

2009 TSBA Proposed Resolutions

RESOLUTION 1

Appreciation to Amy Martin

Submitted by the TLN Board of Directors

WHEREAS, Amy Martin has served with honor, determination and humility as the President of the Tennessee School Boards Association during the year of 2008; and **WHEREAS**, she has proudly held other TSBA leadership positions, including President-Elect (2007); Vice President (2006); Treasurer (2005); and South Central District Director (1995-2004); and

WHEREAS, she has served on the Bedford County Board of Education since 1992, serving as chair of the Policy and Finance Committee and Negotiations Team since 1995; and

WHEREAS, Amy Martin has received TSBA's Boardmanship Award Levels I, II, III, and IV, recognizing her outstanding efforts as a school board member; and

WHEREAS, she has represented school boards with class and skill as TSBA's representative on the Open Government Study Committee and the Advisory Committee on Open Government, both created by the General Assembly for the purpose of examining Tennessee's open meetings and records laws; and

WHEREAS, in 2007, she received the NSBA Distinguished Service Award for her commitment to public education; and

WHEREAS, in addition to her service on the Bedford County Board of Education, Amy Martin has devoted her time and talents to benefit her community through such activities as chairing the Bedford County Senior Citizens Board and serving as Junior Pro basketball coach, president and treasurer; and

WHEREAS, the Coordinator of Fiscal Services & Human Resources at Tennessee Technology Center, she earned a Bachelor of Science degree in Business Administration from Middle Tennessee State University; and

WHEREAS, she has participated in countless local, state and national education meetings, excitedly representing TSBA and its membership and translating the information learned into improvement for the association; and

WHEREAS, she designated the association's theme for 2008 as "Public Education: Building a Pathway to Success", a testament to her confidence in and support of public education;

THEREFORE BE IT RESOLVED THAT THE TENNESSEE SCHOOL BOARDS ASSOCIATION expresses sincere appreciation and gratitude to Amy Martin for her exceptional leadership, dedication and friendship during

her term of office and for her truly outstanding service to Tennessee's public schools and children; and

BE IT FURTHER RESOLVED THAT THE TENNESSEE SCHOOL BOARDS ASSOCIATION bestows upon her Honorary Lifetime Membership.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 2

Appointed Directors of Schools

Submitted by the TLN Board of Directors

The Tennessee School Boards Association reaffirms its strong support for board-employed directors of schools and urges the General Assembly to reject any attempt to revert to the process of electing superintendents.

Rationale:

Each year since the passage of the Education Improvement Act, legislation has been introduced in the General Assembly to allow counties to revert to the process of electing school superintendents. In 2005, legislation was approved by the House Education K-12 Subcommittee to allow counties and cities the option of electing their superintendent; however the bill was held in the full House Education Committee after receiving a 7-7-1 vote. In 2006, the same legislation was defeated by a vote of 6-9 in the House Education Committee. In 2007, two unsuccessful attempts were made on the House Floor to attach an elected superintendent amendment onto other bills; however, one such attempt was tabled with a vote of 49-44-6. In 2008, more attempts were made on the House floor to allow for elected superintendents in specific counties. In procedural moves, the bill was ultimately re-referred to committee with 50 votes but only after the tabling motion failed. This recent activity shows the delicate nature of this issue and proves the importance of preventing the legislation from being approved by the House Education Committee.

Put simply, the election of school superintendents is an idea whose time has passed. Only three states in the entire country (Alabama, Florida and Mississippi) continue to participate in the outdated practice of electing school superintendents and less than one percent of all superintendents in the United States are elected. Like Tennessee, states have patterned governance systems after the business model, with elected school boards responsible for

setting policy and board-appointed chief executive officers in charge of the day-to-day administration of the schools, providing greater flexibility at the local level and making school systems more accountable for results.

With new accountability measures in place and the General Assembly's renewed focus on public education, it is imperative that the state maintain appointed directors of schools to ensure cooperation between boards of education and directors of schools in an effort to improve student achievement and provide the public with a clear line of accountability.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 3

BEP 2.0 Funding

Submitted by the TLN Board of Directors

The Tennessee School Boards Association urges the Governor and the General Assembly to fund the second phase-in of the Basic Education Program (BEP) 2.0.

