



Texas AFT

Texas Teacher

A Union of Professionals



Fall 2011

Who'll clean up the mess after \$5.4 billion in education cuts?



**Case in point:
Cuts targeting
custodians leave
teachers and
food-service
workers doing
double duty.**

(See page 6)



In the last issue of *Texas Teacher*, we asked for nominations for a Super Advocate, someone whose efforts went above and beyond the call during the spring legislative session. We heard some great stories of activism, including the work of the winner—Montserrat Garibay, a pre-K teacher in Austin ISD.

Garibay knows well what a life-changing force education can be. She arrived in Texas from Mexico with

her mother and younger sister just as she was entering her teens. Today she teaches at Lucy Read Pre-kindergarten Demonstration School, recently became National Board Certified, and is completing her masters degree at the University of Texas. Garibay also serves on the executive board of Education Austin, our local affiliate for Austin ISD, and is a member of the district's Early Childhood Task Force.

This dynamo has been a tireless campaigner for full-day pre-K, speaking numerous times at district board meetings, rallying parents, teachers and others in support, and writing op-eds and letters published in the *Austin American-Statesman*. During the legislative session she frequently met with lawmakers, testified against education cuts, and obtained a grant to enable 450 students from Lucy Read to visit the Capitol on Pre-K Day. She is also a fervent advocate for passage of the national DREAM Act and is president of League of United Latin American Citizens (LULAC) chapter in Austin.

Texas Teacher: What initially spurred you to be an activist for public education?

Garibay: I came to the United States when I was 11, and I didn't know any English. I had a really amazing ESL teacher who was very active. She pushed me to join the Spanish Club and was very empowering. One of the things that made me want to be very active was that I know a lot of students who are undocumented immigrants that are going to college here in Texas. My sister and I had started an organization at the University of Texas, the University Leadership Initiative, for undocumented students, and even though I am now teaching I am still in touch with a lot of the students and know their stories.

Texas Teacher: The 2011 legislative session was challenging for activists in the face of massive budget cuts. What motivated you to stay involved and keep working to minimize the damage to our schools?

Garibay: I work in a school where pretty much all of our students get free lunch services and most of them are high-needs students. I think it's important to advocate for them, because their parents aren't able to — because they are undocumented or don't

speak English or just don't understand how the political system works. I felt like it was my responsibility as a teacher to advocate for them because they're the next generation. If they don't get a quality education they will not be able to succeed. And that becomes a cycle where, if they don't do well, we won't do well as a society, and it keeps going and going....It's unfortunate that some of the legislators don't understand the importance of having them get a quality education.

Texas Teacher: What gratifies you the most about your work for public education?

Garibay: Seeing parents and students empowered by what they are learning. Language development is essential, and I love hearing my kids say—even at pre-K level—that they know what force and motion are and what gravity means.

Texas Teacher: What advice do you have for others who want to get involved?

Garibay: Mainly, if you want to see change, you must change yourself and become an advocate for yourself and your students. Because once you do that you are part of the solution. As teachers we put a lot of effort in what we do, and we're not respected. We do a lot of work, and some legislators don't see that and have never been in a classroom.

Texas Teacher: How has union membership helped you as a teacher and advocate?

Garibay: Ever since I graduated college I was part of the union. My mentor teacher told me it was the one thing I had to do. Being an active member, working on campaigns and learning what the union has done to get things done—like better salaries for teachers—has been empowering. I love it when we have rally day at the Capitol every year during spring break! The union has given me the strength and empowerment to say that I stand up tall for what's best for our kids and our students. It's a great place not only to meet other teachers, but also where I can look at the big picture and really work for certain things, whether it's planning time for teachers or full day pre-K programs. I have seen a lot of changes that have happened because of Education Austin, and I am very proud to be a part of it. 🇹🇽



MEMBER BENEFITS

The Department of Saving You Money!



You join the union to make positive changes in your profession and work with others to improve public education for our schoolchildren. But the power in numbers also translates into some great ways to save

cash with union discounts!

Discounts on dozens of products and services

From the 25% veterinary care program, to 15% off your wireless phone plan, to 20% off hotels and car rentals, there are many ways to manage your dollars better with member benefits.

Mortgage plans


If you are considering a refinance, or have found your dream home, don't miss out on the AFT mortgage plan. Closing costs are capped at \$100, first time buyers receive \$500 grocery gift cards—and those who are laid off or disabled may qualify for six months of skipping mortgage payments!

A little help when you need it the most

As Bastrop Federation of Teachers members learned in September during the devastating wildfires, AFT member benefits are good friends in times of trouble. Disaster relief grants were sent to those who held the AFT credit card or a mortgage with our benefit partner. And the moving van discount helped members in relocating from damaged homes. Members participating in the Credit Counseling program were also eligible for help.



Barbara Lighthouse,
Member Benefits Representative

Call Barbara Lighthouse at 800-222-3827, ext. 3215, or e-mail belighthouse@texasaft.org for more information on any of your national or Texas AFT benefits programs. 

IN THIS ISSUE

Feature

Senate Bill 8 Watch

pages 8-10



Texas AFT Super Advocate	Inside Front Cover
Member Benefits	1
Viewpoint	2
From the Secretary-Treasurer	3
AFT Leader Thanks Employees	4
Social Security Fairness Act	5
Members Win Fight for Fairness	5
Food Service Workers Cry Foul	6
Teacher Jobs at Risk	7
Senate Bill 8 Watch	8
American Teacher	10
Obama Offers Waiver on NCLB	12
Members in Action	13

Texas Teacher

Texas Teacher is the award-winning publication of Texas AFT, an affiliate of the American Federation of Teachers, AFL-CIO, and is printed quarterly.

