

EDUCATION MATTERS

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By Sharon Nelson, J.D.

Legal Protection— Worth Its Weight in Gold

I have this scene stuck from childhood in my head. I am in eighth grade. My teacher, so proud of my accomplishments, hugs me while offering words of affirmation. “Good job,” “I am so proud of you” and more.

This precedes an invitation to have dinner at his house with his family as a “treat” for writing a screen play for my eighth-grade class.

In current day times, that scene could spell disaster. The positive rewards I received as a student can today lead to litigation during which the career of a well-meaning, empathetic teacher is destroyed. Students today might claim that innocent and positive physical contact was in fact sexual or threatening or that an invitation to dinner is nefarious. Claims like these destroy lives, and teachers often find themselves swept into the ever-burgeoning sea of lawsuits without legal support or the funds necessary to hire a lawyer.

The litigation trend in the current education system is frightening. Students with less-than-stellar grades sue, arguing teachers have violated their rights. Free speech claims abound and parents continue to file lawsuits against teachers and school districts for any perceived wrong. Long gone are the days of personal accountability and long gone are the days in which a teacher could engage in some of the positive reward-based behavior I experienced during my own education.

Even if lawsuits are not filed, parents and students can work together to create hostile environments in which teachers are constantly threatened with legal action. Problem students



often fabricate allegations when faced with discipline, and administrators who worry about litigation often side with a student or parent in an attempt to deescalate the situation. The interests of the school district are often not aligned with those of an individual teacher.

Yet despite these frightening trends, teachers are not alone and have protection from workplace situations such as those described above. First and foremost, teachers should be aware of their rights. The old saying “knowledge is power” remains true and gives teachers the ability to respond with confidence to threats from parents or students about litigation.

Second, make sure you belong to an organization that provides you with access to lawyers. Your membership in AAE provides this benefit, and your colleagues should take notice. It is impossible to adequately describe the benefit of immediate involvement from a lawyer or legal department in a situation where litigation is threatened or has been instituted. Our legal department can help you respond to administration allegations, prepare for disciplinary meetings, attend hearings, properly document your concerns, and more. These initial meetings with a knowledgeable attorney can make all the difference later on. Often times, issues are defused before they escalate to litigation with an AAE attorney present. Teachers without this representation are either left out in the cold or forced to retain an attorney at their own expense.

There are innumerable benefits to legal support in workplace or litigious situations. Speaking to a lawyer or legal department helps you understand your rights. It may also help you develop a strategy that is designed to protect you from future litigation or unwarranted discipline. Often-



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times, the involvement of a lawyer serves as deterrent to overzealous administrators who are eager to discipline simply to appease parents or students. Someone well prepared, informed, and represented, is less likely to be put in an unfortunate situation by a superior.

The fact is in today’s litigious society you can never be too careful. No matter how insulated you think you may be from harm, misunderstandings, accusations, and accidents are common when working with someone else’s children.

Otherwise excellent teachers sometimes learn the hard way that teachers need to protect themselves and obtain quality professional educators insurance to protect their careers and livelihood. Membership in the Association of American Educators provides both individual liability insurance and assistance with employment rights issues to all teachers.

It’s critical to insure your valuable possessions—your home, your car, your health, and yes, your career. Losing certification or having a tarnished reputation can be a game changer for an educator left unprotected. Other professionals, such as medical doctors, would not dream of practicing without liability (or malpractice) insurance. In today’s world, teachers should not interact with children without professional educators insurance covering them personally.

Unfortunately, the reality is that teachers across the country are threatened legally every day and the number of lawsuits filed each year grows exponentially. Membership in AAE provides you with peace of mind so that you can focus on practicing your profession.

Remember this: protection is vital. Legal resources are invaluable. Peace of mind is priceless. ■



Sharon Nelson, J.D. is the director of legal services for the Association of American Educators. In this capacity, Ms. Nelson oversees AAE’s extensive legal teams across the country and works daily with members and panel counsel to address member legal concerns.

School Choice in Action: Wisconsin

Wisconsin Membership Director Kristi LaCroix on seeing school choice in action

Living in Wisconsin means that one cannot go a week without reading something in the newspaper or hearing an interview on TV concerning school choice. Depending on the source, the reports can be positive or negative. A few months ago America celebrated National School Choice Week, and as I attended a few celebrations across the state, I found myself drawn to the story of the folks at Immanuel Lutheran School in Wisconsin Rapids.

