

FEA Frontline Report

April 9, 2009

Quote of the week:

“For us to think that we’re doing the profession a favor by adding this punitive measure for firing or getting rid of teachers is unconscionable...and for Florida, who should not be proud because they have to apply for a waiver because they did not properly fund education to look down on the people who are working so hard to improve education in our state is just wrong.” — Senator Frederica Wilson (D-Miami) expressing her disgust with the anti-due process bill erroneously named the “Quality Teachers for All Students Act.”

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Week six of the 2009 legislative session

Overwhelmed: the most common word new teachers use to describe their experience.

This week the New York Times reported that over the next four years over one-third of the nation’s teaching force will retire. That same report cited the high rate of attrition among new teachers, with one of every three leaving the profession within the first 5 years. There is a hole in the bucket, dear Liza.

That’s certainly not a news flash to us. For several years the FEA has been promoting recruitment and retention legislation that would help prepare for that inevitable day when experience will walk out the school door. Whether the report is an exaggeration of the problem or not, when experienced teachers retire, left behind will be more overwhelmed new teachers with no state support to help them succeed. The only bill the legislature is acting on now will make teaching less desirable... and make it more difficult for teachers to keep their jobs.

Some in the legislature, along with the media, are zeroing in on the bad teacher — and the perception that it is just too difficult to get rid of all those bad teachers that must be out there. Never mind all the touting of the success our teachers have been demonstrating – and that’s according to the very same

group promoting the anti-tenure bill — you'd think incompetent teachers must be running rampant in our schools.

This is when tenure (what we call continuing or professional service contract) gets a bad rap. People believe that tenure means a lifetime job guarantee, even if performance isn't up to par. Because of the budget crisis, calls for eliminating tenure are heightened. But what is ignored is the fact that tenure doesn't result in guarantee of permanent employment. It simply guarantees that there will be some form of due process before a teacher can be dismissed. The real problem lies in the evaluation process — or lack thereof. But the short-sighted nature of the backers of this legislation seem to work in the dark... and prefer not to talk to the people who know what teaching is really like.

Here's to the bright side of this week: this was an abbreviated week for the legislature due to religious observances of Passover and Easter. Monday, April 13 will be day 42 of the 60 day session. That means there are only 18 days until Sine Die on May 1 (end of session). We have a whole lot of work ahead of us in those 18 days. Get ready to turn up the volume and increase the pressure on your legislators. We've got future teachers, 140,000 members, 2.6 million K-12 students and over 1.1 million college students counting on us.

Next steps in the budget process

Little has changed regarding the budget proposals since last week. This week the House and Senate full appropriations committees met to finalize their versions. Sometime today all appropriations and related bills will be published. The next stop for the bills will be the House and Senate chambers for amendments and debate by all members. Here's what to expect over the next week according to House leadership:

- Thursday, April 09, 2009 - 8:00 am
General Appropriations bills, implementing bills, and conforming bills, as amended, will be published.
- Monday, April 13, 2009 - 5:00 pm
All requests for main floor amendments for the General Appropriations bills must be submitted to the two Full Appropriations Councils. All requests for main floor amendments for related implementing and conforming bills must be approved for filing.
- Tuesday, April 14, 2009 - 8:00 am
Packages of amendments will be available no later than 8 a.m. Members and staff will be notified via email once the amendment package has been published.
- Tuesday, April 14, 2009 - 1:00 pm
All requests for amendments to floor amendments and substitute amendments to floor amendments for the General Appropriations bills must be submitted to the two Full Appropriations Councils. All requests for amendments to floor amendments and substitute amendments to floor amendments for related implementing and conforming bills must be approved for filing.
- Thursday, April 16, 2009
Second reading.
- Friday, April 17, 2009
Third reading of bills read a second time on April 16, 2009. Beginning of the budget conference process, if needed.

Anti-due process bill moves through House and Senate committees

“Quality Teachers for All Students Act” HB 1411 by Rep. Kelli Stargel (R-Lakeland) and SB 2458 by Sen. Thad Altman (R-Melbourne) passed House and Senate committees this week, but not without Democrats and Republican legislators expressing grave concerns. Senate PreK-12 Education Chair Nancy Detert (R-Venice) gave supporters of the bill a bit of a thrashing and called upon bill sponsor Altman to make major changes to the bill before it goes through its next committee. She chastised her fellow senators saying, “We keep trying to run education as a business...but it is NOT a business.” Detert described education as a cooperative and collegial effort and voiced her concerns that the proposals in the pending legislation would do a lot of damage to collegiality, pitting teacher against teacher and make teachers constantly afraid for their jobs.

Orange CTA member Dayna Gaut left her home in Ocoee in the middle of the night to make sure she wouldn't miss the 8 a.m. meeting in Tallahassee. Dayna, a second grade teacher at Citrus Elementary in Ocoee, felt passionately that the committee needed to hear from a teacher. Quoting the bill language which says "Professional performance contract means a contract for a period of no longer than 5 school years which the district school board can choose to renew or not renew without cause," Dayna explained to the committee that this one line would take away all semblance of fairness and due process for teachers. After which her Senator, Lee Constantine (R-Altamonte Springs) told bill sponsor Altman that the bill needed to undergo major revisions before it goes further.

After contentious and pointed criticism of the bill and its supporters, (including remarks that the bill was like “using a cannon to kill a gnat”) the bill passed on a 5 to 3 vote along party lines. At least two of the Republicans held their noses as they cast their yes votes and demanded that improvements to the bill were needed before reaching the next committee.

