

Our concerns about Act 1 of 2012 (HB 974) and Act 2 (HB 976) are not myths!

State Superintendent of Education John White has apparently sent a letter to educators to address what he calls “myths” about legislation that ties salaries, tenure and other personnel matters to the new teacher evaluation system.

However, what the superintendent calls myth is really closer to fact. Let’s examine the following “myths” discussed by Superintendent White:

1. The superintendent says it is a myth that teacher salaries may be cut because of Act 1.

He says the law prohibits any current teacher's salary from being decreased. Districts will be required to compensate teachers based on effectiveness as determined by evaluation results, content or license area, and experience. The bill provides districts an additional opportunity to reward teachers who go above and beyond.

The facts: While current teachers may not see a pay cut, few may ever see another pay raise. Act 1 mandates that school boards construct a salary schedule based upon the criteria listed above by January 1, 2013. That salary schedule may include consideration of advanced degree levels. The legislation specifically prohibits a teacher rated as “ineffective” from receiving any increase in compensation.

The law provides little guidance other than the requirement that no criterion can account for more than 50% of the formula to compute salary.

How will a teacher know if raises are given on a fair, transparent basis? How is the “additional opportunity to reward teachers who go above and beyond” defined? Neither this bill nor Act 54, which created the new evaluation system, describes how raises will be apportioned.

The net effect of Act 1, Act 2, Act 25 (School Tuition Scholarships) and Act 54 of 2010 will not be positive. The expansion of charter schools which will not require certified teachers. That, combined with economic pressures, will undoubtedly affect the market value of all educators.

2. The superintendent says it is a myth that Act 1 will impact teachers' plans for retirement.

He says that nothing in Act 1, Act 2 or Act 54 of 2010, or any other proposed legislation, directly impacts retirement plans for K-12 teachers this year.

The facts: Consider the impact that just one aspect of Act 2 (the charter school/voucher law) will have. Two hundred or more Type 1B charter schools could soon be established. Since charter schools persistently resist participation in TRSL, the effect on the solvency of the retirement system should be obvious.

Also, teachers’ retirement earnings are based on their top three years’ salaries. If the net effect of this legislation reduces future earnings, then a teacher’s retirement will be affected.

3. The superintendent says it is a myth that the Act may unfairly result in teachers losing their jobs or that it erodes due process.

The Act mandates that teachers rated "ineffective" in any one year - roughly 10 percent of teachers – immediately lose tenure. It was amended so that the provision does not go into effect until 2014. The superintendent says that Act 54 establishes a process for teachers to grieve their rating, and that tenure is to be reinstated if the rating is overturned.

If the rating is upheld, the teacher is put on an improvement plan as required by Act 54. If a teacher gets a second consecutive “ineffective” rating, the teacher is immediately terminated.

Superintendent White adds that tenured teachers maintain significant due process rights. After responding to dismissal charges, a tenured teacher may appeal to a three-member panel, and even name one of the panel’s members. An unfavorable recommendation from that panel can then be challenged in a court.

The facts: Once the law is fully implemented, all teachers will have a very watered-down due process, one that begins with the assumption that the teacher is guilty. The teacher will be terminated, and the so called “hearing” will be an appeal for reinstatement.

If the panel finds that the teacher should be reinstated, that is only a recommendation that a superintendent can accept or ignore.

For about one-third of teachers – those in tested, graded subjects – 50% of their evaluations will be based on student test scores and the “Value Added Model.” Under rules currently being promulgated by BESE, that part of the evaluation cannot be grieved. Only the qualitative part of a teacher’s evaluation – the observations by supervisors – can be challenged according to Bulletin 130 as it now stands.

As the law is written, expensive and drawn-out court procedures become more, not less, likely.

Superintendent White's misleading statement about tenured teachers is addressed in the next section.

4. The superintendent says it is a myth that this bill would do away with tenure.

He says that starting in 2014, only teachers who are rated "Ineffective" would lose their tenure status. All other currently tenured teachers would retain tenure.

Teachers who do not have tenure today would be required to earn five Highly Effective ratings any time during the course of a six-year period in order to achieve tenure.

The facts: If a teacher's "ineffective" rating is upheld, the teacher automatically loses tenure rights. Because the system is based on a bell curve, it is virtually required that 10 percent of teachers will be ruled ineffective every year.

But teachers who subsequently get "effective" or even "highly effective" ratings will be considered nontenured, at-will employees who may be dismissed with very little protection.

In order to regain tenure, teachers will have to earn a "highly effective" rating for five out of the next six years. In any year, the bell curve makes it clear that only 10 percent of teachers will be judged "highly effective."

Teachers who lose tenure have almost no chance of ever regaining it. New Teachers will probably never be able to earn tenure.

Teachers who get a second "ineffective" rating will be dismissed.

5. The superintendent says the greatest myth of all is the idea that teachers are uniformly opposed to change.

He says there are more than 50,000 teachers in the state. They hold widely varying opinions and are not uniformly opposed to change.

The facts: The process by which both Act 1 and Act 2 were adopted this year was an exercise in power politics. It was not inclusive. It was not a "civics lesson" suitable for children. As teachers become more informed about these Acts, the disrespect for the teaching profession embodied in them will become more obvious.

Their disregard for the profession is obvious in these elements of laws supported by Superintendent White and the Jindal administration:

- **Teachers in charter schools will no longer need even basic certification – only a college degree is required.**
- **Teachers in online schools, however, will be automatically certified as Louisiana teachers, no matter where in the world they actually reside.**
- **Teachers in online virtual schools will not be subject to the same evaluation procedures as teachers in public or charter schools.**
- **Act 2 incentivizes the exodus of children from public to private and religious schools. The law does not subject those schools to "letter grades" or require "high stakes" testing that can result in children being held back.**