



# NEWSBREAKER

Volume 7, Issue 4

November 2011

## Calendar



- 11/11 No School  
(Veteran's Day)**
- 11/14 Rep Council 4pm**
- 11/21 – 11/25 No School  
(Thanksgiving  
Break)**
- 11/28 Eboard 4pm**
- 12/12 Rep Council 4pm**

## WHAT'S INSIDE

- President's Corner 1
- Pension Conference 2
- CTA Quick Points  
PAC "Shout Out" 3
- Grievance Process 4
- Discipline Survey 5
- Discipline Survey 6  
Cont'd...
- SB 161  
*The Standard* Reminder
- Supreme Court ruling 7  
on public employee  
Interrogations  
Public School Funding  
& Taxes
- CTA Scholarships 8

## **PRESIDENT'S CORNER**

*By Melanie Driver*

F-SUTA signed off on the MOU for the restoration of instructional days to the calendar. The days were placed back on the calendar March 26-29. The FSUSD Governing Board approved the restoration of the instructional days at the October 27, 2011 Governing Board meeting. According to the signed MOU, any unit member who can demonstrate that they have made unalterable plans during this period must notify HR by Friday, November 18 to facilitate appropriate leaves. Some members may choose not to use leaves. If a member does not wish to use leave time, the unit member will need to make alternate arrangements with HR. I encourage you to contact HR as soon as possible if you have unalterable plans.

F-SUTA also signed off on the Early Notification Retirement Incentive Plan. I encourage you to talk to STRS and your financial advisor before you sign up for this incentive if you haven't already. The deadline for the application process closes December 15, 2011. A major component of the plan is that it must generate cost savings for the District. If there is cost savings, the District shall implement the plan.

The one change from the 2009 plan is that a unit member that has been employed by the District for 10 years or more may pick option 2. According to the contract, a unit member must have been employed by the District for 15 years. There is trigger language in the agreement that if adding these unit members that have between 10-15 years in the district is not financially viable, the District will notify these members so that they may select Option 1 or opt out of the early retirement incentive. Since these members are not eligible for these benefits under the collective bargaining agreement, the entire cost of \$650 per month would need to be absorbed in the cost savings of this agreement to the bargaining unit.

Shari Salomon, Laurie Thompson and I attended State Council October 21-23. CTA is implementing a new election tier process for the 2012 races for state legislature and congress. It is based on a tier rating. Each candidate will be put in a tier based on voting record, access to CTA staff and leaders at capitol, access to CTA staff and leaders in the District, ongoing communication with CTA and leadership position in the State Legislature/congress or party for candidates that are running for reelection. The tier they are placed in will determine if the candidate must complete a written questionnaire, complete an oral interview to address concerns or participate in an interview. Any races in which there are no candidates running for reelection will result in the interview process. Time was spent at State Council to identify all incumbents and place them in their election tier.

The Commission on Teacher Credentialing was scheduled to convene public meetings at the end of October to discuss changes to statute and regulation pertaining to charges of misconduct against credential holders. New policy was added to make sure that the credential holder's due process rights were upheld. CTA believes that due process rights for credential holders must include the opportunity to present the unique circumstances of their case prior to any action being taken against their credentials.

Senate Bill SB 1381 requires a change to the required birthday for admission to kindergarten and first grade and established a transitional kindergarten program beginning in the 2012-2013 school year. The District and the Association have not bargained the impacts of this change but the Association will be putting in a demand to bargain.

I want to give everyone a reminder: you need to take care of yourself. We are in an occupation that has a lot of demands on us. It is important that we set limits. We all have lists of things we would like to do in our classroom but as class sizes increase and there is less time for planning, we need to prioritize and accept that we are not able to do everything we have done in the past. Everyone needs time to reenergize and recharge. We can't give everything we can to our students when they are in our classroom if we are too tired or haven't taken care of ourselves. I really want to ask everyone to take a moment and determine if there needs to be some changes and boundaries set.

