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## Legislative News February 22, 2012

**Action needed: Contact the Senate Education Committee members and tell them to vote "no" on SB 132**

The Senate Education Committee is at it again. Tomorrow they plan to hear **SB 132**, sponsored by Senator Vernie McGaha (R-Russell Springs). SB 132 proposes significant changes to the teacher tribunal process, all of which will benefit administrators who bring charges against teachers. **KEA opposes this bill.**

The current tribunal process was created during KERA to insure due process for teachers, primarily to insure a decision rendered by a neutral third party who is not beholden to the superintendent; before KERA, the local board of education decided whether the superintendent was justified in terminating a teacher. SB 132 significantly weakens that important protection.

Currently, under the provisions of KRS 161.790, all disciplinary matters that get to a tribunal are heard by a three person panel comprised of one teacher, one administrator and one layperson, all of whom must live and work outside the accused teacher's district of employment. A trained hearing officer - who must be an attorney -- is assigned to each case by the Attorney General's office. The panel hears evidence and essentially acts as a jury; the hearing officer basically acts as a judge. Ultimately, the panel has the power to accept, reject or modify the punishment imposed by the superintendent.

SB 132 would change all that. If this bill passes, in cases based on allegations of misconduct, there would be no panel at all. The Hearing Officer would not be from the Attorney General's office, but rather, would come from a pool of hearing officers maintained and trained by the Kentucky Department of Education, with qualifications to be determined by KDE. The hearing officer's power would be limited to accepting or rejecting the superintendent's decision; no modifications or reduced punishment would be allowed.

The process would be even worse for teachers accused of poor performance. Charges to terminate a contract could be brought if a teacher failed to comply with or "adequately improve" in the areas identified in a corrective action plan. If the superintendent moved to discipline the teacher on that basis and the teacher demanded a hearing, the Department of Education would appoint a three person panel to include at least one teacher and one administrator - the bill is

silent about who the third member of the panel would be. The bigger problem is that the bill requires that each member of the panel "have served as an evaluator, resource teacher, mentor teacher or supervising teacher in local school districts for no less than three (3) years" and that the panel members must also have received "training in certified evaluation." The reality is that for the most part, the educators who meet those criteria are administrators, not classroom teachers. Furthermore, there is no requirement that the panel members be employed outside the district where the teacher is employed. KEA believes that if this bill passes, in most instances there will not be a practicing classroom teacher on the panel because it will be difficult or impossible to find a practicing teacher who meets the threshold requirements. Instead, the old adage that "all administrators are teachers, but not all teachers are administrators" will work to fill all three positions on every panel with an administrator.

SB 132 guts the due process rights of teachers and stacks the deck against them from the start. KEA believes that every student deserves a high quality teacher. But we also believe that every high quality teacher deserves to be treated fairly and with respect. Superintendents are not infallible. Like teachers, they are public servants. Like teachers, they should be held to a high standard. And like teachers, the decisions they make that matter most should withstand the scrutiny of an objective third party.

SB 132 serves the interests of superintendents at your expense. There are over 45,000 classroom teachers in Kentucky. We don't have to let this happen! Make sure the members of the Senate Education Committee hear from all 45,000 of us today! ***KEA is the only organization advocating to preserve school employees' due process rights.***

**Please contact these members of Senate Ed before 11:30 a.m. on Thursday to let them know you oppose SB 132:**

**By phone: 1-800-372-7181**

**By email:**

Sen. **Ken Winters**, Chair (R-Calloway) [ken.winters@lrc.ky.gov](mailto:ken.winters@lrc.ky.gov)  
Sen. **Vernie McGaha** (R-Russell) [vernier.mcgaha@lrc.ky.gov](mailto:vernier.mcgaha@lrc.ky.gov)  
Sen. **Walter Blevins** (D-Rowan) [walter.blevins@lrc.ky.gov](mailto:walter.blevins@lrc.ky.gov)  
Sen. **Jared Carpenter** (R-Madison) [jared.carpenter@lrc.ky.gov](mailto:jared.carpenter@lrc.ky.gov)  
Sen. **David Givens** (R-Green) [david.givens@lrc.ky.gov](mailto:david.givens@lrc.ky.gov)  
Sen. **Denise Harper Angel** (D-Jefferson)  
[denise.harperangel@lrc.ky.gov](mailto:denise.harperangel@lrc.ky.gov)  
Sen. **Jimmy Higdon** (R-Marion) [jimmy.higdon@lrc.ky.gov](mailto:jimmy.higdon@lrc.ky.gov)  
Sen. **Alice Forgy Kerr** (R-Fayette) [alice.kerr@lrc.ky.gov](mailto:alice.kerr@lrc.ky.gov)  
Sen. **Gerald A. Neal** (D-Jefferson) [gerald.neal@lrc.ky.gov](mailto:gerald.neal@lrc.ky.gov)  
Sen. **R.J. Palmer** (D-Clark) [rj.palmer@lrc.ky.gov](mailto:rj.palmer@lrc.ky.gov)  
Sen. **Johnny Ray Turner** (D-Floyd) [johnnyray.turner@lrc.ky.gov](mailto:johnnyray.turner@lrc.ky.gov)  
Sen. **Jack Westwood** (R-Kenton) [jack.westwood@lrc.ky.gov](mailto:jack.westwood@lrc.ky.gov)  
Sen. **Mike Wilson** (R-Warren) [mike.wilson@lrc.ky.gov](mailto:mike.wilson@lrc.ky.gov)

**Please forward this important message to other educators; we need all voices to be heard!**

### House Education Committee

Yesterday, the House Education Committee heard these bills:

**SB 43**, sponsored by Dennis Parratt (D-Elizabethtown), proposes to create an alternative high school diploma for students with disabilities who complete a modified curriculum and an individualized course of study. Senator Parratt is the father of a high school student with special needs; his wife and daughter were there to testify in support of the bill. The issue is important because currently, many special education students cannot truthfully tell potential employers or training programs that they hold a high school diploma because they get a certificate of completion instead. **KEA supports this bill.**

**SB 109**, sponsored by Senator Jack Westwood (R-Erlanger), is the Senate's version of the "Graduate Kentucky" bill. Senator Westwood proposed that each local school district be allowed to decide whether to implement compulsory attendance to age 18; the House version of the bill (HB 216) requires each district to phase in the attendance age over the next two years. The House Education Committee passed a committee substitute version of SB 109 that preserves the district's option to implement compulsory attendance over the next two years but will require compulsory attendance to age 17 by July 1, 2016 and to age 18 by July 1, 2017. **KEA supports the House Committee substitute version of this bill.**

**HB 395**, sponsored by Representative Joni Jenkins (D-Louisville), proposes to limit the number of persistently low achieving schools that can be identified at any one time. **KEA supports this bill.**

**HB 391**, sponsored by Representative John Tilley (D-Hopkinsville), proposes to create the "Books for Brains" program, which will be a private-public partnership to purchase and distribute one book each month to every preschool child who enrolls in the program. **KEA supports this bill.**

Each of these bills will now go to the full House for consideration.

Sincerely,

***Sharron K. Oxendine***

KEA President



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