To be added to our mailing list, contact Rob D'Amico at 800-222-3827 or editor@texasaft.org.



3000 South IH-35, Suite 175
Austin, Texas 78704

800-222-3827
512-448-0130

www.texasaft.org

Linda Bridges: President
Louis Malfaro: Secretary-Treasurer
Rob D'Amico: Editor



Linda Bridges
Texas AFT President

Back-to-school season for me usually consists of crisscrossing the state to meet with members and leaders, and this year was no exception. The legislative sessions completed in June dominated the meetings. I usually try to do more listening than talking, and this year school employees had a lot to say.

Members were trying to get their heads around the lack of commitment to public education demonstrated by the legislative majority. Most were trying to understand why legislators failed to use money in the Rainy Day Fund for education instead of cutting the education budget by \$5.4 billion (\$4 billion per-pupil spending and \$1.4 billion grant and discretionary programs). Others wanted to know how gutting teachers' due-process rights and reducing pay were going to retain and attract teachers. One teacher asked, "Why are they trying so hard to drive us out of the profession?"

Another teacher asked, "When did we become the enemy?" I certainly understand why teachers and other school employees would ask this question. Criticizing teachers and public schools seems to have become the new in thing to do. You hear it on TV and radio and see it in newspapers and blogs.

It appears that legislators are trying to create a system of "failure by design." This is evident when you look at the 92 percent cut in Student Success Initiative funding at a time when the new STAAR test is being implemented. Why would you cut funding from the program to assist students in danger of failing the state assessment when you are introducing a new, more rigorous state assessment? When students fail, who is blamed?


It is clear that not everyone believes teachers are to blame. Saul Rubinstein, Charles Heckschler, and Paul Adler recently published an opinion piece in the Los Angeles Times entitled, "Moving Beyond Simply Blaming the Teachers for Failure." Rubinstein and Heckschler are professors at Rutgers University and co-directors of the Center for Organizational Learning and Transformation; Adler is a professor at the Marshall School of Business at the University of Southern California.

In the op-ed, the authors said, "This 'blame the teacher' attitude has led to an emphasis on standardized tests, narrow teacher evaluation criteria, merit pay, erosion of tenure, privatization, vouchers and charter schools." They added, "The primary goal of these measures has been greater teacher accountability—as if the weaknesses of public education were due to an invasion of our classrooms by uncaring and incompetent teachers."

Rubinstein, Heckschler, and Adler went on to discuss the parallels between the current attacks on teachers and similar charges levied against American workers when Japan took over market share from U.S. manufacturing. Who was blamed? Managers and experts blamed the American worker. It took two decades to determine that the blame was misplaced. It became clear that workers had to be involved in the effort to improve the systems to turn around the decline in manufacturing.

The piece concluded, "Much of the current wave of school reform is informed by the same management myths that almost destroyed U.S. manufacturing. Instead of seeing teachers as key contributors to system improvement efforts, reformers are focused on making teachers more replaceable. Instead of involving teachers and their unions in collaborative reform, they are being pushed aside as impediments to top-down decision-making. Instead of bringing teachers together to help each other become more effective professionals, district administrators are resorting to simplistic quantified individual performance measures."

Note that a recent Rutgers study offers many examples of ideas where the blame-the-teacher view is not the foundation for the reform. (See <http://smlr.rutgers.edu/collaborating-school-reform>.)

Our teachers, students and public schools can't wait two decades to reverse this trend. In order to succeed, the mobilization efforts of school employees during the legislative sessions must continue into the political season to elect officials who understand the notion that the blame game won't produce results. Only collaboration with teachers will improve our public education system. 

TEXAS AFT ASSISTS MEMBERS WITH WILDFIRE DAMAGE

Texas AFT members answered the call for help in assisting members who lost property or were displaced by the Central Texas wildfires this summer. More than \$1,500 was raised for grants to assist members in need.

Texas AFT and our national affiliate, AFT, have a long

history of supporting members when natural disasters—including hurricanes and tornadoes—strike. If you were impacted by the fires and would like to be considered for assistance, please contact Texas AFT at 800-222-3827.



Louis Malfaro
Secretary-Treasurer

“How do you know when a politician is lying? His lips are moving.”

Once again it will fall to teachers and school employees to tell the truth about what’s going on in our public schools—this time, about the cuts to our kids.

As educators, we strive to provide our students with lessons about right and wrong. The tale of George Washington and the cherry tree is one such lesson, whose moral is that a bad act is only made worse through lying, and that confession of wrongdoing is the first step toward making amends. It seems this lesson was skipped over or lost on a host of state elected officials who, not content with drastically slashing funding for Texas schoolchildren, are now misrepresenting the impact and severity of those cuts.

As school resumed this fall, teachers and staff (those not laid off or nonrenewed due to local school districts’ “financial exigency”) returned to work to behold the devastation caused by the deep cuts to school budgets wrought by the Texas Legislature and signed into law by Gov. Rick Perry. A recent gathering of Texas AFT’s Organizing Committee provided an opportunity for union leaders from across the state to share how the cuts are playing out in their districts. They reported on layoffs and nonrenewals of teachers and support employees in many districts. Hard hit have been teachers who in their first few years lack the employment protection of more experienced teachers as well as support employees who work without any contract at all. In August, Texas lost nearly 10,000 public sector jobs as school districts cut positions and unemployment in Texas crept up to 8.5 percent—the highest rate in 25 years!