To watch video of parts of the meeting go to: [FEA Frontline TV](http://www.associationstudios.com/Publisher_Main.aspx?PublisherId=325) or copy the following into your browser: http://www.associationstudios.com/Publisher_Main.aspx?PublisherId=325

Note: If you don't see the committee meeting page look under the Make Our Schools a Priority banner and click on the *Committee Coverage* tab.

The House Full Appropriations Council on Education & Economic Development passed Stargel's version of the bill on a 12 to 10 vote. Two Republicans —Rep. Faye Culp (Tampa) and Rep. Bill Proctor (St. Augustine) spoke against the bill and cast no votes with the Democrats. Those voting “no” were Brise, Chestnut, Culp, Gibbons, Heller, Jenne, Kiar, Proctor, Saunders and G.Thompson. Voting for the bill: Coley, Evers, Flores, Glorioso, Gonzalez, Kelly, Legg, Murzin, Precourt, Reagan, Rivera, and Weatherford.

It is important to know what is already in law to understand why this bill is unnecessary and punitive in nature. Currently, a new teacher is on an annual contract for the initial three years of employment. During the first year, the teacher may be dismissed for any reason (or no reason at all) during the first 97 days of employment without any right of review. At the end of each annual contractual period, the contract may be “non-renewed” for any reason (or no reason at all) without any hearing or recourse. In some cases districts can recommend and if agreed to in writing by the teacher, a fourth annual contract may be issued.

After that, a teacher is placed on a professional service contract which automatically renews at the end of each year unless the teacher is performing unsatisfactorily. If performance is unsatisfactory, the teacher is provided assistance and if he or she doesn't improve to a satisfactory level of performance, the teacher is terminated. The teacher has what we call "due process" and an opportunity to challenge whether termination is proper.

It is significant to note that a teacher whose level of performance is evaluated as "incompetent," may be terminated at any time subject only to a hearing to determine that proper cause exists.

Senate Bill 2458 and House Bill 1411 – if enacted:

- Would permit a teacher to be terminated for any reason (or no reason) at any time during the initial year of employment without any right of review
- Would place a teacher on an annual contract for 5 additional consecutive years. At the end of each contractual period, such contracts may be "non-renewed" for any reason (or no reason) without any hearing or recourse
- Would place a teacher, at the end of 6 years of employment, on a 5 year contract which could be "non-renewed" at the end of the five year term for any reason (or no reason) without any hearing or recourse
- Would require the contractual cycle to begin all over again if the teacher moves to another school district in the state

The reality is that this new bill is unnecessary. Remember: under current law the district can extend the annual contract period up to four years if a teacher's performance is not satisfactory. During those first three (or four) years, a teacher can be non-renewed each year without recourse if he or she is not performing at an acceptable level.

The proposed changes would apply only to teachers hired beginning on July 1, 2009. But if you have held a professional service contract, you may exchange that contract for the professional performance contract. Who in their right mind would subject themselves to that instability?

To read the bill in its entirety click here: [SB 2458](#) or copy the following into your browser:

[http://www.flsenate.gov/cgi-](http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2458c1.html&Directory=session/2009/Senate/bills/billtext/html/)

[bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2458c1.html&Directory=session/2009/Senate/bills/billtext/html/](http://www.flsenate.gov/cgi-bin/view_page.pl?Tab=session&Submenu=1&FT=D&File=sb2458c1.html&Directory=session/2009/Senate/bills/billtext/html/)

Senate President Jeff Atwater has the ability to stop this bill. We urge you to call his district offices ASAP at 561-625-3518 or 954-847-3518 to let him know what a blow this bill would be to the future of the teaching profession. If you call on Monday, be sure to call his Tallahassee office at 850-487-5100.

"Bus Driver Notification" bill passes committee

SB 2122 by Sen. Charlie Dean (R-) known as the "Bus Driver Notification" bill passed the Senate Criminal Justice committee unanimously this week. This is a FEA priority bill. Current law addresses notification procedures to public schools after a child has been formally charged with a felony or act that would be classified as a felony if he/she were an adult. The child's classroom teacher must be notified

by the principal. The intent of this notification is to aid in the protection of the other children in the classroom in addition to the safety of the teacher.

The bill adds the director of transportation to the list of entities required to be notified by the school superintendent. In addition, they would be required to immediately notify the student's assigned bus driver, and any other school personnel whose duties include direct supervision of the student.

The next stop for this bill will be the Senate PreK-12 Education Committee. The House version – HB 955 by Rep Darren Soto (D-Orlando) - has not yet been heard in committee.

Darts and Laurels

Laurels to Rep. Bill Proctor (R-St. Augustine) and Rep. Faye Culp (R-Tampa) for speaking strongly against Rep. Stargel's anti-due process bill and crossing the party-line to cast a no vote.

Darts to Sen. Thad Altman (R-Melbourne) and Rep. Kelli Stargel (R-Lakeland) for not understanding the real ramifications of their proposed anti-due process legislation.

Member lobbyists visiting Tallahassee

Since it was a short week for legislators we did not have any visitors joining us in Tallahassee for our lobbying efforts. But we do want to express our gratitude to Dayna Gaut from Orange CTA for returning to Tallahassee to testify against the anti-due process bill!

Visit FEA FrontlineTV for video of session highlights:

http://www.associationstudios.com/Publisher_Main.aspx?PublisherId=325

Questions? Call FEA Public Policy Advocacy at 850.224.2078

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