Rationale:

In 2007, the General Assembly made great strides in addressing many of the most noted funding deficiencies in the BEP and provided significant increases in funding through the BEP 2.0. This new program set the structure for more than \$290 million in improvements for K-12 education in 2007-08 and a total of \$524 million when fully phased in. Unfortunately, economic conditions postponed the second phase-in of the revised formula in 2008-09 at a time when many school districts are struggling to receive adequate funding through local sources. With economic predictions looking bleak, what was once considered to be a three-year phase-in process by many will most likely be prolonged much further.

While we recognize economic and political realities, the Governor and the General Assembly should make every effort to ensure public education is the state's priority and devote whatever resources are available to meet the commitment made in 2007 through the BEP 2.0.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 4

Local Funding of Schools

Submitted by the Warren County Board of Education

The Tennessee School Boards Association urges the General Assembly to prohibit any county or municipality from using state BEP funds to reduce local operating funds for schools or to reduce sales taxes, property taxes, or privilege taxes allocated or appropriated for public schools.

Rationale:

Last year's adoption and first phase-in of the Basic Education Program (BEP) 2.0 provided much-needed revenue to school systems and a substantial step toward more appropriate funding for education in the state. However, the initial implementation of the program brought to light serious questions in terms of the authority and actions of local funding bodies.

Almost immediately after the state infused hundreds of millions of dollars into education through BEP 2.0, many county commissions and city councils saw a rare opportunity to reduce the committed local effort made to public schools. In fact, more than 20 school systems saw a reduction of the portion of local taxes going to education and a shifting of previously dedicated education funds to other areas of government. To be clear, this was not a direct reduction of the tax burden on citizens but rather a diversion of tax revenue previously designated to schools.

This unforeseen activity by local funding bodies called into question many long-standing laws and brought to the forefront the bigger issue of Tennessee's flawed method of funding education at both the state and local levels. The simple truth of the matter is that nothing local governments did to decrease the effort to schools was illegal. In fact, the only mandates placed on local funding bodies in terms of education funding are: 1) that they meet the maintenance of effort mandate, which means only that they spend no dollar amount less on education than they did the prior year; and 2) that they meet the local match required through the BEP. While on the surface, this may seem reasonable, maintenance of effort does not account for even expected increased expenses due to natural growth, inflation, etc., and, furthermore, no one would argue that the BEP has ever represented the true cost of running a school system.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 5

Drug Testing

Submitted by the Warren County Board of Education

The Tennessee School Boards Association urges the General Assembly to revise Tennessee law to clearly permit random drug testing of students who participate in voluntary extracurricular activities.

Rationale:

Several school districts in Tennessee have implemented policies permitting random drug testing of students participating in extracurricular activities, following United States Supreme Court decisions which have found such practice to be constitutional. However, a recent Tennessee Attorney General Opinion (07-96) has interpreted Tennessee Code Annotated 49-6-4213 to prohibit such testing in the absence of reasonable indications that the student may have used drugs or is under the influence of drugs.

School districts, parents and students have supported the option of school districts to adopt random drug testing policies as an effective way to deter drug use by students and increase safety in our schools. And, while an Attorney General opinion is not binding on school districts, the General Assembly should erase any question related to this important issue.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 6

Differentiated Pay

Submitted by the Warren County Board of Education

The Tennessee School Boards Association urges the General Assembly to make differentiated pay plans for teachers optional rather than mandatory.

Rationale:

As part of 2007's major accountability legislation, which was tied to the Basic Education Program (BEP 2.0) funds, the General Assembly hurriedly approved language mandating the implementation of a differentiated pay plan by school districts prior to the 2008-09 school year. The purpose of the plan was to help in staffing hard-to-staff subject areas and schools as well as hiring and retaining highly qualified teachers. While well-intentioned, the mandate was not sufficiently discussed and debated, especially in terms of practical implementation. For example, teacher morale, competition among districts, equity and funding sources are issues that should have been and still need to be

discussed and resolved.

School boards have recently begun negotiating and implementing differentiated pay plans, and all of the problems associated with this new law are coming to light, including the fact that no state funding was appropriated for this specific purpose. While many legislators are under the impression that BEP 2.0 has provided sufficient funds to implement the differentiated pay mandate, this belief is flawed as the additional funds provided through BEP 2.0 are in recognition of costs already incurred by local districts through such factors as enrollment growth, base teacher salaries, at-risk students and English Language Learners.

The concept of differentiated pay is one that should be carefully examined and considered by each local district to determine its advantages and disadvantages. Other states that have passed similar legislation have recognized this complexity, starting slowly with pilot projects and designating a state funding source. With today's economic conditions, the General Assembly should reexamine the issue, removing the mandate placed on local districts and instead providing parameters upon which differentiated pay may be based.