*The Pension Conference Committee held its first meeting on October 26. The Committee is comprised of appointed Senators and Assembly members. The job of the Committee is to do research, investigation and then put out a report. This report may not be amended and may only be voted up or down. If there is support of 2/3 of the legislation, it will show up on the November 2012 ballot.*

*Below is the testimony of our CTA Legislative Advocate, Jennifer Baker.  
She represents us on retirement issues.*

**Testimony by California Teachers Association  
Legislative Advocate Jennifer Baker  
Conference Committee on SB 827 and AB 340  
City of Carson Council Chambers  
Wednesday, October 26, 2011**

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Thank you for the opportunity to testify before you today. My name is Jennifer Baker. I am a Legislative Advocate for the California Teachers Association. I am presenting on behalf of the various labor unions and associations within the K-14 system whose members belong primarily to the California State Teachers' Retirement System, which include the California Teachers Association, the California Federation of Teachers, the Faculty Association of California Community Colleges, the Los Angeles Guild and the United Teachers of Los Angeles.

The Defined Benefit retirement for K-14 educators within the CalSTRS system is not collectively bargained. The contribution rates as well as the benefits are set by the legislature and governor. For the past 20 years school employers and educators have contributed 8.25 % and 8 %, respectively, to CalSTRS. The state currently contributes 2.541 which was reduced a decade ago from 4.6 %, saving the State over \$3 billion to date.

Teachers do not retire into a life of luxury; the average monthly benefit is \$3,300. Most teachers retire close to 62 years old with almost 27 years of service credit.

Teachers do not contribute to or receive Social Security as a CalSTRS member but often have previously earned Social Security benefits reduced by federal offsets when they retire.

CalSTRS does not provide retiree health benefits. Retirement health benefits are

collectively bargained at the local level. Most retirees above age 65 do not receive retiree health benefits.

As of December 31, 2010, member benefits were reduced due to the expiration of enhancements that were made when CalSTRS was more than fully funded. While those benefits have expired, the State has continued to pay the lower rate of 2.017 % as opposed to the 4.6 % it paid prior to the enhancements.

CalSTRS has been a nationally proven leader for their transparency and ethical models, particularly in the reform movement against fraud and abuse. The CalSTRS Defined Benefit Supplement was created in 2001 as a repository for creditable compensation over and above a members normal pay, such as summer school for K-12 and overload for the community colleges. This prevents spiking, an uncommon, but unethical practice of inflating salaries for the sole purpose of increasing one's pension benefit.

The immediate issue that must be addressed for CalSTRS is the current shortfall, which has a Net Pension Liability of over \$56 billion, which originated with the dot com bust and has been exacerbated by the recent economic decline that our nation is facing. This will likely have an impact on Proposition 98, thereby education funding, which is why a solution can be somewhat complicated, but nevertheless, necessary to ensure today's teachers can retire with a modest but secure retirement.

### CTA Quick Points Paycheck Deception Initiative 2011



#### Main Message:

This initiative is misleading, deceptive, and full of unintended consequences that hurt us all.

The truth is that Wall Street and other corporate backers of this initiative intentionally limited the voice of middle class workers and small businesses, but wrote in a giant loophole for big corporations. Instead of reforming campaign finance laws, this initiative creates more problems and wastes our tax dollars.

#### Talking Points:

##### Not What It Seems

- This initiative claims to be about stopping special interest money in politics, but instead benefit wealthy corporate interests at the expense of middle class workers and their unions. That's why independent good government groups with a long track record of fighting special interests oppose it.
- This deceptive initiative was carefully written by an attorney for big corporate interests to appear as if it limits corporations and unions equally. But when you read the details, you will see this measure does not limit corporate contributions at all.
- In fact, this measure creates a big loophole that allows corporations to continue to make political contributions without restrictions. By only limiting workers and unions, more power will be given to corporations to spend as much as they want on lobbyists and influence politicians.

