

**David Helfman, MSTA Executive Director**

*Convention 2008 address to the assembled delegates:*

Monday, October 22, 1962. I was anxiously waiting for the school bell; intending to tear home to see my newborn baby sister. She had arrived home earlier that day.

Mrs. Brockmeyer, my second-grade teacher, had a very different plan. She placed me in after school detention, where I spent thirty minutes practicing my writing.

My crime? I had pressed too hard on my pencil.

My response? I rebelled. For the remainder of the school year, I refused to heed any of Mrs. Brockmeyer's instructions.

Fast forward ten years. October 1972, my senior year in high school. Social Studies teacher Mrs. Hutzler, encouraged me to run a mock presidential election. Along with two classmates, Mark Desetti and Kevin McHale, I did just that. More than 3,000 students voted, and Nixon trounced McGovern.

I was bummed about that outcome, but my interest in politics was on fire.

Mark Desetti went on to become a bilingual teacher and then a union organizer. Today, he's the Chief Lobbyist for NEA Kansas.

Kevin McHale also went into the labor movement. He worked for several unions and then, about six years ago, landed an NEA UniServ job in Jersey City, New Jersey.

What powerful effect an educator can have on a child.

In second grade, my teacher had no idea what she was up against. She didn't know about my baby sister nor could she have imagined the impact those 30 minutes would have. She drove me to civil disobedience.

In twelfth grade, my teacher inspired three budding activists to take an interest in voting and political campaigns. Today, all three of these progressives are working for NEA State Affiliates, in support of public school educators.

Delegates, in my 25 years at the Pennsylvania State Education Association, and four years at the Maryland State Teachers Association, I've been paying tribute to the public school educators who made such an enormous impression on me. I believe I speak for the large majority of your MSTA staff when I say we really view this as more than a job. And we understand that in times of economic adversity, the importance of what we do is more critical than ever.



We are in just one of those times. After eight years of an administration focused on dumping hundreds of billions of dollars on the war while cutting taxes for the wealthiest, our economy is a disaster. Home values and stock prices are falling while unemployment spirals upwards.

Over the past eight years, year in and year out, the Administration has underfunded NCLB—by a cumulative \$85.7 billion. When American International Group—AIG—flirted with bankruptcy, the Federal Reserve responded within 24 hours with an \$85 billion bailout. How much clearer can it be? This hasn't been about fiscal inability at the federal level, it's been a matter of misplaced priorities.

We begin turning our economy around by replacing Bush/Cheney with Obama/Biden. There's no doubt we'll deliver Maryland for Obama. Our real opportunity is helping our neighbors Pennsylvania and Virginia. Both races will be tight. I know because I'm an expert. I'm an expert on Pennsylvania since I lived there for 31 years. And I'm an expert on Virginia because from Sandy Hook in the western Maryland, to Piney Point in the east, when I look across the Potomac, I can see Virginia!

Here in Maryland, we're facing big challenges. The economic downturn has caused sales, income, and property taxes to plunge. Now, because they need to replace Wall Street losses in order to fund our benefits, our state and school pension funds have become major competitors with our schools for state budget dollars.

Our school enrollments are increasing again, as many parents economize by transferring children from private or parochial schools to our public schools. And performance expectations for all children are increasing, with pressure from MSAs, HSAs and NCLB.

At the same time Marylanders are expecting more from us, the General Assembly and county budget scalpels are out. Our job is to protect public schools and public school employees.

How can we do this? We can start by making sure we pass Question 2, the slots referendum.

Many of you and your students are already feeling the impact of state and local funding cutbacks this year in the form of salary freezes, unfilled positions, delayed construction projects and textbook purchases, trimmed bus routes, and higher school lunch prices.

This problem is only going to get worse. Because of the national economic crisis, on Wednesday the state Board of Public Works made an additional \$297 million in general fund cuts. They're coming back for more before the General Assembly convenes in January. And make no mistake: the GCEI funding we were successful in securing for **this year** is near the top of the chopping block list. On top of that, the state is looking at an additional \$1 billion in cuts for the next fiscal year.

