Fairness in Negotiations

Welcome to spring. The Legislative Session is in full bloom and hopefully this year we may actually be able to smell the roses. Up until now, bargaining in Maryland has been mostly a bouquet of thorns. No matter what we try to do we can easily be blocked by the local administration. For the first time in a number of years we have the opportunity to do something about this situation. This year we introduced House Bill (HB) 243, the Fairness in Negotiations Act, which is designed to redress the ills of our present situation. As expected, the state and local boards of education as well as various associations of superintendents and Boards of Education are waging a strong fight to defeat this legislation. As the session continues, we will be asking you to run post card and letter writing campaigns in support of HB 243 and its partner in the Senate. When the time comes we will really need your help if we are to finally redress years of unfair practices on the part of the state and local Boards of Education.

Excerpted below from an article published by MSEA is a quick overview including a concise list of bullets which present the material in a fair and unemotional way.

The Fairness in Negotiations Act (FINA) supported by TAAAC and MSEA adds a long overdue fairness component to Maryland’s collective bargaining law for K-12 employees. FINA establishes a process for a neutral public employee labor relations board to resolve labor disputes within a timeline. The Board will then issue a decision with which both parties must comply. Either party can appeal the board decision to the court.

One of the most important aspects of FINA is that there is no fiscal impact to the State.

These are the essential elements that you need to know:

- The legislation preserves the fiscal relationship between the county and the local school board.
- The legislation requires a labor board to consider the local board’s ability to fund a final order.
- The legislation requires the labor board to balance the interests and welfare of the public against the interests of the employees.
- The legislation establishes a timeline for negotiations between the local board of education and the local K-12 employee association to be completed.
- The legislation addresses concerns raised by the Maryland Association of Counties, the Maryland Association of Boards of Education, the Public School Superintendents Association of Maryland, and the Maryland Negotiations Service.
- The legislation establishes a process for a neutral third party to resolve differences between two parties. This adds a strong incentive for both sides to come to an agreement early.
- The legislation makes procedures for assignments and transfers for teachers subject to bargaining. (TAAAC already has such procedures in place).

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Racing to the Top

School systems across the country are in line to receive large amounts of grant money under the Race to the Top (RTTT) initiative. Here in our own Anne Arundel County, the school system is in line to potentially receive up to $5.8 million. Now, let me be clear here that the terms *potentially* and *up to* are used deliberately. No set amount is guaranteed. But in order to be in the running for those grants, there are some significant changes in the treatment of educators that must take place. Some are controversial and run directly contrary to positions we have held and still believe to be fundamentally sound. Some, while controversial, are matters that we already practice in small doses and for that reason, may have little impact.

To better position Maryland for a piece of that RTTT prize, Governor O’Malley has proposed the Education Reform Act of 2010. Here are the troublesome provisions:

• Tenure requires three rather than two years.

• Performance evaluations of teachers and principals...“shall include data on student growth as a significant (undefined in the legislation) component of the evaluation and one of multiple measures.”

• A *highly effective* (undefined in the legislation) teacher working in one of the lowest 5% performing Title I schools in corrective action, school improvement, or restructuring will receive a stipend from the State in an amount defined by the State Board of Education, contingent upon receipt of RTTT grant funds.

“...we have a quandary... we need to decide whether to be part of it and try to mold it into something livable, or to do our best to obstruct it only to have it imposed on us after being formed by others.”

So, we have a quandary. Knowing that this legislation may pass in some form with or without our support, we need to decide whether to be part of it and try to mold it into something livable, or to do our best to obstruct it only to have it imposed on us after being formed by others. The choice is an uncomfortable one because teachers are not without influence, at least not in this State and this County. But the sad fact is that this is not an issue that we can expect to successfully obstruct. President Obama has been clear even before his election on what he anticipated doing to public education. In fact, I have to admit that it nearly cost him my vote. But we can be virtually certain that many of the federal dollars that we see will be tied to some education reform, or some version thereof. In addition, there is the potential for $250 million in RTTT grant funds within reach of Maryland.