##### Singles Out Middle Class Workers for Unfair Treatment

- Big corporations, their high-paid lobbyists and their political friends in the state legislature are scapegoating teachers, nurses, firefighters and other union workers to distract us from the fact that while middle class Californians struggle, big corporations are still getting rich. This initiative gives the big corporations a free pass at a time when their profits are at a record high and they are getting large tax breaks.
- The initiative does nothing to stop big corporations, elected officials or CEOs from contributing to political campaigns or lobbying to sway legislation or influence government contracts. But it intentionally limits the ability of workers who provide services.
- It is an attack on the middle class and attempts to silence the voices of teachers who fight for lower class size, firefighters who fight to lower emergency response times, and nurses who fight for safe patient staffing ratios in hospitals.

##### Creates More Problems than it Solves and Wastes Taxpayer Money

- Union members already have the ability to stop their dues money from being used in political campaigns. This measure attempts to fix something that doesn't need fixing to hide its intent-to give corporations more influence over politics and to stop unions from speaking out.
- This initiative is unnecessary and would cost California taxpayers hundreds of thousands of dollars. It is an unfunded mandate that increases the cost to government at a time when vital services like education, health care and public safety are being slashed.
- The measure has too many unintended consequences, putting us all at risk. If this flawed initiative passes, teachers would be prevented from advocating for students, nurses would be prevented from advocating on issues like appropriate patient staffing levels and firefighters could not advocate for training and equipment to deal with industrial disasters or forest fires.

## A GREAT BIG...

The election will be over by the time you read this. I wish to thank all of the members of this fall's hardest working committee, the PAC: Stephanie Cobb, Nancy Dunn, Earl Handa, Shari Salmon, Joe Summers, Chris Plebani, Drew Missureli, Lee Inserto, & Kathy Wiegand. They worked on candidate interviews, phone banking, the Chevy's event and gave hours of their time to elect school board members who will listen to our concerns.

I also wish to thank all of the F-SUTA members who participated in our activities, the TGIF: Meet the Candidates at Chevy's, phone banking, and precinct walks. Without the support of our active members none of our success would have been possible.

→ ...**THANK YOU!!!**

From Kevin McNamara, *F-SUTA PAC Chair*

# The Grievance Process 101



- **By Arthur Aronsen, F-SUTA Grievance Chair**

All teachers have a contract that specifies working conditions, pay and how things are done within the system. This includes evaluations, discipline of employees and many other items that teachers should know, but many times do not bother to read until they feel that they have been mistreated or stabbed in the back and discover that their rights are being violated.

The contract contains the rules of our Marriage, and like marriage, sometimes you need a way to settle a disagreement. That is what the grievance process does.

A grievance is nothing more than a disagreement with the way the contract is being applied to the teachers or teacher. Let us say that you are being evaluated and after the observation you do not hear back from your evaluator within 3 days. According to our contract, you are to get written feedback of the observation within 3 days so you can see what the evaluator has to say. Much later you get your final evaluation form and it is not what you expected to see and you wish to nullify it. So how does that get accomplished?

## Informal Meeting

First you talk with your administrator and point out that the contract was not followed as you were to hear from the evaluator 3 days after the observation which did not occur. Therefore, you want the evaluation thrown out and removed. If not, then you will file a grievance. Your administrator says, "No, file your grievance." So what do you do? You just had what is called an *informal meeting*, where you discussed the issue and stated your intent if not resolved.

## Filling out the Grievance Form

The form you need to fill out (Level I grievance form) can be found on the F-SUTA web site or you can contact your site rep. The site rep can also help you write up the complaint based on the contract stating that you should have had a written report within 3 days of the observation and you did not receive any written report. This is a clear violation of the contract Article \_\_ section \_\_.

Under the Remedy section you would request that the evaluation be removed from the personnel file as the contract was not followed. You date it and sign your name.

## Submitting the Grievance Form

You now take this to the principal's office and have the secretary date stamp it and get a copy. The principal has 10 days to write a reply and give it back to you. If the administrator decides to remove the evaluation, then the issue is resolved. But what happens if they do not agree with the remedy? Then you have 10 days to file a Level II form and in that form you say that you want the same as is in Level I and attach the Level I form to it. This is then taken to the District Office and turned in to the HR Department. Get it date and time stamped and get 4 copies (1 for you, 1 for the Grievance Chair, 2 extras).