Reductions in staff have had a negative impact on students and the classroom. Leaders reported on unmanageably large classes at both elementary and secondary levels. (Note: TEA Commissioner Robert Scott recently granted 22:1 class-size waivers to a record number of school districts across the state.) The challenge of fewer teachers and teaching assistants serving larger numbers of special-needs students and English Language Learners was a common concern, as were concerns about new work responsibilities. Teachers in one school district are now responsible for cleaning the classrooms, and food-service workers in another must now perform all duties of the former custodians in school cafeterias. Fewer academic offerings, larger classes, fees for students to participate in school activities, reduced offerings in pre-K, special education, tutoring, and extra-curricular and enriched academics are all the result of the cuts. And districts

across Texas are preparing, as I write, to sue the state for failure to provide equitable and adequate resources.

Perhaps most disheartening was a theme that was repeated by participant after participant: In many schools and districts, mean-spiritedness has taken hold as employees are being bullied by supervisors and told that they are lucky to have a job. It seems the shabby treatment of school districts by the Legislature is translating into an attitude of disrespect on the part of some school administrators for the people who work directly with our students. This sort of behavior, which is harmful to both adults and students, is shameful and will not be tolerated where teachers and school staffs are organized and have collective voice.

And what are key elected officials saying about this sorry state of affairs they created?

“We appropriated more money for education than ever in the history of the state of Texas. We put more money in the classroom because we know good teachers are the key.”

—Texas Lt. Gov. David Dewhurst

“The lieutenant governor, speaker and their colleagues aren’t going to hire or fire one teacher, best I can tell.”

“I think the reductions we made were thoughtful and I think the reductions we put in place were absorbed by our schools.”

—Texas Gov. Rick Perry

“We worked to get cuts down to something reasonable. Public Ed is not all about money.”

—Senate Education Committee Chair Florence Shapiro


“We’ve tripled what we’ve spent on education without demonstrable improvement over the past decades.”

—House Public Education Committee Chair Rob Eissler

“Our students are doing well, our teachers are being retained.”

—Senate Tea Party Chair Dan Patrick

The bogus claim that the Legislature increased funding for public education has been refuted with factual accounts by state budget officials and others in editorials and news accounts across the state to show that the real story is \$5.4 billion in cuts. And the disingenuous comments about how well our schools are faring in the face of these cuts don’t stand the truth test either, as I’ve outlined with the first-hand accounts from our leaders in the trenches.

So please help us to spread the truth. Talk to your colleagues, to the parents of your students, to leaders and organizations in your community who understand that reducing educational opportunity for our students is shortsighted and is an attack on the well-being of our communities and our state. Tell the TRUTH! And get ready for the elections of 2012! 

AFT LEADER THANKS EMPLOYEES FOR ‘MAKING A DIFFERENCE EVERY DAY’

AFT Secretary-Treasurer Lorretta Johnson, a leader among paraprofessionals and school-related personell (PSRPs) who has played a key role in the union’s outreach and recognition of support staff, visited Austin ISD’s Saegert Bus Terminal on September 7 to meet with union members and employees and thank them for their important work.

Johnson’s visit to Austin was part of the AFT’s coast-to-coast back-to-school tour of schools making a difference in the lives of students despite education budget cuts and other challenges. “All around the country, education budgets are being slashed, but the educators in Austin never let their kids down,” Johnson said. “Despite the distractions, school staff continue to give their all to their students.”

She also told school transportation workers the story of an AFT member in West Virginia who figured out a system to thwart a bully on his bus, and she wanted them to know that the AFT appreciates their contributions. “Every day bus drivers and other transportation staff make sure that kids get to school safely,” Johnson told those gathered after morning bus runs had been completed. “What you do is vital to the educational mission of Austin’s public schools.”


During the visit, drivers and mechanics gathered around long tables and traded ideas with Johnson and union leaders, including Texas AFT President Linda Bridges, Texas AFT Secretary-Treasurer

Louis Malfaro and Education Austin Co-Presidents Rae Nwosu and Ken Zarifis. Driver Lisa Pannell said she transports only a handful of students during one of her runs, and that the district could save fuel by putting those children on a smaller bus. Driver Christina Campbell said cell phones are the main reason cars fail to stop for the bus, and the group discussed ways to improve safe interactions with buses and students.

School bus technician Ira Rollins said he does everything he can to keep buses in tip-top shape because his favorite thing is seeing drivers’ faces after their vehicles have been repaired. “Drivers love their own buses,” he said. Driver Maria Davis acknowledged that transportation workers do have plenty to fight for. Thanks to budget cuts, they’re paying more for less health insurance, they’re only guaranteed four hours of work a day for nine months a year, and they haven’t had a raise in a long while.

“That’s what we’ve been hearing from our members all over the country,” Johnson said. “They want a voice. They see something wrong, and they want to make it better.” She thanked the workers, reminding them that they have a voice nationally and noting that their work is important, from guiding wayward passengers to getting students to school and home safely.

AFT’s “Making a Difference Every Day” back-to-school tour highlighted approaches that are sustainable and will help all students succeed, from pre-K to higher education. In addition

to Austin, the tour included stops in Charleston and McDowell County, West Virginia; Palm Beach County, Florida; Hartford, Connecticut; Tacoma and Seattle, Washington; Detroit, Michigan; and Long Island, New York. 



From left, Austin ISD employees Ira Rollins, bus mechanic, and Chris Greagor, bus driver, share a laugh with AFT Secretary-Treasurer Lorretta Johnson.

URGE CONGRESS TO PASS THE SOCIAL SECURITY FAIRNESS ACT

The 2011 edition of the Social Security Fairness Act is H.R. 1332, introduced on April 1 by Republican Rep. Howard “Buck” McKeon and Democratic Rep. Howard Berman. So far they have attracted as cosponsors an additional 121 House members of both parties, including five Texans. The Texas cosponsors are Democrats Silvestre Reyes of El Paso and Gene Green of Houston plus Republicans Ron Paul of Lake Jackson, Michael McCaul of Austin, and Michael Burgess of Flower Mound. A U.S. Senate companion version of the bill has not yet been filed.