Recommended by the TLN Board of Directors 8/22/08.

Recommended by the TSBA Board of Directors 9/26/08.

RESOLUTION 7

Maintenance of Effort

Submitted by the TLN Board of Directors and the Lawrence County Board of Education

The Tennessee School Boards Association urges the General Assembly to revise the definition of maintenance of effort to recognize natural growth, inflation and additional costs.

Rationale:

The unforeseen activity by some local funding bodies to decrease effort to schools after passage of the BEP 2.0 brought to the forefront the larger issue of Tennessee's flawed method of funding education at both the state and local levels. The simple truth of the matter is that nothing local governments did to decrease the effort to schools was illegal. In fact, the only mandates placed on local funding bodies in terms of education funding are: 1) that they meet the maintenance of effort mandate, which means only that they spend no dollar amount less on education than they did the prior year; and 2) that they meet the local match required through the BEP. While on the surface, this may seem reasonable, maintenance of effort does not account

for even expected increased expenses due to natural growth, inflation, etc., and, furthermore, no one would argue that the BEP has ever represented the true cost of running a school system.

At the very least, maintenance of effort should address inflationary costs, as funding at a level equal to the previous year is, in actuality, a cut. Although the large majority of local governments fund above the maintenance of effort requirement, recent history and contention suggests that more may look to the minimum amount of funding required by law, leading to significant cuts to our schools and a decrease in educational quality.

*Recommended by the TLN Board of Directors 8/22/08.
Recommended by the TSBA Board of Directors 9/26/08.*

RESOLUTION 8 Background Checks

Submitted by the Kingsport Board of Education

The Tennessee School Boards Association urges the General Assembly to direct a study of legislatively required background checks and other conditions of employment in Tennessee public schools by convening a task force of groups affected by these mandates to study the relevant issues and to report back to the Legislature appropriate recommendations to maximize the efficiency and cost effectiveness of the process.

Rationale:

Each time a person is hired by a school system, whether as a teacher, teaching assistant, bus driver, or substitute, two sets of fingerprints are taken and a background check is ordered at a cost of \$48 or \$60, depending on the method in which it is submitted. Fingerprints are sent to the Tennessee Bureau of Investigation (TBI) and the Federal Bureau of Investigation (FBI). An additional screening is also required through the Department of Children's Services.

Some school systems have convenient access to the state-contracted vendor who can collect and submit fingerprints of potential employees for processing. The turnaround on this process can take only a few days. Otherwise, the school system must collect and submit the fingerprints, resulting in higher cost and delayed results. With this process, results can take six weeks or more, depending on the time of year when they are submitted. Some fingerprints are returned if considered to be "poor quality" and must then be resubmitted.

If a person is hired in more than one school system (e.g.,

as a substitute teacher) or if a person accepts a new position with a neighboring school system, a background check is required each time. The results from the background checks cannot legally be shared between school systems. The consequence of this is a \$48/\$60 fee paid each time - either by the employee or the school system, the staff time to process the fingerprints; and the possibility of a lengthy wait for results.

The task force should include representatives from, but not be limited to, the following: Tennessee School Boards Association, Tennessee Organization of School Superintendents, Tennessee Education Association, Tennessee Principals Association, Tennessee Department of Education, Tennessee State Board of Education, Tennessee Higher Education Commission, Tennessee Department of Children's Services, Department of Homeland Security; and Tennessee Bureau of Investigation.

*Recommended by the TLN Board of Directors 8/22/08.
Recommended by the TSBA Board of Directors 9/26/08.*

RESOLUTION 9 AP Testing Fees

Submitted by the Kingsport Board of Education

The Tennessee School Boards Association urges the General Assembly to provide funding for Advanced Placement test fees for all students enrolled in Advanced Placement courses.

Rationale:

Discussions have been taking place at the state and federal levels about better preparing students for college and future employment by increasing the rigor of high school curriculum for all students. When Governor Phil Bredesen toured throughout the state in 2007, he spoke with business leaders about raising academic standards in public education. Business leaders emphasized the need for high school graduates to meet a more difficult education standard in order to be better prepared for employment and competition in the global marketplace.

Tennessee is one of 33 states to join the American Diploma Project. The goal of this coalition is to align "K-12 curriculum, standards, assessments and accountability policies with the demands of college and work." This would be achieved, in part, by requiring all high school students to take challenging courses and by streamlining the assessment system so that high school tests can also serve as readiness tests for college and work.