The HR Department has 10 days to write a response. If they remove the evaluation, then it is resolved. If they do not and give a reason, then you send a copy of their response to the Grievance Chair attached to one of the extras and within 10 days they will write a Level III grievance to remove the evaluation. At this point the grievance is now owned by the Association and the Association takes it from there. If it cannot be resolved at this level, then it goes forward toward arbitration by a third party and the results are binding to both sides.

This rarely happens considering all of the grievances filed over a year's period of time.

The use of the grievance process keeps both parties in this Marriage honest with each other as to how we interact and what is the expected behavior and resolution of disagreements in a civil environment. It allows both parties to state and support their positions without emotional issues overriding the contractual issues. As a lawyer once told me "...there is no justice, only the law and in this case it is the contractual law that both parties have agreed to up hold."

Your contract is your guide to equality under the agreement. You should read it carefully and if you have questions, ask!!!!

**The Results Are In!**  
**School Discipline Survey 2010-2011 Results**  
**Prepared by Earl Handa**

Thanks to everyone who participated in the Discipline Survey and to the District for allowing us to use staff meeting time to complete them. It was a great success. At this point it appears that the District will be working with teachers to use this data in the future. Hopefully, this will lead to improved discipline policies and implementation. What follows is the power point written by Doug Appel that I presented to the school board and rep council.

Please remember that the results are the respondents' perceptions of school safety and campus discipline. Some questions require opinions about parents or other groups that the respondents may only have indirect information about. The results given here are aggregate. The breakdown of specific information may show trends at different school levels or sites.

**Respondent Demographics (Known):**

<b>Total Number of Respondents</b>	862
<b>Occupation</b>	
Teachers	91%
Administrator	5%
<b>Gender</b>	
Male	28%
Female	72%
<b>Race</b>	
Caucasian	72%
African American	5%
Asian	4%
<b>Age</b>	56% under the age of 50.
<b>Grade Level</b>	
Elementary	44%
Middle	18%
High	25%
<b>Years of Experience</b>	
4 or more Years in the District	85%
4 or more years in education	94%

**Analysis:**

The good news is that almost all believe that the staff cares deeply about students' wellbeing (96%), and that they treat students and parents with respect (93%). An overwhelming majority feel that they work to prevent conflicts (94%), and that they have the skills to mediate them when they arise (83%). Most feel that they act as mentors to students (87%). There is good communication between students and staff (86%). Most of the discipline problems are caused by a small number of students (86%). There is little evidence of weapons use (1.2%). Gang activity is not widely reported at FSUSD sites (9%) and almost no violent behavior is attributed to gangs (4%). Few students appear under the influence of drugs (3.1%) or alcohol (0.9%).

Some of the survey is less encouraging. While the majority of staff feels that discipline policies are effective, many staff members feel that they are inconsistently enforced (43%) and that obstacles are placed in the way of enforcement (51%). Many feel that disruptive students cannot be removed quickly (36%). Many feel that staff roles in discipline are unclear (32%). More than half feel students have low self-esteem (54%). Almost half (49%) say that alcohol can be easily brought in and (31%) say that drugs can be purchased on site. Almost a third (33%) report stealing and use of profanity (28%). Many report bullying (30%), fighting (25%), and vandalism (26%). A fifth (21%) say that students skip classes.

*(Continued on page 6...)*

(Continued from page 5...)

These areas of the survey deserve our attention. Almost two thirds say that students lack good parental role models who take responsibility for disciplining their children. Almost three fourths (72%) believe that parents are too lenient, and more than 60% believe parents do not support teacher discipline at home. And although three fourths (72%) feel that administration is supportive, more than one fourth feel that they are not supportive.

The following are some suggestions that were given to improve discipline throughout the district:

- ✓ Transferring the most disruptive students to separate programs
- ✓ Parent education and support
- ✓ After school activities for students
- ✓ Conflict resolution and character education classes for students
- ✓ Getting parents to participate more in school life (PTA, BTA night).