I was blessed to be invited to watch children from the school participate in a talent show, and saw all the proud parents filming in the audience while fellow students cheered on their classmates. I was especially warmed when a young lady played the piano; she had only been taking lessons for a short period and wanted the music teacher to play an impromptu duet with her. Without so much as a flinch, the teacher sat down next to the young girl and they played together. This duet ended with the teacher giving the student a great big hug. The sense of “family” was evident from this staff, student body, and parents in the stands.

While talking with Mr. Brian Betts, the school’s principal, I was pleasantly surprised to hear him talk about the partnership his private school has with the local public school district. Mr. Betts told me that Immanuel Lutheran and the Wisconsin Rapids School District share curriculum resources, a Title I teacher, and even a speech and language teacher. Furthermore, both parties discuss curriculum language to make transitioning between private a public school seamless, and even align school calendars.

Finally, Mr. Betts fosters communication between his staff and public school teachers to share ideas and best practices that truly benefit his students. His staff is informed of all professional development that is hosted by the public school teachers and offers his staff the opportunity to attend these professional development opportunities. In a time where relationships between public and private schools often seem tenuous, it is refreshing to see a private school building the necessary partnership with the local district to do what is best for the education of their children.

I also met with Carrey, a mother of four children who attend Immanuel Lutheran. Carrey wanted to send her son, Jacob, to Immanuel but was concerned about the cost. She was never informed that she could possibly receive

a voucher to help her enroll her son at the school of her choice. Luckily, a staff member guided Carrey through the process and she received a voucher for Jacob. Now,

because of the rules concerning vouchers in WI, Carrey is able to send all four of her children to Immanuel Lutheran. One of Carrey’s sons was in need of speech therapy. “All of his needs were met and he no longer needs the program,” said Carrey. She continued to speak of the “family values” and “sense of community” that Immanuel provides, and how well the school provides what she was truly looking for when choosing a school for her children. Her son, Jacob, also spoke with me and raved about all the “cool science experiments” they do in class, as well as how much he has learned since attending Immanuel Lutheran. As a former teacher, it is always moving to see a child smile and excitedly squirm in his seat when talking about his school and what he is learning!

I ended the day by meeting with the staff of Immanuel Lutheran, and I must admit it was the highlight of my visit. I could tell that they really take pride in their school and are truly a family. Mr. Betts spoke of his staff as if he knew them personally and had for years. The smiles on the faces of these professionals while they spoke of their school and students were genuine and warm. Immanuel Lutheran School is truly a shining example of how school choice works, and how it is not something to fear but to embrace. Having the collaboration with the local school district, the sense of family within the school, the way parents are invited to be a part of their children’s education, and the leadership of the administration and staff, Immanuel Lutheran is an example of how to “do it right!” ■



Kristi LaCroix is the regional director for the Association of American Educators in Wisconsin. Passionate about education reform, Kristi believes that educators are true professionals and is committed to growing the non-union teacher movement in her region.

The Dangers of Stereotypes and Stereotype Threat

In *Reaching and Teaching Students in Poverty* Paul Gorski draws from decades of research to deconstruct popular myths, misconceptions, and educational practices that undercut the achievement of low-income students. He carefully describes the challenges that students in poverty face and the resiliencies they and their families draw upon. He also provides specific evidence-based strategies for teaching youth by creating equitable, bias-free learning environments.

In Chapter 4, “The Trouble With a Culture of Poverty,” Gorski summarizes five common stereotypes concerning poor families and education. The stereotypes are:

1. Poor people do not value education
2. Poor people are lazy
3. Poor people are substance abusers
4. Poor people are linguistically deficient and poor communicators
5. Poor people are ineffective and inattentive parents

He then addresses these stereotypes in the following excerpt:

“Why, you may be wondering, are we spending so much time on stereotypes? Why are we focusing on all of this negativity rather than talking about what we can do to strengthen educational opportunities for all students?”

Fair questions. And we are working our way toward some practical strategies, which will be discussed in great detail later in this book. However, there is no strategy for creating equitable and welcoming classrooms and schools that is more practical or immediate than this: we *must*, above all else, commit to losing the stereotypes that paint poor people as “the problem.” This, in fact, might be the single most important act any of us, as educators, can make in our commitments to equity and diversity. In the end, our understandings of poverty and our attitudes toward poor families play an enormous role, and perhaps the *most* enormous role, in how we see and treat our low-income students (Robinson, 2007; Williams, 2009), not to mention the lengths to which we will or will not go to advocate for them and their educational rights.