Advanced Placement (AP) courses are one proven method to provide the needed academic challenge to students in high school and to give them a better chance of succeeding in postsecondary education. While low income students are eligible for subsidized exam fees in Tennessee, other students must pay \$84.00 for each test. Although AP test-taking by low-income students has increased recently, there are many low income and minority students who have limited opportunities for participation in AP courses.

With Governor Bredesen's emphasis on raising the academic bar through the implementation of the Tennessee Diploma Project, funding of AP exams would support a proven way of providing more rigorous coursework in high school and could ensure that all students have an opportunity to benefit from the Advanced Placement courses, regardless of their income level.

*Recommended by the TLN Board of Directors 8/22/08.
Recommended by the TSBA Board of Directors 9/26/08.*

RESOLUTION 10 State Testing Dates

Submitted by the Kingsport Board of Education

The Tennessee School Boards Association urges the General Assembly to encourage the Tennessee Department of Education to evaluate and change the testing dates for state mandated tests in order to allow for a longer testing period and more opportunities to test students later in the academic year.

Rationale:

Through "No Child Left Behind" (NCLB), the demand of academic testing has increased in importance in determining the success of our local school systems and thus the State of Tennessee's accomplishments in K-12 education. At present, the Tennessee mandated testing schedule forces local education agencies to set school system starting dates earlier in the calendar year in order to provide students a better opportunity to be more successful on these mandated tests.

Many citizens of Tennessee have expressed concern about the earlier school calendar starting dates and unless LEAs are willing to start school earlier, our students' academic success can not be maximized.

As Tennessee changed to a criterion based test system we forced our teachers to teach the state curriculum in as few as 140 days before testing, whereas the state requires and values a 180 day school year. This scenario does not allow

a full opportunity for our students' success. As more demand is placed on lower-performing students, it is counter intuitive to force our schools to be evaluated in a decreased instructional period.

Many states offer later testing periods on mandated tests, some offer multiply testing periods and many use different testing procedure methods than we currently use in Tennessee.

*Recommended by the TLN Board of Directors 8/22/08.
Recommended by the TSBA Board of Directors 9/26/08.*

RESOLUTION 11 Lottery Funds for School Construction

Submitted by the Lawrence County Board of Education

The Tennessee School Boards Association urges the General Assembly to appropriate excess lottery funds for school construction.

Rationale:

To address additional building needs and requirements and with the increasing demands and cost of capital outlay projects, it is imperative that the General Assembly assist school districts throughout Tennessee by appropriating excess lottery dollars for this purpose.

RESOLUTION 12 Tuition Discounts

Submitted by the Humphreys County Board of Education

The Tennessee School Boards Association urges the General Assembly to extend public higher education tuition discounts currently provided for children of public school teachers and state employees to children of school board members.

Rationale:

State law currently provides a 25 percent discount on tuition to any state higher education institution for children of full time certified teachers or technology coordinators employed by Tennessee local education agencies. Such a discount is also provided to children of state employees.

School board members devote their time and efforts with little or no compensation for the purpose of improving student achievement and the communities in which they live. In several areas, the slate of candidates for school board seats is minimal, as the position requires many hours of service that take away from family, work and other personal responsibilities. Extending higher education tuition

discounts to children of school board members would not only provide a well-deserved token of appreciation for current board members but also provide an incentive for more individuals to consider running for school board election.

RESOLUTION 13

Student Assignment Appeals

Submitted by the Shelby County Board of Education

The Tennessee School Boards Association urges the General Assembly to amend T.C.A. Section 49-6-3201 through T.C.A. Section 49-6-3204 to permit public boards of education to authorize their respective superintendents of schools to be the final authority in making student assignment determinations.

Rationale:

Current law pertaining to appeals of student assignments is inefficient and needs to be changed, as the law requires the board of education to conduct full evidentiary hearings for all student transfer denials.

Due to the volume of appeals of student assignments, it is unmanageable and virtually impossible for the board of education in some districts to conduct these hearings.

RESOLUTION 14

BEP Funding for Teaching Positions

Submitted by the Maury County Board of Education

The Tennessee School Boards Association urges the General Assembly to provide appropriate funding for the number of teachers and administrators needed and employed by school districts to meet state and federal mandates and improve student achievement pursuant to established accountability standards.

Rationale:

In 2006-07, Tennessee school districts employed more than 4,000 K-12 teaching positions above and beyond what the Basic Education Program (BEP) formula funded, signifying an obvious gap between state appropriations and the reality of school system needs. This obvious flaw in the BEP, coupled with a still lower-than average salary unit cost within the formula, translates into local districts contributing more than \$500 million above BEP-generated funding.

