

The Slate



A publication of the Metropolitan Nashville Education Association

Volume 24, Issue 6

October 31, 2008

What's the deal with my 403(b)?

MNEA has received several inquiries about the MNPS 403(b) plan in recent weeks. Many teachers are concerned the new plan is unfair and will "limit choice." Others have called to say "my financial advisor told me to withdraw my money."



For information about 403(b)s, contact Milt Jenkinson in the MNPS Employee Benefit Office at 259-8438 or milton.jenkinson@mnps.org.

Here are points teachers need to consider about the MNPS 403(b) plan:

1. As of the publication of this edition of *The Slate*, the 403(b) bids were still under final review due to a challenge filed by one of the two finalists.
2. A change in federal rules governing 403(b) plans has caused the change in MNPS practices. The employer must now develop a plan document and take fiduciary responsibility for its 403(b) plan in a manner consistent with established guidelines for 401(k) plans. Maintaining the controls over the large number of vendors currently operating in MNPS would not be possible under the new federally-mandated regulations.
3. Fees under the new contract will be substantially reduced in all cases.
4. The approved 403(b) vendor is set to be implemented on January 1, 2009.
5. Once the 403(b) contract is awarded and implemented, your contributions will be directed to the new carrier and deductions can no longer be directed to former vendors.
6. The new program is built on a mutual fund platform rather than an annuity platform.

(Continued on page 3)

How to get the whole week off at Thanksgiving

After several discussions at Professional Council and elsewhere, MNEA has finally received the go ahead to allow schools to develop a plan to flex the November 24 Planning/Assessment Day. Unfortunately, the administration is insisting that the flexed time should be accomplished during the payroll period of the planning day (November 22 through December 5). As a practical matter, schools will need to schedule their planning time from December 1 through December 5 due to the Thanksgiving Break. Faculties should use the procedure for flexing the Parent-Teacher Conference Day as reported in the August 27 *Slate* (www.mnea.com/slates/SLATE08-27-08.pdf).

Special MNEA election announced

At the MNEA Representative Assembly, the Nominations and Elections Committee announced a vacancy on the MNEA Executive Board for District 10 Director (Stratford cluster) and District 11 (Whites Creek cluster) on the Nominations and Elections Committee. Schools in each district are listed below. Petitions (www.mnea.com/petition.pdf) are due in the MNEA Headquarters by 5:00 p.m. on Thursday November 20, 2008. Nominations will also be accepted from the floor of the MNEA Representative Assembly on that date. Balloting for contested races will be conducted between December 1 and 5.



School in District 10: Bailey Middle, East Magnet, Cora Howe Elementary, Inglewood Elementary, Kirkpatrick Elementary, Litton Middle, Lockeland Design Center, Meigs-Magnet, Mills, Dan Elementary, Rosebank Elementary, Ross Elementary, Stratford High, and Warner Enhanced Option.

School in District 11: Bordeaux Enhanced Option, Creswell Arts Magnet, Cumberland Elementary, Ewing Park Middle, Green, Alex Elementary, Haynes Design Center, Joelton Elementary, Joelton Middle, Lillard Elementary, and Whites Creek High.

Know your contract

Who grades student progress?

Every year, teachers in Metro are faced with challenges related to assigning grades to students. The Board of Education, central office administrators, and principals talk about setting high standards for students, yet at the same time some administrators announce to their faculties that, "You are not allowed to give any student a grade less than 50."



What about the principal who announces the lowest possible grade is 60% or 65%? Additionally, some teachers are faced with administrative requests to meet certain quotas for the numbers of Ds and Fs they assign. Are these high expectations for student learning?

Assigning grades is ultimately the responsibility of the teacher even though principals have the discretion to change a grade.

Article II, Section E "Grading Procedures" states in part:

Teachers shall have the right and responsibility to determine grades and student promotions. An administrative change in a teacher's decision on grade or promotion shall not be made without prior consultation with the teacher. A teacher may request that the decision of the principal or the results of the consultation be reviewed by the appropriate assistant superintendent or designee.

Generally, teachers would be on solid legal ground to assign the grade he or she believes best reflects the student's work in the class so long as the grade can be justified. If principals insist a grade should be higher, they may follow the procedure outlined above to change the grade. Thus, no teachers should have to change grades if they can justify the averages, scores, or ratings they have assigned. There is no requirement in the contract for principals to approve grade changes made by the teacher of record.

At Professional Council on October 20, the administration agreed to review the "MNPS Grade Change Form" and Policy #1728 to bring them into compliance with the *Educational Agreement*. The policy was drafted by the former administration without any discussion with MNEA. The current administration clearly does not claim ownership of this debacle.

This year MNEA members have discovered a new wrinkle in administrative grade changes. At one school, teachers report the grade they entered into GradeSpeed® was not the same grade printed on the report card the student received. GradeSpeed® is supposed to interface with Chancery SMS®. Thus, the grade the teacher of record enters into one system should be the same in the other.