Lawmakers have already said that there is no way they will raise any more taxes on residents and businesses that are already hurting. They are saying that if the referendum doesn't pass, the cuts

will need to be much more draconian, and ALL options will HAVE to be on the table—including a partial rollback of educator pension costs to local governments.

**So I am voting for Question 2—actually, I voted for Question 2 when I mailed my absentee ballot in on Wednesday**—because I know that the hundreds of millions of dollars it will raise annually are necessary, though not sufficient, for our public schools.

**I voted for Question 2** because I know that nobody has come up with a better, viable alternative.

**And I voted for Question 2** because I care about the damage the lack of resources is doing to our children.

I strongly encourage you to do the same, and, when you do, to also share your thoughts with your colleagues, family, friends and neighbors.

Of course, there's much more to funding than the referendum. How many in this room were MSTA members when Governor Glendenning signed the Thornton legislation in May of 2002? Stand up!

Who marched or lobbied in Annapolis to pass this landmark school funding law? Stand up!

Who thinks that the \$1.5 billion in funding increases between 2002 and 2007 was vital for the improvements in student achievement in our schools? Stand up!

And who thinks it would be wrong to now move in the opposite direction by depriving our schools of needed resources? Stand up!

No matter what happens on November 4<sup>th</sup>, once the last ballot is cast we'll be ready to air the television spot you saw this morning, as well as some corresponding Internet ads. We'll be backing these messages up with personal contacts with state lawmakers, contacts we'll need you to make with us. Our message: protect our students; fund our schools, and if necessary, find additional, more progressive revenue alternatives.

I'd like local presidents Gary Brennan, Barbara Yost, Ann De Lacy and Bill Fisher to move to the microphones.

***Gary Brennan, your local has had trouble settling some non-salary issues. Can you give us an example?***

Sure. In Frederick County we settled most issues, including the salaries. We went into mediation in July and could not settle on four issues, including elementary and high school planning time.

The mediator's recommendations were only partially accepted by the Board: partially, meaning the part of the recommendations they liked! So they accepted the mediator's recommendation that we not get more elementary planning time and rejected the recommendation that we keep all the

high school planning time we already had. Now they're moving to strip away some of that high school planning time. Without binding arbitration, we have no contract settlement and we continue to struggle and demand a contract based on fairness and respect. Despite the fact that we've done a great job mobilizing hundreds of members to rally in protest, our Board is not listening.

We must have a more balanced labor law, one that makes it more difficult for the employer to strip a contract.

*Thank you, Gary.*

***Barbara Yost, I understand that your local has had real problems with the current bargaining process. Can you explain that to us?***

In Harford County ESP members requested impasse this past year. The State Superintendent did not grant the request for about two months. By that time our County had set its budget for the year.

We also had a problem forcing the Board to negotiate over an issue. That issue was over initial placement on the salary schedule based upon prior work experience.

The Board insisted it was an illegal subject of bargaining. The mediator would not rule on it until the State Board determined whether it was an illegal subject. But the State Board would not rule on it until the parties had concluded the mediation process. This Catch-22 situation prolonged the mediation process. In the end, we had an advisory report that cost \$15,000, and we still don't have a resolution to the disputed issue.

This process did not work for our members. We need a way to get to impasse before the budget is locked in stone and also to determine whether subjects are proper for the bargaining table.

*Thank you, Barbara.*

***Ann DeLacy, I understand that you're also not a fan of the State Board of Education deciding labor issues.***

That's right. We've had a right to grieve reprimands under the "Just Cause" provision in our teacher's contract for forty years. All of a sudden, based on a recent State Board of Education decision, our local School Board went to court and obtained an injunction preventing us from moving Just Cause grievances to arbitration.