### CTA Expresses Displeasure over the signing of SB 161

We are disappointed that the governor signed SB 161, legislation that will charge non-medical professional "volunteers" with the invasive administration of a potentially risky seizure drug in a school setting. SB 161 was not the answer to the medical needs of California students. These short-term fixes do not solve the problem. The long-term solution is to restore budget cuts and hire more school nurses to meet the medical needs of our students.

Educators are concerned about the danger to students by having unlicensed school personnel -- including teachers, other certificated personnel, and education support professionals -- administer Diastat. Educators

believe it is unrealistic to assume unlicensed school employees will receive sufficient training to distinguish between different types of seizures and recognize whether the seizure can be safely treated with Diastat. Inappropriate administration is not harmless; it can result in serious consequences, such as respiratory depression.

The manufacturer's instructions call for the medication to be administered through a student's rectal cavity while she/he is in the middle of an epileptic seizure. Unlicensed educational personnel would be required to administer the drug to students wherever the seizure occurs - the

playground, the school bus, a field trip, or a classroom.

Nothing in SB 161 protects school employees against being disciplined or fired if they fail to volunteer or if something goes wrong during the administration of Diastat. The current "liability" language does not go far enough to protect school employee "volunteers" from a myriad of civil and criminal liabilities.

Educators are concerned about the health and safety of all school children. SB 161 is the wrong answer to get students the health services they need. Under current law, parents can already use the 504 process to get their child specialized medical services.

For more information, go to: <http://www.cta.org/Issues-and-Action/Health-Care/Index.aspx>

## **NEWS** From The Standard

### NEWLY HIRED CTA MEMBER, OR NEW IN YOUR DISTRICT?

If you're a newly hired CTA member or new in your district, now's the time to get coverage. During your first 120 days of new employment, you have a special opportunity to apply for Disability Insurance and/or up to \$200,000 of Life Insurance. Don't miss this opportunity - call The Standard's dedicated CTA Customer Service Department at 800.522.0406 for more information or apply online at [www.cta.org/thestandard](http://www.cta.org/thestandard).



## Supreme Court Rules on Employer Interrogations

Submitted by Stephanie Cobb, *F-SUTA Bargaining Chair*

In the course of conducting investigations of employee misconduct that could also violate criminal laws, school districts have often put employees in the untenable position of having to choose between exercising their constitutional right to refrain from making incriminating statements or being insubordinate and therefore subject to discipline. A court of appeal held that public employers could not force employees to answer questions that may incriminate them in subsequent criminal proceedings. The case was appealed to the California Supreme Court, leaving the rule articulated by the court of appeal in doubt.

The California Supreme Court issued a decision overruling the court of appeal, but establishing some clear guidelines to which employers must adhere when conducting employee interviews concerning alleged misconduct.



Public employees do not have a right to refuse to answer their employer's questions and may be punished for refusing to do so, if at least their employer advises them that their statements will not be used against them in any criminal proceedings.



However, employee statements that are compelled in this manner, "or the fruit thereof" may not be used in a criminal prosecution against the employee. To do so violates the 5<sup>th</sup> Amendment right against self-incrimination.



The Court's opinion does not affect the right of a member under investigation for potential discipline to request union representation when meeting with the employer.

The Court's ruling should put a stop to a common school district practice of inviting law enforcement personnel into the employer's investigatory interview or the handing over of statements made in such an interview to the district attorney. Although the Court did not explicitly hold, CTA believes that the Constitution requires an employer to assure the employee that nothing he/she says in the interview will be used against him/her in any criminal proceedings. If the employee is not provided with such admonition, we do not believe the employers may force the employee to proceed with the investigatory interview.

It is important that any CTA member who is accused of, or questioned about criminal activity contact Doug Appel, CTA Primary Contact Staff, immediately to be referred to an attorney. This is to ensure that a member who is accused of criminal behavior is aware of the consequences of his/her statements to an administrator or to a law enforcement official.

### "Taxes are the price we pay for living in a civilized society."

- *Oliver Wendell Holmes,*  
*former US Supreme Court Justice*

California has long relied on mostly short-term solutions to our budget problems, which has done us no long-term favors. The health of California's public schools depends on stable tax revenues. It is time to demand action to restore fairness to the system and make sure everyone is paying their fair share.

