

THE ADVOCATE

District faces reality of opening school, recalls continue

The District was adamant in March when Superintendent Bill Kowba and Chief Financial Officer Ron Little convinced the School Board that they absolutely needed to lay off 1,374 certificated staff in order to balance the budget. SDEA members were clear in our rejection of the fuzzy fiscal projections put forth by the District, and the impact these needless layoffs would have on thousands of affected students, educators and their families.

Despite claiming that laying off one out of six District educators was absolutely necessary to balance the budget, the District has since gone back and steadily recalled roughly two-thirds of the original layoff notices. These recalls were done in spurts during the preceding six months. As of press time, the District was projecting another wave of recalls, that would put the total number of layoff notices acknowledged to be unnecessary over 1,000.

Roughly 631 of the notices recalled as of press time resulted from of a combination of: an administrative hearing on behalf of permanent members, a grievance on behalf of probationary members, budget recalibrations by the District, but most importantly, as a result of educators and parents organizing together. These recalls continue to take place because the District

simply could not fully reopen schools while maintaining the massive number of educator layoffs, verifying what SDEA asserted to be true all along.

Since the start of the school year, the District has recalled 277 educators in order to be able open schools on time. In addition to that number, the District has placed 307 educators in classrooms as visiting teachers. Many of those placed in these classrooms as visiting teachers are members who were laid off back in March, and are now working in their same school and classroom for visiting teacher pay and no healthcare benefits.

Molly Neef, an art teacher who was laid off in March but is now working in her old classroom at Hoover as a visiting teacher, summed up the feeling of many teachers in her position. "I feel taken advantage of," says Neef. "I am working at the same school, in the same classroom for the third year in a row. The only thing that's different is that this year, I am being paid 40 percent less and have no benefits. If someone told me their employer made them take a 40 percent pay cut and took away their health insurance, I would tell them to find a new job."

SDEA is currently working on a grievance to address the matter of teachers being employed as visiting teachers in positions that appear to be



Educators from Hoover HS flank AR Dave Erving as he demands that the Board recall educators now subbing in their own vacancies for visiting teacher wages and no healthcare.

vacant, and hence in need of a contracted teacher, to ensure that Neef and the hundreds of educators like her receive the fair pay and benefits they deserve for their hard work educating San Diego's children.

As of press time there were 170 permanent and 295 probationary certificated staff still in layoff status, and the District was in the final phases of recalling an additional 188 educators into classroom positions. Additionally the District has indicated that a majority, if not all, of the laid off special educators will be recalled once the special education budget numbers are finalized.

A grievance regarding the elimination and reduction of nursing and counseling positions appears likely headed to arbitration, unless the District does the right thing and restores these positions. To date nurses and counselors have met with the District on several occasions to

make the case that not only did the District's nursing and counseling reductions violate the contract, but that safe staffing cannot be achieved without nurses and counselors at all schools across the District. Until the District realizes the importance of having nurses and counselors at ALL schools, the health and safety of our students is at risk.

The District's continued recalls demonstrate that SDEA members were right last spring when we rallied with over 10,000 parents, educators and students at nearly 50 school sites to demand that the District acknowledge that these layoffs were not necessary. SDEA leadership is committed to pursuing every available avenue until every single laid off educator in our District is recalled. SDEA members should be incredibly proud of the work we've done together to protect our classrooms and our students from the devastating impact of layoffs. Together we are stronger!



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Letters in Solidarity

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Educators must share our stories

SDEA Members—

This year, we must all make it our goal to get involved in actions to improve our schools, our union, and our communities. This work matters. From resolving site issues to working with parents and community members, our ability to organize effectively is the only way to fight off the waves of misinformation aired by the media.

As you read this article, signature-gatherers are in our neighborhoods. They are being paid up to eight dollars per signature to qualify initiatives which would allow the public to vote on eliminating our pension system. It is merely a job for them and they do it well. They are explaining to our neighbors how our pensions are ruining the economy. They say that teachers are overpaid, underworked and draining our financial system. They have a very compelling presentation to get voters to sign their petitions.