The General Assembly made great strides in addressing many of the most noted funding deficiencies in the BEP during the 2007 session. Now it is time to continue to examine the BEP for improvements and tackle the issue of teaching positions not currently addressed through the

funding formula.

RESOLUTION 15

Local Funding Body Accountability

Submitted by the Cumberland County Board of Education

The Tennessee School Boards Association urges the General Assembly to apply the same accountability standards for local funding agencies as are applied to boards of education and directors of schools, subjecting members of such bodies to removal from office if a school system consistently fails to meet NCLB standards and Adequate Yearly Progress (AYP).

Rationale:

School board members and directors of schools are subject to removal from office for chronic failure to meet NCLB standards and Adequate Yearly Progress (AYP) by their school systems. Many county commissions consistently fail to fully fund education by not meeting their ability to pay, thereby penalizing their school systems while at the same time facing no sanctions or accountability for school performance.

RESOLUTION 16

Taxing Authority

Submitted by the TSBA Board of Directors

The Tennessee School Boards Association urges the General Assembly to take the appropriate steps to provide boards of education with taxing authority.

Rationale:

School boards in Tennessee are facing unprecedented accountability at the national, state and local levels for student and school performance. In fact, school board members can be removed from office and school systems can be taken over by the state if performance standards are not met; yet, boards of education are completely dependent upon other elected bodies for the fiscal resources that are often necessary to meet these very standards. This flawed and uncommon system of funding public education serves only to perpetuate unproductive funding battles and finger-pointing between boards of education and county commissions/city councils and leaves the public with no clear line of accountability or authority.

Recent actions by several local funding bodies to reduce local effort to schools and cut previously-dedicated education dollars has shined new light on the serious flaws within Tennessee's system of funding public education. Current laws related to maintenance of effort by local governments

do not address basic inflationary costs and natural growth within school system budgets and force those school boards at the mercy of local funding bodies interested in funding only the bare minimum required by law to cut services to students and communities. At a time when our graduation standards and curriculum rigor are increasing through the Tennessee Diploma Project and students are facing global competition for jobs and security later in life, school system budgets need increased commitments, not less.

While some will argue the benefits of having an education funding system with an extra level of checks and balances, there are no real checks on local funding bodies when it comes to school budgets. Time and time again, school board budgets are held hostage by county commissions opposed to particular line items or decisions made by boards of education even though, on paper, state law prohibits local funding bodies from this type of involvement in the school budget process and provides only an up or down vote on the school budget as a whole in terms of a specific funding level.

Tennessee is one of only 11 states in the country where boards of education do not have any ability to raise revenue to meet the needs of the school district and its students. Eighty-one percent of elected school boards in the United States have fiscal independence because other states have recognized the importance of having a clear line of accountability and providing those responsible for school performance with the decision-making tools necessary to meet the responsibilities of the position. Accountability without authority is simply unreasonable and the time has come to move forward with a funding system for education that is fair and sensible.

RESOLUTION 17

School Bus Advertising

Submitted by the Jackson-Madison County Board of Education

The Tennessee School Boards Association urges the General Assembly to remove the requirement in T.C.A. Section 49-6-2109(e) that commercial advertising on school buses be composed of black lettering on a white background.

Rationale:

School districts across the state face increasing difficulties in funding their budgets. The opportunity to advertise in color rather than black lettering on a white background will enhance the ability of school districts to attract commercial advertising on buses and thereby enable school districts, if

they so choose, to supplement revenues.

RESOLUTION 18

Extended Service Years for School Transit Buses

Submitted by the Coffee County Board of Education

The Tennessee School Boards Association urges the General Assembly and the State Board of Education to extend the approved life of school transit buses to 20 years provided such buses are properly maintained and meet all Tennessee Department of Safety guidelines.

Rationale:

Current state regulations authorize school districts to use transit buses for periods of 15 years or less, even if such buses meet or exceed all state safety guidelines. This places a funding burden on school districts and local funding bodies for replacement of buses or the hiring of charter buses to transport students and can also result in a reduction of student activities.

In addition, lack of transportation through transit buses can create other safety concerns since students are often transported by volunteers and parents when no other transportation is available.

Extending the approved life of school transit buses will assist counties in addressing the burden of transportation funding, increase school system flexibility in terms of transportation and increase student activities, all without harming the safety of students.