



PUBLIC CHAPTER 376

When the governor and the legislature increased the tax on tobacco this summer, the law (Public Chapter 376) included several measures that were designed to hold schools and school districts more accountable for the new revenue. Below you will find a few of the more important changes in state law that impact school employees:

1. Tenured teacher evaluations are no longer on a ten-year cycle where two evaluations must be conducted during the life of a teaching license. Now, teachers must be evaluated once every five years.
2. Every two years, not to include the year of a full-blown evaluation, a tenured teacher must have an assessment, involving one observation during which the principal lists strengths and areas to strengthen.
3. School districts are required to develop a differentiated pay plan for positions in which the "LEAs have difficulty hiring and retaining highly qualified teachers."
4. Directors of schools are required to develop principal performance contracts which may be based on school TVAAS data, other benchmarks for student proficiency, graduation rates, ACT scores and student attendance among other factors.
5. Principals must develop a school budget.
6. For "priority schools," the Commissioner of Education now has greater authority to approve a school system's allocation of resources and to appoint local community review committees to approve and monitor the school improvement plan.

Please note that the above list is, by no means, an exhaustive accounting of the act. It merely hits the highlights. However, MNPS received in excess of \$13 million from the 42-cent tobacco tax increase.

MNEA SPECIAL ELECTION

Last spring the Representative Assembly amended the by-laws to align MNEA districts with MNPS clusters. Due to that change and some resignations, the Nominations and Elections Committee announces the following vacancies:

EXECUTIVE BOARD VACANCIES

- Finance Officer
- Director Hillwood Cluster (District 2)
- Director Maplewood Cluster (District 3)
- Director McGavock Cluster (District 9)
- Director Overton Cluster (District 5)
- Director Stratford Cluster (District 10)

NOMINATIONS AND ELECTIONS COMMITTEE VACANCIES

- Hunters Lane Cluster (District 1)
- Antioch Cluster (District 8)
- Stratford Cluster (District 10)
- Whites Creek Cluster (District 11)

THOSE PESKY HEAT DAYS

Early this year, the administration closed school because of excessive heat but directed teachers to stay at work. The assumption was that, since school was being closed at the mid-point each day, the state would allow Metro to count the days as full days of instruction. Such has always been the pattern for snow days. However, Metro made the decision to close school mid-week for the rest of that first full week of school prompting the state to make the determination that no emergency existed on August 16 and 17.

Apparently, the closing of schools with more than 24-hour notice was a mistake and, clearly, forcing employees to stay in overheated buildings was an even greater error. The problem facing MNPS now is that, if we have more than four snow days, Metro will not have enough time built into the calendar to provide the required amount of instructional time without extending the school year. MNPS cannot add an additional instructional day to make up time without paying teachers for the extra day of work.

RATIFICATION OF TEACHER DRESS ARTICLE

The Nominations and Elections Committee finalized the MNEA ratification process for ARTICLE VI, SECTION G "Teacher Dress" with the counting of the ballots on the afternoon of September 21, 2007. The vote was overwhelmingly affirmative at 94% "yes" and 6% "no."

New Section G reads:

All certificated staff members are expected to dress in a professional manner that inspires respect and serves as a role model for students. It is recognized that attire must also be appropriate for the teacher's assignment, the needs of the students, and the physical needs of the staff member. Clothing should be modest and appropriate size. It is understood that problems of teacher dress shall be handled professionally between the educator and his/her immediate supervisor.

ENROLL IN THE SICK LEAVE BANK TODAY

The deadline to enroll in the Sick Leave Bank is October 31 of each year or within the first 30 days of employment for new hires.



The state law permits coverage "to members of the program who have suffered an unplanned personal illness, injury, disability or quarantine and whose personal leave is exhausted." The MNEA and the Board established a Sick Leave Bank. To join, employees must agree to donate three (3) days to the bank. It is important to join early because it's too late after a debilitating condition strikes.