Nowhere in their conversations is there a mention of the impact of poverty on our schools. Nowhere is there a mention of runaway turnover in education, chronic underfunding or misguided top-down reforms. Yet, the symptoms are all around us. The unemployed, underpaid, uninsured, and the loss

of will to fight back—these all affect our students. Most people are not aware that the misinformation presented by these signature-gatherers is false.

This is but one example of the many so-called “reformers.” None are truly concerned about our students. If they were, they would not flood students into classrooms or make us all compete for taxpayers’ dollars based on who can score highest on a standardized test.

The time is now for us to get informed and to reach out and share our stories about what’s really happening. None of us got into education to become political wonks, but we can no longer hold onto the belief that politics has nothing to do with our classrooms. This work begins where we begin our days—at our schools and work sites, and in the every-day engagement between educators and parents. We can win the battles confronting us if we come together to protect the rights of our students, educators and the community.

In Solidarity,

Bill Freeman

Bill Freeman
SDEA President

Camille Zombro

Camille Zombro
SDEA Vice President

Point Loma protects teacher prep days

SDEA members at Point Loma High School started the school year with an early victory by challenging their principal’s decision to conduct professional development meetings during the first three days of the school year.

Point Loma Association Representative (AR) Randy Wheeler had a feeling that professional development shouldn’t be held during the teacher prep days before school starts. After finishing a second day of meetings, he returned to his office and searched through his files for a five-year-old Memorandum of Understanding (MOU) that confirmed his suspicion.

The MOU states that these days prep days, during which students are not on campus, are explicitly designed for members to use in preparation of their students’ arrival and not for general staff development activities.

Wheeler brought the MOU to the principal’s attention, but the issue was not immediately resolved.

He then consulted with the school’s Council Representatives (CRs), and together they developed a plan to address the violation as a group. The plan was for two of them to meet with the principal in a Step One (informal) grievance meeting and ask for two future staff meetings to be cancelled so that members could use the time for the prep work that they lost during the teacher prep days. They let the principal know that they were speaking not just for themselves, but all of the members on the campus, and that the easiest way to resolve the issue was to return prep time to the staff rather than go through the formal grievance process.

Within a day, the principal notified the entire staff that the October and May staff meetings would be cancelled in order to return the appropriate amount of prep time to the teachers—a real victory! The SDEA leadership at Point Loma High School have given us a great example of how organizing together can protect members’ contract rights.



Contract Fact: Dependent eligibility

Do you have dependents between the ages of 19-25? If so, read on! For **medical benefits** as long as your **child is under 26**, he or she is eligible. Under the Affordable Care Act or Healthcare Act 2010, you can now add or keep your children on your health insurance policy until they turn 26 years old. Before the health care law, your medical insurance company could remove enrolled children usually at age 19, sometimes older for full-time students. The contract now allows coverage for children up to age 26, in compliance with the new federal laws.

See ELIGIBILITY, page 6

Enforcing our Post and Bid rights

One of the core rights of the SDEA union contract is contained in Article 12: Transfer Policies. The Educational Employment Relations Act (EERA) establishes that transfer and reassignment policies are mandatory subjects of collective bargaining and are an intrinsic part of the “scope of representation” for unions. Our contract establishes fair and transparent transfer and reassignment procedures, which apply equally to all SDEA bargaining unit members. The District is legally obligated to implement and follow these transfer procedures as they are outlined in the union contract. These rights include how Post and Bid is supposed to function, certain timelines during which key events happen, what protections transferred unit members have, and how individuals are to be excessed from a school with declining enrollment. In tumultuous times such as the ones we face now (e.g. uncertain funding levels and budget priorities at the State and District levels, layoffs, violations are discovered).

potential school closings), it is important that our rights to fair and impartial transfer and reassignment processes are upheld.

SDEA leadership and staff, along with ARs, site leaders and members, have been actively pursuing enforcement of Article 12 before, during, and after Post and Bid this past summer. The process has not been easy, and the District has unfortunately violated the article in many ways. In order to remedy these violations, SDEA has taken an aggressive approach by gathering information to monitor the process, and filing grievances as violations are discovered.