No administrator or other individual has the authority to change a teachers grade "without prior consultation with the teacher." After all, changing a student's grade without following the proper protocols could be construed as fraud, which one could argue is conduct unbecoming a member of the teaching professional. Ideally, the district should take action against grade-changers who repeatedly fail to follow protocol.

UPCOMING EVENTS



November

- 6** **Evaluation Workshop**
4:30 PM at MNEA Headquarters
- 8** **I Can Do It! Classroom Management Workshop**
8:30 AM at TEA Headquarters
- 13** **MNEA Executive Board Meeting**
4:30 PM at MNEA Headquarters
- 17** **Professional Council**
4:00 PM at Central Office
- 17** **Introduction to Financial Peace University**
4:00 PM at MNEA Headquarters (*first session*)
5:00 PM at MNEA Headquarters (*second session*)
- 19** **Let's Get Real**
4:30 PM at MNEA Headquarters
- 20** **MNEA Representative Assembly**
4:30 PM at MNEA Headquarters
- 20** **Petitions Due in MNEA Special Election**
5:00 PM at MNEA Headquarters

December

- 1-5** **MNEA Special Election**
Stratford and Whites Creek Clusters
- 8** **Professional Council**
4:00 PM at MNEA Headquarters
- 8** **MNEA Executive Board Meeting**
5:00 PM at MNEA Headquarters
- 11** **MNEA Representative Assembly**
4:30 PM at MNEA Headquarters

January

- 8** **MNEA Executive Board Meeting**
5:00 PM at MNEA Headquarters
- 15** **MNEA Representative Assembly**
4:30 PM at MNEA Headquarters
- 21** **Martin Luther King, Jr. Holiday**
Negotiated by MNEA (no school)
- 26** **Professional Council**
4:00 PM at MNEA Headquarters

The Slate is published during the school year by the Metropolitan Nashville Education Association, an affiliate of the Tennessee Education Association and the National Education Association.

531 Fairground Court
Nashville, TN 37211
Phone: (615) 726-1499
FAX: (615) 726-2501

Erick Huth, President
Stephen Henry, Vice President
Kenneth Martin, Treasurer
Carol Elmore, Secretary

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

Let's Get Real

This 3 hour workshop will introduce a toolbox of resources and techniques for comprehensively addressing bullying and the prejudice that fuels it. Using clips from a groundbreaking documentary featuring middle school youth, participants will explore the varied ways students experience name-calling and harassment. Participants will practice using activities and curriculum that develop empathy, understanding, and respect for difference among youth. Finally, participants will reflect on their own community and will develop a list of promising practices and next steps to help them create welcoming and hate-free schools after leaving the workshop. **Each participant will receive a copy of the award winning documentary and accompanying curriculum guide. The workshop is limited to 50 participants. Sign up today!**

Wednesday, November 19, 2008 4:30-7:30 PM

Refreshments served at 4:00 PM

RSVP: www.mnea.com/uofmnea or 726-1499

Sponsored by:



I Can Do It! (Effective Classroom Management)

When? 8:30 a.m. – 3:30 p.m. on November 8, 2008, February 7, 2009, or February 28, 2009

Where? Tennessee Education Association
801 Second Avenue North, Nashville, TN 37201

Who? This program is recommended for teachers in their first three years of teaching. **Participation is limited so spots will be filled on a first-come, first-served basis.**

How? Complete the TEA registration form at www.teateachers.org/cms/1+Can+Do+It!/68.html and return to:
Shronder Gentry

Tennessee Education Association
801 Second Avenue North
Nashville, TN 37201
Fax: 615.259.4581

Cost? \$45 registration fee per participant includes all materials and lunch.

MNEA/TEA members in attendance receive refund of registration fee at the conference. Non-member registration fees are not refunded. ***I Can Do It!*** is TEA's unforgettable workshop covering classroom management. And it's especially for new teachers. Originally created by the San Bernardino Teachers Association (CA) and school administrators, ***I Can Do It!*** is heralded by teachers across the country. Tennessee's teachers acclaim it as – "Awesome and extremely beneficial" – "Great training – I have specific ideas to take home." – "Great mix of research and practical applications" – "I feel reinforced in what I have done and have tools to expand and modify my classroom."

(Continued from page 1)

7. Many 403(b) vendors have stiff penalties for early withdrawals even if you are simply moving your money to another carrier. Find out exactly what penalties you will pay before you move any money from your current 403(b) carrier.

8. No one needs to move any assets from his or her current company to the yet-to-be-determined, new vendor.



9. To maintain contributions to non-participating vendors one would have to contribute to a non-403(b) product such as an IRA. Such payments would have to be arranged directly with the vendor and cannot be made via payroll deductions.

10. The new 403(b) plan will allow for the vast majority of employees to continue to invest in the same instruments they are currently purchasing.

