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NEA supports teachers challenging constitutionality of evaluations

Tennessee students suffer because of state's arbitrary, irrational teacher evaluation systems

WASHINGTON—Two accomplished teachers will file a lawsuit today in Nashville, Tennessee, to challenge the evaluation of most teachers in the state based on the standardized test scores of students in courses they did not teach. The teachers are joined by their representatives from the Tennessee Education Association and the Metropolitan Nashville and Anderson County Education Associations in the lawsuit, which is being prosecuted by the National Education Association and TEA. The lawsuit argues that these arbitrary, irrational and unfair policies violate the Equal Protection and Due Process Clauses of the Fourteenth Amendment of the U.S. Constitution.

“Students in Tennessee are being shortchanged because of the state’s arbitrary and irrational evaluation system that provides no meaningful feedback on their instruction,” said NEA President Lily Eskelsen García. “This unfair broken system conditions the teacher’s employment on the basis of standardized test scores for courses they do not teach, including some from students they do not teach at all. The system is senseless and indefensible but, worst of all, it doesn’t help kids.”

More than half of Tennessee teachers are being evaluated in the same arbitrary and irrational manner. While most teachers do not teach courses that use standardized tests, a Tennessee statute still requires that all teachers be evaluated substantially on the basis of student growth estimates calculated from student test scores using the state’s value-added model.

“The National Education Association is proud to support our members and the Tennessee Education Association in this constitutional challenge,” said Eskelsen García, who is a former Utah Teacher of the Year now heading the nation’s largest teachers’ union. “The use of such arbitrary measures to make employment decisions with high-stakes consequences reflects a national obsession with standardized testing run amok.”

Tennessee is not the only place where teacher evaluations and high-stakes decisions are being made based on faulty or no data.

In 2011, the Florida legislature passed SB 736, which required a significant proportion of every teacher’s annual evaluation to be based on a value-added model that only measures student growth on the state’s standardized reading and math tests. After seven accomplished teachers, with the support of NEA and the Florida Education Association, filed a federal lawsuit challenging Florida’s deeply flawed teacher evaluation system, Florida Gov. Rick Scott signed SB 1664, which requires teacher evaluations to be based on students they actually teach. Florida continues, however, to evaluate teachers based on their students’ scores on tests unrelated to the instruction they provide, which is an issue that the teachers, with the support of NEA and FEA, continue to press in that litigation.

“If we’re serious about every child’s future, let’s get serious about doing what works,” added Eskelsen García.
“We need to end these arbitrary evaluation systems, which fail our students by undermining our public schools.”

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About NEA

The National Education Association is the nation’s largest professional employee organization, representing 3 million elementary and secondary teachers, higher education faculty, education support professionals, school administrators, retired educators and students preparing to become teachers. Learn more at www.nea.org.

About TEA

The Tennessee Education Association is the state’s largest professional organization representing more than 46,000 elementary and secondary teachers, school administrators, education support professionals, higher education faculty, and students preparing to become teachers. Find out more at www.teateachers.org.