Each year MNEA receives inquiries about joining the bank from teachers who are on long-term sick leave and are about to run out of days. Unfortunately, while such teachers can join, the Bank will not provide days for a preexisting condition. This is a great benefit to teachers that was negotiated by TEA and MNEA. Enrollment forms were recently e-mailed to all certificated employees. Remember the sign-up deadline is Oct. 31.

UPCOMING EVENTS

- October 16** Teacher Evaluation Training 4:30 p.m. MNEA Headquarters
- October 18** Representative Assembly 4:30 p.m. Nominations for vacancies from floor
- October 22** Know Your Contract Training 4:30 p.m. MNEA Headquarters
- October 23** Pre K—4 Make It and Take It Workshop 4:30 p.m. MNEA Headquarters
- October 24** FAC Training 4:30 p.m. MNEA
- October 25** Grades 5-8 Make It and Take It Workshop 4:30 p.m. MNEA Headquarters
- October 27** Educators Real Estate Seminar 1:00—3:00 p.m. MNEA Headquarters
- October 29** IDEA/NCLB Workshop 4:30 p.m. MNEA Headquarters

STEPHEN HENRY RUNS FOR NEA BOARD

At its October meeting, the Executive Board of the Metropolitan Nashville Education Association voted to nominate MNEA Vice President Stephen Henry for the upcoming vacancy on the National Education Association Board



of Directors. The position on the NEA Board is for three years and individuals may succeed themselves once. Stephen Henry is a fifth grade teacher at Creswell Arts Magnet School. Stephen and the MNEA Executive Board will be looking for volunteers to serve as delegates and campaign workers for the Tennessee Education Association Representative Assembly, where the election will be conducted. The Assembly is held in May of each year at the Nashville Convention Center.

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Erick Huth, President
Stephen Henry, Vice President
Kenneth Martin, Finance Officer (interim)
Diane Jarrell, Secretary

UniServ Coordinators: Forestine Cole, Ralph Smith, Gloria Towner
MNEA Staff: Teresa Hayes and Helen Conlee McMackin

KNOW YOUR CONTRACT

Article II. Section G. PERSONNEL FILES & INFORMATION

1. Each teacher shall have the right, upon request, to review the contents of his/her own personnel file. A representative of the Association may, at the teacher's request, accompany the teacher in this review. The review shall be made in the presence of the Assistant Superintendent for Human Resources or a designee.



2. No material of derogatory nature will be placed in the permanent personnel file of a teacher without the teacher's prior knowledge of the content of the material and the date of placement in the file. Upon request by the teacher, a response may be attached to the material. (1999)

3. The tier-level assistant superintendent shall notify principals of the need to maintain confidentiality of personal information about staff members, which has not been made part of their official records, by not including it in any electronic system which may be transmitted throughout the school network. In order to make the information more readily available this article shall be cited in the *District Standard Operating Procedures (DSOP)* manual.

4. Supervisors, building principals, and department and division heads will be responsible for handling other sensitive documents of a personal nature in a manner which complies with the requirements of the Americans with Disabilities Act, HIPPA, other pertinent federal statutes, and the Tennessee Open Records Act. (1999)

5. Prior to use for evaluation or for making any record of permanence, all derogatory information that an administrator has relative to an employee must be shown to that employee upon request.

6. The Human Resources Department will maintain a list of certificated personnel containing areas of certification and length of service for research purposes. Upon reasonable justification, employees may review this information.

BEP/CTE CLARIFICATION

In the September 21 issue of the *SLATE* there was an article on BEP/CTE Funds. One point in that article was unclear because the language used referred to the old reimbursement process: "reimbursement of sales tax." After having the item brought to the president's attention, MNEA has decided to further clarify the issue. First, if a teacher purchases something from a vendor using BEP/CTE funds, the sales tax **is to be COUNTED as a legitimate BEP/CTE expense**. Some individuals were concerned that the article made it sound as if the school would have to reimburse individuals for sales tax when teachers spent \$200.00 on BEP/CTE materials and supplies. Individuals will not receive more than \$200.00 of BEP/CTE unless the FAC and principal agree to distribute pooled money to teachers.