The Social Security Fairness Act would repeal two unfair federal pension offsets that deprive Texas school retirees (and other public servants, in more than a dozen states) of duly earned Social Security retirement benefits. The two offsets are the Government Pension Offset (affecting benefits of a surviving spouse) and the Windfall Elimination Provision. The GPO can eliminate up to the full amount of the spousal Social Security benefit of a retired school employee who also draws a TRS annuity. The WEP can cut up to \$375 a month from the Social Security benefit earned by a school employee’s own Social Security contributions if that employee also draws a TRS pension benefit.

Under H.R. 1332, those already retired as well as future retirees would no longer face the harsh impact of these two offsets after December 2011.

In the midst of a congressional year dominated by partisan budget disputes, including proposals to cut future Social Security benefits, the bipartisan Fairness Act has not received the attention it deserves. That needs to change, and you can help change it.

There is no excuse for delaying justice for the victims of the Government Pension Offset and Windfall Elimination Provision by entangling this issue in unrelated disputes.

Help Congress see the light right now by sending a letter urging federal lawmakers to cosponsor the Fairness Act and make its passage an urgent priority. Visit www.texasaft.org and click on “Political Action” to send your letter. 🇺🇸



MEMBERS WIN FIGHT FOR FAIR RULES AT STATE CERTIFICATION BOARD

You spoke, and they listened. In response to numerous comments submitted by Texas AFT members, the State Board for Educator Certification on October 7 rewrote two new proposed rules on professional discipline for educators.

The rules as originally proposed would have tilted the disciplinary process unfairly against educators. One would have treated a deferred adjudication as the equivalent of a criminal conviction. The other would have authorized “warning letters” to be added to an educator’s certification record based on unsubstantiated allegations, without opportunity for rebuttal.

Texas AFT legislative counsel Patty Quinzi welcomed the SBEC revisions adopted and offered testimony recapping the key arguments Texas AFT members raised during the public-comment period on the proposed rules. Quinzi said: “We would like to commend the SBEC staff for presenting revised recommendations for amendments to Chapter 249 in response to our members’ concerns expressed in public comments about the rules affecting their profession.

“These new staff recommendations for amendments to Chapter 249 address our members’ substantial concerns regarding Section 249.3 (14) and (15), the proposed rule on the handling of deferred adjudications, by reaffirming that a deferred adjudication is not a conviction, and by deleting an assertion that a deferred adjudication by itself would suffice to prove alleged misconduct....

“In addition, we welcome the deletion of proposed rule language that would have allowed for a ‘warning letter’ to be added to someone’s certification record, without opportunity for appeal or rebuttal, based on allegations of misconduct that had not been substantiated or did not rise to a level requiring official SBEC action. This change in the recommendation addresses concerns raised by SBEC board members as well as our own members in public comment. Adding such a ‘warning letter’ to someone’s certification record, without opportunity for appeal or rebuttal, would be exceptionally problematic, tainting a professional educator’s certification record and professional reputation with unsubstantiated claims that could affect the educator’s entire career.”

If SBEC staff had not developed these revised recommendations responsive to the changes sought by our members, Texas AFT was prepared to press ahead and insist on a mandatory public hearing to address these two issues—an option we had preserved by making a timely request for such a hearing under the Administrative Procedure Act, Section 2001.029(b).

Congratulations to all the members of Texas AFT who answered the call and used the tools provided via the daily e-mail Hotline and the Texas AFT Web site to file public comments on the proposed rules. 🇺🇸

SAN ANTONIO FOOD SERVICE WORKERS CRY FOUL OVER CUSTODIAL DUTIES

The San Antonio Alliance of Teachers and Support Personnel is fighting a new policy that directs food-service workers to clean cafeterias, after the district cut custodian positions and consolidated many of them into off-campus work crews.

Alliance Executive Vice President Rachel Martinez said food-service employees have been given the extra responsibilities of trash collection, sweeping and mopping, and sanitizing of tables, often with a requirement to finish the work in a short span of time with no overtime allowed. While some of these duties were already required in the kitchen, the requirement has now been extended to the whole cafeteria, the employee lounge, and the student mall and common eating areas in the high schools.

News of the policy came shortly after newspaper headlines from Dripping Springs ISD told of a school policy forcing teachers to clean their own classrooms within 15 minutes after classes are released. The policy came after the district laid off several custodians. Teachers who fail to clean their rooms are reported to administrators.

Martinez added that food-service workers in San Antonio already have suffered injuries, and worker compensation claims could end up costing the district more than it saves in its move to cut custodians. “Now the district is scrambling to provide proper training, trying to purchase new tools and ergonomically correct equipment to try and meet this absurd requirement,” she said.

“Trying to skimp on custodian budgets and putting these job responsibilities on cafeteria workers is bad enough,” Martinez said. “But let’s talk about what this is doing to our students. With no custodian around, what will happen if there is a spill? Or the dreaded up-chuck, which happens quite often in the elementary

schools? You guessed it: The food-service employee has to come from behind the kitchen serving area and deal with the situation.”

Martinez said the extra work often takes cafeteria workers from their food-service duties during lunch and slows down the serving line. “Students are already being rushed in and out of lunch, and now they face even less time to eat,” she said. “The new policy is unfair to food-service workers and students, not to mention that it’s a result of taking out a valued member of the school campus and community—the custodian.” 🇹🇽



TEACHER JOBS AT RISK

While economic analysts note that the number of teachers and school employees should be growing to meet increasing enrollment, recent figures show just the opposite—large scale job losses in public education due to budget cuts that continue to fuel high unemployment rates.