11. The first option is 22 best of class mutual funds by type of fund.

12. The second option is a self directed investment option with over 250 fund families and 7,000 mutual funds.

13. The third option is a fixed return annuity, with no surrender charges.

14. This program is very similar to the Metro Government 457 program.

University of MNEA offers Financial Peace® to members

Financial Peace University ®

(www.daveramsey.com/fpu/home) is a life-changing program that teaches you how to make the right decisions with your money. You'll be empowered with the practical skills and confidence needed to achieve your financial goals and experience true financial peace! Pick the time you prefer on November 17 and find out what Financial Peace is all about.



When? Monday, **November 17** at 4:00 PM or 5:00 PM (two separate sessions)

Cost? \$0 for members, \$35 for others

Where? MNEA Headquarters, 531 Fairground Court

Let's hear from Erick...

At the October 14th school board meeting, the Chief of Metro Police, Ronald Serpas, addressed the Board on truancy and the accuracy of attendance data in MNPS. Serpas cited truancy arrest data and asserted there is a serious problem with the accuracy of attendance records kept by teachers in MNPS. He appeared to place the blame on the shoulders of the teaching force but also contended the administration should do more to enforce attendance taking procedures.



Clearly, his style was more that of a pit bull than a statesman. An approach not unfamiliar to the average Metro police officer—I am sure. Nonetheless, the chief's frustration stems from the dismissal of multiple truancy cases where school records showed juveniles arrested in truancy stings present at school at the time of arrest.

The chief clearly is not aware of the failure of GradeSpeed® to accurately interface with Chancery SMS® as the administration had promised teachers nor the challenge of watching the grass grow. I believe the failed attempt to implement attendance taking via GradeSpeed® may have caused some of the problem. However, everyone must understand record keeping is a key function of teaching. I have seen more than one teacher dismissal letter alleging inefficiency as evidenced by inaccurate record keeping or insubordination due to a repeated failure to keep better records as directed. Taking attendance is serious business and should be done consistently and accurately to the best of one's ability.

To date administrative efforts have focused on educating teachers about the importance of accurate attendance records and encouragement. Mr. Henson has intentionally taken a more civil approach than his predecessor would have, but the time will come when individual teachers are called to the office to explain their lack of compliance with established record keeping procedures.

The best course of action for every teacher in MNPS is to take attendance as indicated in the established attendance practice. The repeated failure to comply with a directive to maintain accurate student records is a difficult position to defend and may result in a charge of inefficiency or, in severe cases, insubordination. Noncompliant individuals could find themselves under increased scrutiny, a plan of improvement, suspension, and/or dismissal.

I know most teachers are faithfully taking attendance as required. However, those who are failing to take attendance should heed the warnings of the pit pull and get on board with record keeping. Don't get your heels bitten, please!

Keeping the teacher medical plan

MNPS is obligated by state law to provide medical coverage for teachers. Since Metro has a local medical plan separate from the state's "Local Education Plan" (LEP), Tennessee law requires our program to be "equal or superior to the Local Education Plan." As a practical matter, MNPS is not likely to suggest anytime soon that we convert to the LEP because our plan is tremendously more cost effective and still provides superior benefits.

The Metropolitan Professional Employees' Insurance Trust oversees the medical insurance plan and certain other benefit packages for Nashville's teachers. The Trust is comprised of three elected teacher representatives (Dorcél Benson, Bill Moody, and Erick Huth), one elected retired teacher (Jean Litterer), three Board Members (Karen Johnson, Gracie Porter, and David Fox), and the Assistant Superintendent of Human Resources (June Keel).

Members of the trust actually control the plan design. Blue Cross/Blue Shield of Tennessee (BCBST) is merely a third-party administrator (TPA) which processes claims submitted to our self-funded plan. Medical premiums (paid by the Board and teachers) go into a trust fund which pays the claims and the BCBST administrative fees.

Metro's procurement guidelines limit the length of vendor contracts to a maximum of five years. The administrative services agreement with BCBST of Tennessee was set to expire on December 31, 2007. In the summer of 2007, Metro Purchasing issued a Request for Proposals (RFP) on behalf of the Trust for a target implementation of January 1, 2008. However, because of a challenge to the bidding process, the Insurance Trust was not able to award a bid and elected to extend the BCBST contract for an additional year on an emergency basis. The BCBST contract is now set to expire on December 31 of this year.

A subsequent RFP was issued in the summer of 2008 but was withdrawn after vendors involved in the original bidding process filed complaints to the Metro Director of Purchasing. A decision was first made to allow the Trust to utilize the Metro Government contract with BCBST but the Metro Director of Purchasing undid that decision after a protest from potential bidders. Thus, a third RFP was issued this fall with a target implementation date of January 1, 2009. The Trust is currently awaiting the results of a screening committee review of the bids submitted, but the end result is uncertain to say the best.

BCBST has administered the Metropolitan Teacher Insurance Plan since 1978, and many teachers feel very comfortable with Blue Cross because they have never experienced any other TPA in Metro. Unfortunately, that sense of security cannot be the only factor in deciding which company will be the next administrator of the plan. The Trust is committed to making sure the disruption will be minimal and that service will remain the same.



More details and up-to-date information at www.mnea.com