

## **SB 736 lawsuit talking points**

### **On the lawsuit**

- FEA and the Sarasota Classified/Teachers Association, which filed the lawsuit on behalf of teachers throughout the state, contend that provisions of the bill passed earlier this year by the Legislature and signed into law by Gov. Rick Scott are unconstitutional because they deny teachers their right to effective collective bargaining on wages and terms and conditions of employment.
- The lawsuit asserts that the Legislature enacted legislation that was unconstitutional when it passed SB 736, which substantially changed wages, employment contracts, performance evaluations, promotions and workforce reduction provisions that had been previously negotiated between teachers and local school districts.
- These changes swept away the right of employees to negotiate their wages and terms and conditions of employment, a right that is guaranteed and protected by the Florida Constitution. The changes that lawmakers pushed through should have been collectively bargained between school districts and teachers.
- The provisions of SB 736 radically transform the teaching profession – and not for the better. The expertise and knowledge of teachers have been ignored throughout this process and their constitutional rights were trampled. Our only recourse is to turn to the courts to tell the Legislature and the governor that they cannot simply take away the rights that are embedded in the Florida Constitution.
- SB 736 was passed with no input from teachers and other experts in the field. It was part of a coordinated national effort to diminish the teaching field. FEA, its local affiliates and SC/TA are the only groups willing to take a stand in defense of the teaching profession.
- FEA may take further legal actions as specific impacts that result from SB 736 become more apparent.

### **On SB 736**

- Students need effective teachers to learn and grow into responsible, creative and productive citizens. Teachers need collaborative, supportive administrators and colleagues to maximize their knowledge, skill and perception so their teaching practice truly inspires and affects students. Unfortunately, the “Student Success Act” provides neither, forcing radical changes on our schools based on limited data and unworkable timelines.
- Proponents of SB 736 have consistently argued that the more students learn, the more teachers will earn. Sadly, not one dollar was allocated in SB 736 to raise teachers’ salaries or sustain the student gains we have made.

- Florida's newest performance based pay plan will dramatically increase student testing. More tests mean more days of testing and test preparation and fewer days of teaching and learning.
- SB 736 will cost local school districts millions to develop and implement these new tests. While districts are not required to fund performance pay until 2014, this legislation forces them to immediately begin developing and implementing hundreds of additional FCAT-style tests along with a new evaluation system. Some estimates say the total cost of new tests, technology and software could be more than \$2 billion, yet the Legislature provided no new funding.
- This legislation reduces a school district's flexibility and authority over teacher evaluations, pay schedules and working conditions. Despite all the talk about local control and less government from legislative leaders, this ratchets up the impact bureaucrats in the state capital will have over our neighborhood schools. What do people in office buildings in Tallahassee know about your local schools and communities?
- SB 736 requires more of teachers and gives them less. This bill places all responsibility for improving student achievement on the shoulders of teachers but does not reward them unless they give up their continuing or professional services contract and due process rights.
- It fails to ensure that highly effective and effective teachers will not be dismissed for issues unrelated to student performance. Under this new system, a teacher can be non-renewed even if their student achievement is high and their teacher appraisal system rating is highly effective or effective.
- SB 736 penalizes those who strive to improve their teaching skill through further education by eliminating negotiated salary supplements for some advanced degrees.
- Teachers who entered the profession in the three years before this law was implemented came into the profession with the understanding that if they did well during the first year in the teaching profession, they would get the rights of due process that teachers had earned over the past several decades. SB 736 changed the rules for them after they had already entered the profession in Florida and took away their ability to get a continuing contract.

### **On collective bargaining**

- Collective bargaining is the back and forth exchange of ideas intended to reach a contractual agreement between an employer and the organization that represents their employees -- a union. Federal and state laws, regulations and court decisions govern the process. Collective bargaining developed as a preferred method for employers and employees to resolve differences and reach agreements in an orderly and peaceful way.

It is also viewed as a method to limit employment-related lawsuits, while at the same time protecting employees from discrimination.

- Today, K-12 teachers, education support personnel and higher education faculty and staff engage in collective bargaining in 43 states and the District of Columbia. Bargaining subject matter varies from place to place, but the basics generally include salary, health and other benefits, professional development, and working conditions. Negotiations may also address mentoring and induction of new teachers, equipment needs, planning time, curriculum and materials development, and class size.
- Educators first began unionizing because then, as now, teachers were underpaid, especially in comparison to comparably educated professions. Teachers could be -- and were -- dismissed for reasons having nothing to do with how well they did their jobs. They toiled in aging facilities, overcrowded classrooms and lacked essential supplies. No single individual could change that, but collective action could. Collective bargaining has achieved greater equity for teachers, education support personnel, and faculty -- and it hasn't come at the expense of educational quality, claims to the contrary notwithstanding.
- Last session, the Florida Legislature debated legislation that would have weakened, or possibly even eliminated, collective bargaining rights for educators and other public employees. Legislators who press for this kind of crippling legislation say that limits their ability to address the economic downturn and resolve the government's budget crisis. But these bills were not about saving money, nor cutting costs, nor resolving the budget crisis. These bills were about one thing and one thing only: silencing the voices of working men and women who don't always agree with the people in power. Such misguided legislative proposals were aimed at using the government to silence political dissent. These bills strip public sector unions of the right to have a voice in government. These bills are, in effect, union gag bills.
- State budget crises were not caused by collectively bargained compensation packages. Rather, during more plentiful economic times, politicians gave away overly generous tax cuts and tax breaks for corporations and big business.
- Unions provide a voice to middle class workers performing critical jobs for our community -- teachers and education support personnel, firefighters, police, and nurses. Unions stand up for all middle class workers on the job and in the political arena -- providing a needed balance to the voices of corporations and the extremely wealthy.