative session, the legislative majority – in the name of education “reform” – launched an attack on education employees and the Tennessee Education Association. With impunity, the General Assembly’s majority repealed a 35-year-old negotiations law, drastically reduced teacher tenure rights, removed TEA representation from the state retirement board, and made non-licensed education personnel “at will” employees. If that was not enough, the legislative majority embraced a flawed teacher evaluation system which has teacher frustration levels at an all-time high. Unless teachers stay engaged in the legislative process, and keep abreast of how individual legislators vote, these attacks will only continue. Many key votes affecting public schools and public school employees will be taken over the next six to eight weeks. Know how your legislator votes! Most will be asking to be re-elected in the 2012 elections. Here is your chance to hold **THEM** accountable!