The dangers of not doing so are plentiful. Stereotypes can make us unnecessarily afraid or accusatory of our own students, including our *most disenfranchised* students, not to mention their families. They can misguide us into expressing low expectations for poor youth and their families or to blame them for the very ways in which the barriers they face impede their abilities to engage with schools the way some of us might engage with schools.

Complicating matters, according



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to Claude Steele (2010), an expert on stereotyping and its dangers, people who are stereotyped are attuned to the ways in which they are stereotyped. As a result, the *accuracy* of a stereotype about people in poverty might be irrelevant to the *toll* the stereotype takes on our low-income students. He explains:

This means that whenever we're in a situation where a bad stereotype could be applied to us—such as those about being old, poor, rich, or female—we know it. We know what ‘people could think.’ We know that anything we do that fits the stereotype could be taken as confirming it. And we know that, for that reason, we could be judged and treated accordingly. (p. 5)

The weight of this “knowing,” imagining the very *possibility* that somebody might target them with a stereotype, can affect students’ school performance and emotional wellbeing, as research on stereotype susceptibility and stereotype threat has demonstrated (McKown & Weinstein, 2003; Steele, 2010). Stereotype threat, according to Bettina Spencer and Emanuele Castano (2007), occurs when people who share a particular identity—race, for example, or socioeconomic status—perform below their potential on an assigned task due to fear that their performance will confirm negative stereotypes people already have about them. The stereotype threat hypothesis might sound like a far-fetched idea, particularly for those of us who never have been consistent targets of bias-related race, class, gender, sexual orientation, or other identities. We might wonder how stereotypes can have such an immediate and measurable effect on students. But stereotype threat is real as evidenced by a robust and constantly growing collection of studies demonstrating its effects (Steele, 2010). Most of the researchers studying stereotype threat have focused on its effects for students of color and female students. However, stereotype threat also affects low-income students. For example, when informed that their socioeconomic status is relevant to a task they are being asked to complete, such as by being told before a test that students in poverty do not do as well on it, on

average, as wealthier students, low-income students perform worse than when nobody suggests the disparity (Spencer & Castano, 2007).

So our understandings of and attitude about people in poverty, even if we don't believe we are applying them to individual students, have an effect on low-income students' school performance. Stereotypes and biases matter. They matter in an extremely practical and immediate way. And no amount of resources or pedagogical strategies will help us provide the best opportunity for low-income students to reach their full potentials as learners if we do not attend first to the stereotypes, biases, and assumptions we have about them and their families. Our first practical task then is this: identify, then work on expunging, what we thought we knew about poor people if what we thought we knew paints families in poverty with broad, negative, stereotype-ridden strokes.

Conclusion

If we can expunge that negativity, we position ourselves well to do a better job recognizing and building on the strengths and resiliencies of poor and working class students and families. When we let go of the “culture of poverty” stereotypes, we position ourselves to see more clearly the barriers faced by low-income families in their pursuit of educational equity. It's a difficult but critical shift, but one at which, in my experience, teachers and other school workers are especially adept, given our propensities for seeing the gifts and strengths in every student. If we're willing to make that shift, and start to see educational disparities in light of bigger contextual factors rather than seeking their sources in the cultures of economically disadvantaged students, we can begin to relate to our students in new, deeper, ways. ■



Paul C. Gorski is an associate professor of integrative students at George Mason University and the founder of EdChange.

Association of American Educators Partners with Eight Premiere Universities to Offer Discounted Degree Programs for Members

Alexandria, Virginia—The Association of American Educators (AAE), the nation's largest national non-union teachers organization, is pleased to announce eight new university partners that will offer AAE members discounted rates to pursue their master's degree. These new alliances will enable AAE member educators the opportunity to continue their education at reasonable prices.

Ashford University

Ashford University provides relevant courses and degree programs, technology to keep teachers connected, a vibrant learning community, and cherished tradition. Ashford is able to tailor its offerings to meet unique objectives.

California Baptist University

California Baptist University's 100% Online Master of Science in Education degree is designed to help established educators and training professionals across public and private sectors develop the skills they need to take a significant leap forward in not just their careers but their ability to shape the future of education. Explore new opportunities in teaching, administration, corporate training, counseling, online learning facilitation, early childhood development, and curriculum design.

Dominican University

Dominican's Master of Arts in Education degree with a concentration in Elementary Education, ESL or Reading degree programs, is designed to equip teachers with the latest skills.