Public schools nationwide lost 200,000 jobs in the past year and 24,400 jobs in September alone, and they accounted for the biggest losses in any employment category. “With \$5.4 billion in cuts to public education, Texas is no exception, and we’re seeing thousands of school employees in the unemployment line rather than the classrooms,” said Texas AFT President Linda Bridges.


In September, President Obama sent Congress the American Jobs Act, which includes \$30 billion to prevent 280,000 teacher layoffs and to allow districts to hire and rehire additional teachers and frontline staff. Texas would get \$2.2 billion in funds to save and create jobs, plus another \$2.3 billion to upgrade school facilities. Although an initial attempt to bring up the comprehensive plan failed in an Oct. 11 Senate vote, the White House and congressional allies have vowed to break this vital jobs-saving plan into multiple bills and keep it on the Capitol Hill front burner.

AFT has actively supported the American Jobs Act with call and letter campaigns to Congress and outreach to members nationwide. Highlighting the need for the act recently was Kimberly Russell, a Dallas ISD social-studies teacher and single mother who was laid off in May. Russell, an Alliance-AFT member, introduced President Barack Obama at an October 4 Dallas-area event promoting passage of the American Jobs Act.

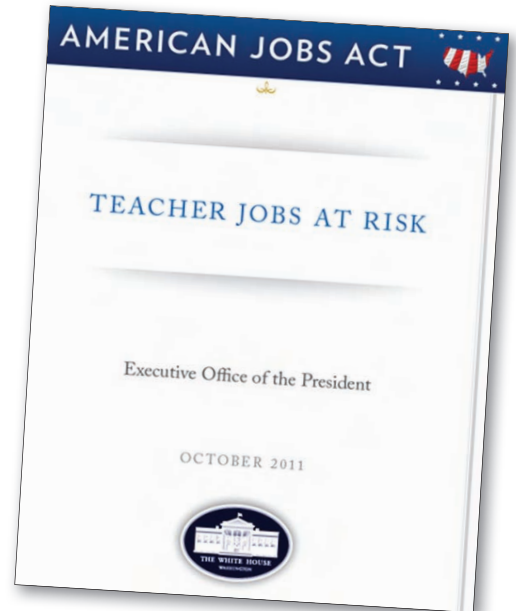
“Mr. Cantor [House Majority Leader] should come down to Dallas and look Kim Russell in the eye and tell her why she doesn’t deserve to be back in the classroom doing what she loves, helping our kids,” Obama said. “Come tell her students why they don’t deserve to have their teacher back.”

“Kimberly Russell unfortunately represents the situation of thousands of Texas teachers who have lost their jobs as a result of massive and unnecessary budget cuts last spring,” said Rena Honea, president of Alliance-AFT, which represents some 10,000 school employees in Dallas ISD. “Our schoolchildren are facing larger class sizes, reduced support to meet

increasing standards, and in many cases, crumbling schools in need of repair. The American Jobs Act would provide a critical lifeline to minimize the damage to our children’s education.”

The White House also released a report outlining how the administration’s efforts—including the American Jobs Act—would keep teachers in the classroom, strengthen our schools, and improve the local economy in communities across the country. For more information, including ways to reach members of Congress with letters and phone calls, visit www.aft.org. 

To view the White House Report, “Teacher Jobs at Risk,” visit www.texasaft.org and click on “Publications and Reports.”



Kimberly Russell, an Alliance-AFT member and social-studies teacher laid off last spring, meets President Obama on a visit to a Dallas area school in October.

FAQ: IMPACTS OF SENATE BILL 8, ATTACKING EDUCATORS' PAY AND CONTRACTS

Senate Bill 8, the worst state education bill to come down the pike in many a year, took effect on September 28. This hotly disputed bill, passed by the Legislature in June after a six-month battle and signed by Gov. Rick Perry in July, enables and encourages school districts to make up for state budget cuts at the expense of their employees and ultimately of their students. Here are some answers to frequently asked questions about the impact of this legislation on pay and contract rights.

Some of the worst elements of SB 8 cannot be implemented until the 2012-2013 school year, as you will see in the following Q and A.



What salary cuts are authorized by SB 8?

—**Salary rollback:** Although SB 8 leaves intact the state minimum salary schedule, the bill repeals a special salary floor in state law that has blocked rollback of state pay raises below the 2010-2011 level. This special salary floor, enacted in 2009, has barred districts from rolling back the salaries of any teacher or full-time school nurse, librarian, counselor, or speech pathologist below the level reached in 2010-2011, as long as that employee remained employed in the same district.

However, districts still face a legal obstacle to the use of this new authority in the 2011-2012 school year. That's because the deadline for a contract employee to resign without penalty (45 days before the first day of instruction) is long past, and courts have held that a contract employee's pay cannot be cut after that date.

—**Furlough days:** SB 8 allows a district to impose unpaid furloughs of up to six non-instructional days if the district's funding falls below its 2010-2011 level, as determined by the commissioner of education. The number of teacher workdays may not increase as the result of a furlough.

Note: The new law requires the commissioner of education to make the required determination of a district's funding shortfall by July 1 each year. But SB 8 did not take effect until September 28. Therefore, districts will not be able to use this provision for the current school year.

—**Other salary reductions:** Other forms of salary reduction of unspecified extent, such as percentage cuts, can be adopted without first showing that the district's funding falls below its 2010-2011 level. But such reductions cannot be made in 2011-2012, because the penalty-free resignation date is long past, as noted above.

When is a school district eligible to impose furloughs or other forms of salary reductions?

Before a district may impose either furloughs or other forms of salary reduction, a district first must meet certain conditions. These state-mandated minimum prerequisites for a furlough plan or other salary reduction require the district to:

- involve the professional staff of the district in developing the furlough or other salary-reduction plan;
- conduct a public meeting explaining the proposed action, specifying the number of furlough days proposed;
- describe what consideration has been given to a local tax increase or use of local fund reserves, and include information on any local-option homestead



- exemption;
- explain how the pay cuts would help to avert layoffs; and
- give the public and district employees an opportunity at the public meeting to voice their opinions on the proposed action.