So, in a column in which I usually have the opportunity to make a point, give an answer, take a position or at least define what positions may be sound (the nature of a commentary), this column has to be left conflicted. Do we risk obstructing some portion of school system revenue and withholding potential rewards to some portion of our members to avoid being victimized by yet another stream of gimmicks? Or, do we just acquiesce enough to bring some revenue into a revenue-starved system?

Those aren’t rhetorical questions. I really would like your input. Drop me a line. With legislation on the horizon and a memorandum of understanding awaiting attention, we are going to have to fall off this fence soon... on one side or the other.
From Contentia this month . . . Accountability...

Kudos to Delegates McConkey, Barnes, Costa, Dwyer, George, King, Kipke, Pena-Melnyk, and Sophocleus for sponsoring HB 178: “...the Anne Arundel County Board of Education shall develop a policy for accounting for all office discipline referrals submitted in schools...

At our most recent Board of Education meeting John Kurylowitz spoke on behalf of TAAAC and raised several concerns regarding our student discipline procedures. He was careful to say that his members were most concerned with consistency of application and feel some schools are functioning effectively, others less so, when it comes to student discipline.

Without accepting Mr. Kurklowitz’s testimony as factually accurate I do think it valuable for each of us to consider his comments and make certain our current practices are fair, firm, and consistent with Board of Education policy and the law.

Issue One - Some schools are not following the state law regarding conferencing with teachers of students who have been referred to the office. Please read and implement Darren Burns’ memo of February 7, 1997, “Section 7-305 (d)(4) Attorney General’s Advice.” If you would like to speak with me regarding the specific methodology you plan to use at your school, please feel free to call (222-5191).

Issue Two - Some schools (elementary) are not using the Anne Arundel County Public Schools’ referral form to send students to the office. All students sent to the office for discipline must be issued an Anne Arundel County Public Schools’ referral form by the sending teacher.

Issue Three - Some administrators are not contacting the parents of students who are referred for discipline. The Anne Arundel County Public Schools’ “Code of Student Conduct” requires... [At a minimum, the parent will be notified and the student will have a conference...]

Issue Four - Some faculties and staffs have not met or been instructed on how to implement the code of conduct and supporting policies. Every faculty and staff must meet and discuss these items, as needed, to make certain that they are being effectively implemented.

School teachers and administrators are working hard and have been successful in improving student discipline. We must continue to hold the support of the public and our Board of Education in order to be effective. That support depends in a large part on each of us carrying out all of our responsibilities when it comes to student discipline.

KPL/Alb
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...after 13 years it’s about time!

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If you want to read the actual bill, use any search tool for Maryland General Assembly. Follow the link to the home page of the General Assembly. On that page, select Bill Information and Status. Type in HB243 and from there you will be taken to a screen which has the complete bill.

Remember – If you want to be treated fairly, you will need to tell your legislators exactly that. We will be getting additional information to you shortly. Please check the following websites for updates: http://taaac.mseanea.org and http://www.mseanea.org.

TAX PREPARATION

R. J. Pellicoro & Associates is now accepting appointments for tax preparation at the TAAAC office on the following dates:

Monday, March 8 2-7 PM
Thursday, March 11 2-7 PM

Please call the TAAAC office to schedule an appointment.
NOMINATIONS OPEN

The TAAAC Nominating Committee is accepting nominations for the Credentials and Nominating Committees. Nomination forms will be accepted until the Wednesday, April 7, 2010 Association Representative Council meeting.

Name ___________________________________________

Address _________________________________________

_________________________________________________

School __________________________________________

Phone (H)_________________________ (S) ______________

I would like to place my name in nomination for the following position(s):

☐ Credentials Committee

☐ Nominating Committee

NOMINATIONS OPEN

The TAAAC Nominating Committee is accepting nominations for the Sick Leave Bank Approval Committee and the AACPS Calendar Committee (Elementary). Nomination forms will be accepted until the Wednesday, May 5, 2010 Association Representative Council meeting.

Name ___________________________________________

Address _________________________________________

_________________________________________________

School __________________________________________

Phone (H)_________________________ (S) ______________

I would like to place my name in nomination for the following position(s):

☐ Sick Leave Bank Approval Committee

☐ AACPS Calendar Committee (Elementary)