Drexel University

At Drexel University Online, teachers can now earn a top-ranked degree or certificate and receive special tuition rates when they enroll in one of Drexel's distinguished online programs.

University of St. Thomas

Named a Best National University by *U.S. News & World Report*, University of St. Thomas offers evidence-based best practices to positively impact preschool, elementary, teen, and young adult learners with ASD in both classroom and community settings.

University of Scranton

The next fulfilling phase of a career as an educator starts with a Master of Science degree. Increase responsibilities, esteem, and compensation potential as a curriculum specialist, principal, or in another leadership role with an MS in Curriculum and Instruction or MS in Educational Administration.

Western New England University

Western New England's online Master of Education in Curriculum and Instruction (M.Ed) program is designed to enhance your knowledge and skills with the goal of preparing you to be educational leaders of the future. The comprehensive nature of the program allows you to leverage your degree in various educational environments while widening opportunities for rewarding job prospects, increased potential for career advancement, and higher earning potential.

Wilkes University

Choose from over a dozen programs in tracks such as classroom technology, teaching strategies, and educational leadership, or make yourself more marketable with one of our add-on certificate programs.

At each of these universities, AAE members and their spouses can receive a 10 percent discount on tuition for a variety of graduate-level online courses. From special education teacher license in autism spectrum disorders to masters in science classes, these universities are offering the gamut of masters degree programs and certificates.

"We are delighted to offer educators these discounted programs for continued learning," said AAE Executive Director Gary Beckner. "AAE empowers educators as professionals and we are committed to ensuring our members reach their full potential."

Visit our website to join AAE and take advantage of these significant discounts. More information about these programs and how to enroll can be found at aaeteachers.org/masters. Additionally, AAE staff is available to answer all of your questions.

The Association of American Educators is the largest national, non-union, professional educator organization, advancing the profession by offering a modern approach to teacher representation and educational advocacy, as well as promoting professionalism, collaboration, and excellence without a partisan agenda. AAE members are forward-thinking professionals who are committed to student-centered reform efforts including school/teacher choice, accountability, and technology. AAE has members in all fifty states and welcomes professionals from all education entities. Membership is \$15 per month, which includes \$2 million professional liability insurance, employment rights coverage, professional development resources, as well as a host of other benefits. Visit aaeteachers.org for further information. ■

AAE Introduces a Simple, Economical Option for Dental Care

Keep dental care for you and your family economical and easy with the Educators Dental Plan. Monthly premiums start at \$14.65 for insurance that pays up to 100 percent of covered charges—to a maximum of \$750 per person per year—after a small deductible. Benefits include:

- Preventive Care, such as regular exams, X-rays, and cleanings, is covered 100 percent with no deductible.
- You choose your own dentist, not your insurer. There are no network restrictions.
- 30-day free look—If you are not completely satisfied, return your certificate, without claim, within 30 days for a full refund of your premium.

Benefits Begin Immediately!

Coverage for basic care such as fillings and extractions starts right away. There is a waiting period of six months to one year for coverage on more extensive dental procedures. ■





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AAE Member Dues

We are honored to serve thousands of educators with valuable benefits and services at a reasonable price. With mounting costs associated with protecting our members from legal claims and providing assistance with their due process rights, in addition to offering new and improved member benefits, the Association of American Educators Board of Directors has decided to increase professional membership dues by \$1.50 a month. This increase has not been decided upon lightly. We pride ourselves on operating within a lean budget that is laser-focused on members' needs.

We are confident you will agree that this dues increase will be a worthy investment in enhancing your protection and professionalism. In the six years since AAE last raised dues, we have continued to grow in size while staying committed to offering teachers the benefits they need without the politics they don't.

Be assured that the AAE staff operates in a manner that is fiscally responsible. We recognize the financial concessions teachers make daily and value your contributions to our organization. This necessary increase will ensure our members are afforded the finest individualized legal services available.

Just as a reminder, for less than \$200 per year you receive these comprehensive member-only benefits:

- \$2,000,000 professional liability insurance policy
- Legal assistance for employment rights issues
- Professional development
- A member-driven voice on education policy and more!

You will be notified when your membership is due for renewal as the increase will go into effect July 1, 2014.

Thank you for your continued loyal support. Your AAE membership and active participation in the work of this professional association are greatly valued. If you have any questions, please contact the AAE office at memberservices@aaeteachers.org.