Note: Nothing in the law prevents a district from developing local policies that establish additional preconditions to protect against abuses of this furlough authority.

Do furloughs or other salary reductions apply to administrators?

A district must apply the same number of furlough days to all contract personnel, including administrators. All administrators and other professional employees also must be covered by any percentage pay reductions imposed on teachers due to a district's financial condition.

If I am furloughed after the deadline for resignation without penalty (45th day before the first day of instruction), can I still resign?

If a furlough plan is adopted after the date for penalty-free resignation, SB 8 says a teacher who then resigns cannot be penalized for contract abandonment.

Can a furlough plan or salary reduction be challenged legally?

SB 8 says a school board's decision to adopt a furlough plan is final and not subject to appeal. However, a district that violates the law by failing to meet the prerequisites of SB 8 for implementation of a furlough or salary reduction will invite legal challenges.

I signed my contract for 2011-2012 and began working under that contract long before SB 8 passed on September 28. Do the changes in contract rights made by SB 8 affect me during the 2011-2012 school year?

The impact of SB 8 on contracts will be delayed in many instances. One reason is that statutory changes made in SB 8 cannot alter the substantive terms of contracts already in force before the bill took effect. Court cases have established that prior law continues to govern the material terms of pre-existing contracts. Hence we probably will not start to see the full impact of SB 8 on contract rights until the 2012-2013 school year. (Keep reading.)

Do teachers under continuing contracts no longer have seniority-based protection in case of layoffs?

SB 8 repeals a long-established state law that has required terminations of continuing-contract teachers due to necessary reductions of personnel to be made in reverse order of seniority within each teaching field. The bill requires such layoffs in the future to be based on teacher appraisals and other factors established by the local school board. But please note: The school board thus retains the option of making seniority one of the primary considerations, along with appraisals, in determining the order of layoffs due to a necessary reduction of personnel.

When is a district required to notify teachers of proposed nonrenewal of their contracts?

SB 8 permanently changes the deadline for notice of nonrenewal of a term contract (or termination of a probationary contract at the end of the school year) to the 10th day before the last day of instruction. Prior law has placed that deadline at the 45th day before the last day of instruction. However, school districts would be well-advised to wait until the 2012-2013 school year before shifting to the new deadline, because moving to the 10-day notice deadline in the current school year would impair teachers' rights under their existing contracts, which predate the new law.

Who gets to decide if there is a "financial exigency" justifying mid-contract terminations?

The commissioner of education must set minimum standards defining the financial conditions that allow a district to declare a "financial exigency" to justify a reduction in force. Until the commissioner establishes these minimum standards in administrative rules, districts cannot declare "financial exigency." The local school board may declare "financial exigency" for just one fiscal year at a time.

If a district does declare "financial exigency," do I still have the right to a hearing to contest a resulting termination?

In any case of contract termination during a contract's term that is based on a declaration of "financial exigency" by the district, SB 8 permits school boards to bypass the hitherto-required use of an independent hearing examiner and to delegate the hearing task instead to an attorney chosen and paid by the school district. This attorney makes a recommendation to the school board, but the board can reject it for any reason or no reason at all. (The attorney cannot be one who represents school districts, school employees, or associations of school employees, school administrators, or school boards.)

Can the school board use this lesser sort of hearing in non-renewal cases, too?

This alternative hearing procedure before an attorney-designee also is an option that all school districts with 5,000 or more students can use, instead of a full board-level hearing, for any nonrenewal of a term contract at the end of the contract's term.

Note well, however: School boards under SB 8 still can choose to delegate responsibility for the conduct of hearings to an independent hearing examiner, as under prior law.


SENATE BILL 8 WATCH

Who gets to decide what counts as “good cause” to terminate someone’s contract?

In any case of contract termination during the term of an employee’s contract, SB 8 allows school boards to override the judgment of an independent hearing examiner—the individual who has actually heard and weighed the evidence—on the evidence of “good cause” for termination.

Prior law made “good cause” a fact issue decided by the hearing examiner, unless there was no evidence to support the hearing examiner’s determination. SB 8 seeks to shift the balance radically against the employee in a termination hearing, by empowering the board, which has endorsed the termination decision, to brush aside inconvenient findings of fact by the hearing examiner regarding the evidence. This change runs contrary to court rulings on “good cause” and may not withstand challenge.

Can a teacher be suspended without pay while a contested termination case is pending?

SB 8 enables school districts to suspend a teacher without pay “pending discharge,” not just in place of discharge as under prior law. But please note: In either case, the teacher remains entitled to a hearing before an independent hearing examiner to contest the suspension without pay. 

SB 8 Watch: Can they do that?

Texas AFT wants to hear from you if your district tries to implement any of the provisions of SB 8. Visit <http://survey.texasaft.org> and fill out a short form with your concerns. Remember, many of the provisions of SB 8 should not apply until the 2012-13 school year, so if you’re wondering, “Can they do that,” we’ll provide an answer.

AMERICAN TEACHER

Two of Texas AFT’s local affiliates—Education Austin and the Houston Federation of Teachers—recently held screenings of the new documentary film, “American Teacher,” which portrays the struggles and inspirations of four public school teachers.

The film—narrated by Matt Damon, whose mother is a teacher—also presents some stark statistics about the number of retiring teachers and what will happen if America doesn’t invest in attracting and retaining new teachers.