USING SICK LEAVE ON AN IN-SERVICE OR PLANNING DAY

At the end of the summer, it came to MNEA's attention that the electronic school policy template had a reference to requiring teachers to provide a doctor's statement for any illness taking place on an in-service day or planning day. The language is not consistent with the sick leave provisions of the contract and, therefore, is unenforceable. Human Resources has taken steps to correct the error. If your school policy handbook contains the statement and you are negatively impacted by it, please call the MNEA office for assistance.

Of note.... On Tuesday, October 2nd, Tomasa McElrath, a fourth grade teacher at Cumberland Elementary, was honored with \$1,400 worth of classroom materials through Office Max's "Make My Day" teacher recognition contest. Ms. McElrath was surprised by her principal, Renita Perkins, family, colleagues, students, Nashville Office Max staff, and local television media. MNEA member, Mitzi Brandon, school guidance counselor, submitted the winning nomination. As explained by Office Max personnel, "There were only 1,000 educators recognized nationally." Congratulations!

...At the September meeting of the Board of Trustees of the Tennessee Consolidated Retirement System (TCRS), MNEA President Erick Huth, was elected as to the Executive Committee of the TCRS.

FROM THE PRESIDENT....

One of the tenets of the American Criminal Justice System is that the accused is presumed innocent until proven guilty in a court of law. U.S. citizens, therefore, generally believe that they have a reasonable expectation of fairness when they are charged of a crime. Such expectations appear to be diminishing for teachers and other school employees in Metropolitan Nashville Public Schools. Several teachers have faced an admittedly prejudicial "investigator" at the Central Office who presumes guilt and doles out three-day suspensions like candy on Halloween.



Over the past year or so, a disturbing trend has become apparent in MNPS: Students can make outlandish, unsubstantiated claims against a teacher and MNEA has to spend a great deal of time and effort to get the teacher exonerated even when the complainant ultimately admits to lying. The aforementioned three-day suspender, who has only completed about four days of training to be an "investigator," rarely leaves the Central Office or even interviews anyone during the course of an investigation.

In several cases, MNEA has received verified reports that the "investigator" relied solely on an investigation conducted by a building-level administrator, who did not even receive the paltry four days of investigation training. Often, untrained principals will gather all student witnesses in one classroom and make a leading statement such as: *I'm here to find out what Mrs. X did to Sally Mae on Tuesday. Please write down what you saw Mrs. X do.* Surely, the four days of training did not teach the "investigator" to delegate all investigations to untrained individuals.

This callous disregard for the dignity and individual rights of teachers cannot continue. Unfortunately, the culture of fear and intimidation that consumes MNPS has caused many teachers to cower at the thought of challenging an "investigator" who has mistreated them. MNEA is proud to report that challenges to this reckless behavior are beginning to rise. Several teachers have used the appeals process and the grievance procedure to confront the mistreatment that they have

faced. One teacher, MNEA Vice President Stephen Henry was exonerated by a 7-2 vote of the Board of Education. During the hearing, one board member remarked several things were handled wrongly by several individuals.

It's time for MNPS to bury fear in the graveyard of failed human resource practices and move into the modern era. MNPS needs investigators who understand the complex issues of teachers working in an urban school district, and the system as a whole needs to embrace fair treatment as a cornerstone of its investigatory practices.

SIGN-UP FOR MNEA COMMITTEES

The committees of MNEA promote the Association, submit recommendations, and perfect the details of almost every program we do. The payoff is curiosity satisfied, insights gained, and professional contacts with teachers across the county.

So, don't miss this opportunity to become an active part of an MNEA committee. Please check each committee on which you would like to serve.



NAME _____

SCHOOL _____

PHONE # _____

EMAIL _____

(other than mnps.org)

- ___ By-laws
- ___ Human Relations
- ___ Instruction and Professional Development
- ___ Internal Relations
- ___ Membership
- ___ Minority Affairs
- ___ Public Relations
- ___ Special Education



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