The bottom 20% of wage earners in California pay 11% of their income in taxes, while the top 1% of wage earners only pays 7.8%. Corporate income grew over 400% from 2001-2008 compared to 28% for personal income. And additional tax loopholes were provided to big corporations in the 2008 and 2009 budgets, worth \$2 billion annually.

The cost of funding state services has shifted from corporate to personal income tax payers. When Proposition 13 was passed, responsibility for funding our government and make it fair and equitable. The fact of the matter is California is a moderate tax state, ranking 15th in taxes and fees compared to other states, even though we have the 8th largest economy in the world.

Investing in public education (dollar for dollar) grows the economy more than tax cuts and corporate subsidies. Dishearteningly in 2009, California ranked 43rd in per-pupil spending. And given the drastic funding cuts of the past 3 years, we're not moving in the right direction. Our goal is simply to have the adequate amount of per-pupil funding needed to provide all students the opportunity for a quality public education.





## 2012 CTA Scholarships

The California Teachers Association is pleased to announce that applications are now being accepted for 2012 CTA scholarships in the following categories...



**2012 CTA Scholarship for Dependent Children** - Up to thirty-four (34) scholarships of up to \$5,000.00 will be awarded. The applicant must be claimed as dependent status on the current year's IRS forms. Applicant must be the dependent child of an active, or retired California Teachers Association member. Applicants are also eligible if they are claimed as dependents and are the child of a deceased CTA member. This scholarship is not available to spouses of CTA members. Application deadline-February 3, 2012.

**2012 Del A. Weber Scholarship** - A maximum of one (1) - \$5,000 scholarship will be awarded. Eligibility for this scholarship is the same as for the Scholarship for Dependent Children. High school grade point average should reflect at least a 2.0 average. Application deadline-February 3, 2012.

**2012 CTA Scholarship for Members** – Up to five (5) – scholarships up to \$3,000 will be awarded. The applicant must be a current “active” member of CTA (including members working on an emergency credential). Application deadline-February 3, 2012.

**Martin Luther King, Jr. Memorial Scholarship Fund** - Last year the fund issued 19 scholarships ranging from \$3,000-\$5,000. Applicants must be:

- An “Active member of CTA, a dependent child of an “Active,” retired, or deceased member or an “Active” member of Student CTA (SCTA).
- A member of one of the following defined ethnic minority groups:  
African American/Black/ American Indian/Alaska native, Asian/Pacific Islander, or Hispanic.
- Pursuing a college degree, credential, or certification for a teaching-related career in public education in an accredited institution of higher education.

Application deadline-February 24, 2012.

**The CTA César E. Chávez memorial Education Awards Program** - This program is designed to provide recognition for teams of students and teachers who demonstrate an understanding of the vision and guiding principles by which César E. Chávez lived his life. The Awards Program honors the memory of this great man and ensures that the spirit of his work continues in the classrooms of California. The top prize winners will receive recognition plus \$550 for both students and CTA members.

For the current school year, eligible projects must fit into the category of either Written Essays or Visual Arts.

In order to assure eligibility and consideration:

- The sponsor must be a CTA member and may submit up to three (3) individual applications and one (1) entry per student.
- The sponsor must be employed at the same school or campus where the student is enrolled.
- Any communication concerning submission(s) should be only through the sponsoring CTA member.
- Artwork and written essays must be returned to the school/college or the CTA member.
- The application must be complete.
- Applications must be postmarked by January 13, 2012.

Applications and information is available at the CTA web site at:

<https://www.cta.org/About-CTA/CTA-Foundation/Scholarships> (Member Only Site)



Applications and instructions are available in the members- only section of the CTA web site-www.cta.org. The Chapter President or designee must sign the Membership Verification Form for each of these scholarships. Please do not wait until the last minute to ask for a signature. Applications must be postmarked on or before the deadline. Incomplete, late postmark and/or faxed applications will not be considered. It is the applicant's responsibility to ensure that the application and all supporting documentation are submitted by the due date.