One of the featured teachers is Erik Benner, who has been teaching Texas history for fifteen years in the Dallas-Fort Worth area. Because of his low salary, Benner works second jobs in manual labor long into the night to make ends meet and support his family. The film’s producers intended for the documentary to open up discussions on teacher pay as part of their work with the Teacher Salary Project, an interactive site launched several years ago to track compensation and provide resources on improving teacher pay. For more information on the project and film screening dates and locations, see www.theteachersalaryproject.org.

A Look at Some of the Issues Discussed in “American Teacher”

By Dave Eggers and Nínive Clements Calegari

When we don’t get the results we want in our military endeavors, we don’t blame the soldiers. We don’t say, “It’s these lazy soldiers and their bloated benefits plans! That’s why we haven’t done better in Afghanistan!” No, if the results aren’t there, we blame the planners. We blame the generals, the secretary of defense, the Joint Chiefs of Staff. No one contemplates blaming the men and women fighting every day in the trenches for little pay and scant recognition.

And yet in education we do just that. When we don’t like the way our students score on international standardized tests, we blame the teachers. When we don’t like the way particular schools perform, we blame the teachers and restrict their resources.

Compare this with our approach to our military: when results on the ground are not what we hoped, we think of ways

to better support soldiers. We try to give them better tools, better weapons, better protection, better training. And when recruiting is down, we offer incentives.

We have a rare chance now, with many teachers near retirement, to prove we’re serious about education. The first step is to make the teaching profession more attractive to college graduates. This will take some doing.

At the moment, the average teacher’s pay is on par with that of a toll taker or bartender. Teachers make 14 percent less than professionals in other occupations that require similar levels of education. In real terms, teachers’ salaries have declined for 30 years. The average starting salary is \$39,000; the average ending salary—after 25 years in the profession—is \$67,000. This prices teachers out of home ownership in 32 metropolitan areas, and makes raising a family on one salary near impossible.

So how do teachers cope? Sixty-two percent work outside

the classroom to make ends meet. For Erik Benner, an award-winning history teacher in Keller, Texas, money has been a constant struggle. He has two children, and for 15 years has been unable to support them on his salary. Every weekday, he goes directly from Trinity Springs Middle School to drive a forklift at Floor and Décor. He works until 11 every night, then gets up and starts all over again. Does this look like “A Plan,” either on the state or federal level?

We’ve been working with public school teachers for 10 years; every spring, we see many of the best teachers leave the profession. They’re mowed down by the long hours, low pay, the lack of support and respect.

Imagine a novice teacher, thrown into an urban school, told to teach five classes a day, with up to 40 students each. At the year’s end, if test scores haven’t risen enough, he or she is called a bad teacher. For college graduates who have other options, this kind of pressure, for such low pay, doesn’t make much sense. So every year 20 percent of teachers in urban districts quit. Nationwide, 46 percent of teachers quit before their fifth year. The turnover costs the United States \$7.34 billion yearly. The effect within schools—especially those in urban communities where turnover is highest—is devastating.

But we can reverse course. In the next 10 years, over half of the nation’s nearly 3.2 million public school teachers will become eligible for retirement. Who will replace them? How do we attract and keep the best minds in the profession?

People talk about accountability, measurements, tenure, test scores and pay for performance. These questions are worthy of debate, but are secondary to recruiting and training teachers and treating them fairly.

There is no silver bullet that will fix every last school in America, but until we solve the problem of teacher turnover, we don’t have a chance. Can we do better? Can we generate “A Plan”? Of course.

The consulting firm McKinsey recently examined how we might attract and retain a talented teaching force. The study compared the treatment of teachers here and in the three countries that



To view a trailer of “American Teacher,” visit www.theteachersalaryproject.org

perform best on standardized tests: Finland, Singapore and South Korea.

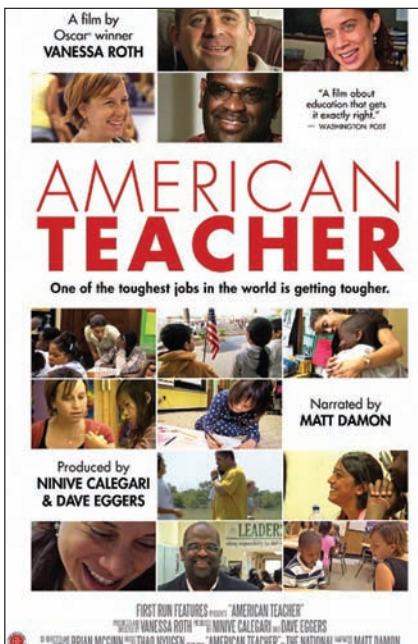
Turns out these countries have an entirely different approach to the profession. First, the governments in these countries recruit top graduates to the profession. (We don’t.) In Finland and Singapore they pay for training. (We don’t.) In terms of purchasing power, South Korea pays teachers on average 250 percent of what we do.

And most of all, they trust their teachers. They are rightly seen as the solution, not the problem, and when improvement is needed, the school receives support and development, not punishment. Accordingly, turnover in these countries is startlingly low: In South Korea, it’s 1 percent per year. In Finland, it’s 2 percent. In Singapore, 3 percent.

McKinsey polled 900 top-tier American college students and found that 68 percent would consider teaching if salaries started at \$65,000 and rose to a minimum of \$150,000. Could we do this? If we’re committed to “winning the future,” we should. If any administration is capable of tackling this, it’s the current one. President Obama and Education Secretary Arne Duncan understand the centrality of teachers and have said that improving our education system begins and ends with great teachers. But world-class education costs money.

For those who say, “How do we pay for this?” — well, how are we paying for three concurrent wars? How did we pay for the interstate highway system? Or the bailout of the savings and loans in 1989 and that of the investment banks in 2008? How did we pay for the equally ambitious project of sending Americans to the moon? We had the vision and we had the will and we found a way. 🇺🇸

Dave Eggers and Ninive Clements Calegari are founders of the 826 National tutoring centers and producers of the documentary “American Teacher.”