Our problems don't end with teachers. Our ESP contract has language permitting us to grieve ESP terminations. Once again, a recent State Board of Education decision is being used by our School Board to block us from going to arbitration.

Finally, State Board of Education scope decisions restricting grievances of transfers and reassignments have given school superintendents the unfettered right to transfer or reassign *any employee* anywhere within the school system...even if it results in a demotion for that employee. And our local School Board consistently refuses to discuss these issues in negotiations.

Our efforts to fully represent our members have been continually and consistently diminished by decisions of the State Board of Education. This is hurting us; we need to place these decisions in the hands of a true neutral.

*Thank you Ann.*

*Bill Fisher, I understand you have a scope issue that relates to student discipline.*

We sure do. First I really want to say that we're proud of our relationship with both our local School Board and our Superintendent and Executive staff. We're able to resolve most problem issues.

That said, we made a proposal that would have helped us maintain classroom control and discipline by having one room in each school designated for in-school suspension. Students who disrupt the instructional program for other students more than three times in any quarter would be placed in the alternative program in that school. This solution would have kept these disruptive students in a safe, supportive environment where their individual need would be addressed.

Our local School Board said it was an illegal topic of bargaining because it pertained to students.

What's more fundamental to our role as professional educators than being able to maintain a proper learning environment for all students in our classrooms?

When we're prevented from bargaining strategies that maintain classroom control and discipline, our bargaining law is broken. We must fix the way we decide what issues are properly within the scope of bargaining.

*Thank you, Bill.*

Delegates, common logic suggests that during tough economic times we should minimize our expectations on the financial, bread-and-butter issues and instead focus on non-economic, working conditions issues.

However, as you've heard from Gary, Barbara, Ann and Bill, our current bargaining law is stacked against us. When employers can delay a move to impasse, refuse to negotiate over important issues, or unilaterally strip existing provisions of our contracts, there's no doubt that it is not working for us.

This must stop. We must level the playing field. For decades, we've been calling for an independent state labor board, a body that is vested with the authority to determine what subjects can be negotiated, motivate the parties to reach agreement on those issues, and when they are unable to reach agreement, hear each party justify their position before deciding what is in the best interest of all involved...school employees, the taxpayers, and students. Such a body—not the state board of education—would also hear grievance case appeals.

This past year MSTA had high hopes that the bill would move, but it never made it out of committee. Much of the opposition had to do with the creation, at state expense, of one more bureaucratic body.

Now, we are refocusing our attention not on the specific solution proposed last year, but on our *objectives themselves*:

- **an impartial way to determine what issues are appropriate for contract negotiations,**
- **an efficient and fair contract resolution process, and**
- **a fair way to settle grievance appeals.**

For several months, we have been meeting with some key lawmakers to develop a proposal that would meet these objectives. After the election ends—as we prepare to enter the legislative session—you will hear more about this proposal. For now, I urge you to continue to contact your own legislators and let them know how the current system is not working. Tell them that a fairer, more efficient way to determine which issues are proper for the bargaining table, to settle differences on those issues, and to resolve grievances appeals in our locals will be good for our employers, for us, and for students.

Let me be very clear:

Success on either of the fronts I've discussed—the Question 2 slots referendum and the labor bill—will not solve all our problems.

Passage of Question 2—the slots referendum—will not solve our funding problems. It will provide a large infusion of cash into education. But while gaming revenues are necessary, they will not be sufficient.

And passage of labor legislation will not solve our bargaining problems. For economic issues, the counties will retain fiscal authority; they will still be able to underfund the schools. But this legislation will be a critical improvement for our locals.

Yes, we are going through some very tough times. As you return home, you have the ability to motivate your coworkers to action in much the same, powerful way Mrs. Brockelmeyer and Mrs. Hutzler—my teachers—motivated me many years ago.

Only a strong Association, with a large and active membership and leaders understanding the vital role they play in mobilizing that membership, can hold fast on the bread-and-butter issues while expanding our effectiveness as professionals.

I thank you for the role you play in making that happen.