



May 31, 2012

Dear Colleagues,

Congratulations! Another successful school year has come to an end and, because of your hard work and dedication, APS can be proud. This letter is intended to be a state-of-the-union update. I wanted to wait until you were done before I sent this to you because I know it's hard to pay attention to this important information until you have had a little down time.

This update is divided into three interconnected sections: PED "reforms", recent actions of the APS Board of Education, and negotiations.

PED "reforms"

Based on the NCLB waiver Hanna Skandera and the PED received, they are moving ahead with their scheme to attach teacher and principal evaluation to the SBA scores. In case you haven't heard the details, here is the PED plan for teacher evaluation:

- 50% based on student achievement, of which:
 - 35% will be based on the SBA (tested grades/subjects), or other district-selected, PED-approved student growth measures for non-tested grades/subjects. Non-tested grades/subjects could be initially measured by the school's A-F letter grade, but the latest PED documents are not clear.
 - 15% will be based on other measures of student achievement growth (PED-approved).
- 25% based on principal observations.
- 25% based on locally-adopted (PED-approved) multiple measures.

On May 1st, PED sent out a call for nominations for the *New Mexico Teacher Evaluation Advisory Council* (NMTEACH). According to the PED, "The council will play a key role in developing a new teacher and school leader evaluation system based on student achievement." We suspect that this application process was just a facade, intended to hide the fact that the team is probably preselected to do work that has a predetermined outcome.

The PED must submit its finalized plan for teacher and principal evaluation to the U.S. Department of Education this summer, which means that a rule change regarding teacher evaluation would be required first. We anticipate this happening mid-summer, and are checking the PED web site daily for any hearing announcements. **As soon as we know, we will ask you—probably at a moment's notice—to rally against the proposed changes.**

Finally, Skandera has told APS that she plans to pilot her teacher evaluation program in all SIG schools next year.

Recent actions of the APS Board of Education

At its May 2nd meeting, the Board of Education voted to approve a policy stating that no employee can take leave with pay while serving in the legislature—a **negotiated contractual right that ATF constituents have had since 1989. Pay close attention.** This action by the Board is one of the most blatant anti-union actions that I have ever witnessed. Let me explain.

ATF has a collective bargaining relationship with the APS Board of Education, in which both sides agree to negotiate in "good faith". That means neither side does anything to undermine the bargaining process. When we entered negotiations in late March, we agreed to ground rules including, "Negotiations are confidential – joint statements to the press only if agreed to."

The members of the Board of Education acted in "bad faith" when they publicly debated their intent to pass this new leave policy—a **policy that violates your contractual rights.** We pleaded with the Board to stop, because choosing to continue this public debate would totally compromise the integrity of our collective bargaining process. Despite our pleas, the Board knowingly broke our ground rules, and the intent to change the leave policy was covered by the media.

We went to the Board Policy Committee meeting, and later to a regular board meeting, asking them to stop their unilateral, destructive action. We made these points:

- A policy change by the Board that results in a known conflict with our negotiated agreement is disrespectful, at best, of our collective bargaining relationship.
- Discussing these issues in a public forum before they are even introduced at the negotiating table is bad faith bargaining.
- By voting on this policy change, you are deciding to unilaterally take a right away from your employees.
- By voting on this now, you are painting us into a corner, acting in bad faith, and breaking trust with your employees.

They refused to listen and voted to approve the policy. Perhaps they just don't care about the rights of their employees. Perhaps they assume that we will agree to change our language based on the policy they passed. **One Board member threatened that if we do not change our contract language, the Board will not vote to ratify our contract. This is the definition of coercion!**

This is a precedent-setting move on the part of the APS Board of Education! If they are successful in passing policies that go against our negotiated agreement—language jointly written by both ATF's and the Board's negotiating teams—then, where will they stop? Will they now pass a policy that negates the way teachers' pay is set? Take away prep time? It is a very slippery slope. It means all your contractual rights are at risk, based on the whim of a Board of Education that is taking its employee relations cues from those politicians and slanted local media outlets that are anti-public education.

In fact, under the Law of Collective Bargaining, "while a valid collective bargaining agreement is in effect, and while the parties are bargaining but have not yet reached an impasse, the employer may not unilaterally change a term of employment that is a mandatory subject of bargaining." Is this naiveté? Is it a political move to support the governor? I don't know, but *it is unacceptable*.

I have never seen a Board of Education act with such disrespect and in such bad faith. I will not be coerced into giving away your contractual rights. I will continue to insist that they respect our collective bargaining relationship. An agreement should mean something. I hope you all are ready to stand with me.

Don't mistake this as benign. It is one of many attacks that unions are currently enduring locally, statewide and nationally.

Negotiations

I believe we will be done with negotiations soon, and will present to you the best possible package we can get. I will be encouraging you, as I always do, to vote yes. But, this year is a little different. I'll be encouraging you to vote yes, because as in the past, if I thought we could get a better settlement, we would still be at the table.

I will also ask you to vote yes because we need to put the ball in the Board's court. If they follow through with the threat, and refuse to ratify the agreement, the members of the Board of Education are declaring war against our union and their own employees. We must send the Board a message: "If you want to fight with the teachers and vote down our tentative agreement because of your petty political views and overreaching sense of power, so be it.

If you are not yet an ATF member, I ask you to join today, and help us continue the fight to protect the contractual rights ALL APS educators have, as defined in the ATF/APS negotiated agreement.

Whether you are already an ATF member, or are just joining now, I ask you to join the Committee on Political Education (COPE) or increase your current voluntary contribution, and help our committee identify and support political candidates who support public education and you, the public education employees!

In Solidarity



Ellen Bernstein, ATF President