PRESIDENT OBAMA OFFERS WAIVER PROCESS ON NCLB, WHILE SENATORS SEEK REAUTHORIZATION

President Obama and U.S. Secretary of Education Arne Duncan on September 23 rolled out a new program of waivers that would allow states and school districts to sidestep some of the much-criticized mandates of the 2002 No Child Left Behind Act (the Bush-era version of the Elementary and Secondary Education Act). But the waiver offer comes with new strings attached.

Under this waiver policy, a state would no longer have to set targets that require 100 percent of its students to attain proficiency on state standardized tests of math and reading by 2014—a pie-in-the-sky standard that led many states to dumb down their tests in response. Besides the freedom to set more realistic achievement targets, states would gain new leeway to spend federal aid on locally determined corrective actions for low-performing campuses. They would no longer have to follow strict federal prescriptions to use the money to implement a rigid sequence of “school improvement” steps (such as underwriting transfers of students to other campuses).

“Valid and reliable teacher evaluation and development should be based on multiple measures, not just test scores, and should provide teachers with the feedback, tools and conditions they need for continuous improvement.”

However, new requirements, especially in the area of teacher evaluation, would be imposed. States and districts would have to revamp their evaluation systems to meet federal specifications establishing at least three categories of teacher performance, with emphasis on measures of student achievement (meaning, to a significant extent, test scores). These provisions resemble requirements of the federal Race to the Top grant program, which Texas AFT opposed and in which the state of Texas does not participate.

In early October, a bipartisan draft of a bill to replace the No Child Left Behind Act was proposed in the U.S. Senate. Sen. Tom Harkin, the Democrat of Iowa who chairs the key Senate committee on education, is the lead author, joined by the leading Republican on the panel, Sen. Mike Enzi of Wyoming.


Their bill would get rid of the signature “Adequate Yearly Progress” targets enacted as part of NCLB in 2002. States would set targets for continuous improvement instead. Testing requirement would remain, as would disaggregation of data to show test results of minority and low-income students. But test-driven sanctions would be focused more narrowly on the bottom 5 percent of schools in each state, and reportedly more corrective options would be authorized, such as conversion of a school to a magnet campus instead of charter conversion.

Echoing the Obama administration’s current NCLB waiver

policy, the initial version of this proposal would have required states to meet federal criteria for teacher evaluation. However, after hearing from AFT and others concerned about a rigid, top-down federal evaluation mandate, Sens. Harkin and Enzi dropped this provision from their draft bill, despite objections from Secretary Duncan.

It remains cause for concern, from Texas AFT’s standpoint, that the Department of Education’s waiver process—which stands as the operative federal policy pending the rewrite of ESEA—lacks an assured voice for teachers in the development of required new systems of teacher evaluation. To be sure, an official fact sheet on the new waiver program says “the state and its districts will develop these systems with input from teachers and principals...” Unfortunately, though, experience with the Race to the Top program has shown that the Department of Education likely will let states meet this guideline with only token employee involvement. This concern is especially acute in a state like Texas, which does not have the infrastructure of collective bargaining

that gives employees a mechanism for making their voices heard on significant policy changes that affect conditions for teaching and learning in the classroom.

As AFT President Randi Weingarten said, “When done correctly, evaluations with tools and supports for teachers can lead toward a path of vibrant instruction. When done incorrectly, it becomes just a human resources sorting mechanism that devalues teachers, limits their growth and undercuts our children’s education... Valid and reliable teacher evaluation and development should be based on multiple measures, not just test scores, and should provide teachers with the feedback, tools and conditions they need for continuous improvement.” 




TEXAS AFT MEMBER EARNS TEACHER OF THE YEAR HONORS



A Texas AFT member in McKinney ISD was honored in October by the Texas Education Agency as the state's 2012 Elementary Teacher of the Year. Karen Morman, a reading specialist at J.W. Webb Elementary in McKinney, also will represent the state in the national Teacher of the Year competition.

Morman and the Secondary Teacher of the Year, reading teacher Stephanie Stoebe of Round Rock ISD, each will receive a \$5,000 cash award. Also honored at an awards luncheon in Austin were four additional state finalists and 34 regional teacher-of-the-year winners.

Texas State Board of Education member George Clayton, who is an academic coordinator at North Dallas High School in Dallas ISD, chaired the selection committee. Clayton said: "Listening to the finalists made me very proud to be an educator myself... They are true examples of what a professional educator should be."

In her application, Karen Morman wrote: "One student's note pulls at my heartstrings when she shares that reading has been difficult for her in the past, and thanks me for helping her enjoy reading. It is a teacher's positive attitudes, high expectations, and the joy for learning that is modeled in the classroom that will make the difference in students' lives." 



Wanda Longoria, AFT representative, presents Dr. John M. Folks, superintendent of Northside ISD, with a plaque thanking him for his advocacy for teachers and students. Folks was named Superintendent of the Year by the Texas Association of School Boards and Texas Association of School Administrators. An educator for 41 years, Folks has worked with Northside AFT on numerous initiatives.



Spring Branch AFT opens new office, grows with outreach
Spring Branch AFT has taken off by leaps and bounds recruiting new members and opening an office in the district in September. The organization is on track to become a full affiliate, and members are active in a variety of outreach activities, including bullying workshops and budget forums.



Texas AFT

3000 South IH 35, Suite 175
Austin, Texas 78704



NON-PROFIT ORG.
U.S. POSTAGE
PAID
AUSTIN, TEXAS
PERMIT NO. 2917



Their future.
Our fight.

Texas Can Do Better