The enforcement process began with educating ARs at summer and fall Representative Councils about what violations to look for and how to gather information about those violations. Resources for members were available on the SDEA website so that individuals who may have

See POST AND BID, page 6

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THE FIGHT OF OUR LIVES

As *public education* faces attacks nationwide, **SDEA** is taking a lead role in *pushing back*

Fake democracy: Parent Trigger law threatens real parent input

The “parent trigger” law signed by Governor Schwarzenegger in 2010 is now in place following the release of final regulations by the State Board of Education last month. Preliminary analysis by SDEA shows that thirty schools in the District meet the criteria, which allows a majority vote of parents to convert a “low performing” school to a charter, close the school, or change its principal and staff.

While proponents argue that the parent trigger empowers parents, the reality of the law is much different. In California, the leading advocates for the parent trigger are not local school communities, but rather the corporate group Parent Revolution, which was formed by former charter operators and receives funding from the likes of the Walton family (Wal-Mart), and the Broad and Gates foundations. While the law enables parents to trigger a conversion, there is nothing in the law that requires that parents be given any material input into the operations or decisions of the new school once it is converted. Once the parents “pull the trigger,” the new charter school is governed by an appointed—not elected—

Board that can make very different decisions about the future of the school than were promised to parents when they signed the petition.

In Compton, the only place where the parent trigger has been applied to date, Parent Revolution was found to have secretly pressured parents into signing a petition to convert McKinley Elementary into a charter school. While the McKinley petition was overturned, it is expected that the Parent Revolution will continue to prey on unsuspecting parents with well-financed trigger organizing drives. Parent Revolution just kicked off a state-wide tour to tout the supposed benefits of the law—beginning here in San Diego.

In the coming weeks, SDEA leaders will meet with members from impacted schools, and will be planning membership meetings to exchange information about threats to our schools like the parent trigger. The solution to this challenge is not unlike the solution to most of the threats we face: we need to enlist and engage parents with us to jointly solve our problems rather than letting cynical opportunist groups like the Parent Revolution drive a wedge between us.

Unionizing charter schools protects our profession

While many charter schools offer an exciting academic program and school community, the sad reality is that the charter school law in California is designed to chip away at the very foundation of what has made our schools and profession great. Because charter schools are exempt from most provisions of the Education Code, and because most are non-union, standards for education workers in these schools are typically lower than that of public schools. In most non-union charter schools, employment is at-will (you can be fired at any time without explanation), and wages and benefits generally fall short of those of public school teachers.

This does NOT mean charter schools are inherently bad. It DOES mean that, as a union,

we need to take an active role in ensuring that charter school employment and other standards match those of traditional public schools. We do this through organizing unions and negotiating better wages, hours and working conditions at charter schools, like we did at Harriet Tubman Village Charter School last year. Tubman teachers can now achieve status equal to that of permanent SDEA unit members, they have a strong just cause provision for discipline and dismissal in their contract, and they have the same wages and benefits of SDEA members. SDEA is also currently working with the teachers at America’s Finest Charter School here in San Diego who just this fall filed for recognition of their union. Working with our charter brothers and sisters to form unions at their schools is increasingly important as we contend with a legislative reality that makes it increasingly easier for our public schools to be converted to charter schools. We will continue to protect SDEA members, our students and our profession through our efforts to ensure that ALL public school teachers and schools enjoy fair standards.

Schools need real reform based on real teacher, parent collaboration

Nearly a year ago, SDEA embarked on a project as ambitious as it was unusual for our union: Community Schools Reform (CSR). Envisioned as a broad-based community partnership to put educators and parents in the driver’s seat of school reform, CSR was intended to demonstrate to the world

what our members have long known to be true: if you want to fix schools, you don’t demonize teachers—you listen to us. And you listen to parents, and to classified workers, and to level-headed site administrators, and to all of the people who work and live with our children in the proverbial trenches day in and day out—not to theorists and number-crunchers who haven’t set foot in a public school classroom since they last left as students themselves decades ago.

While the District’s decision to issue layoff notices to one out of six educators last spring precluded their ability to participate in our CSR efforts as a meaningful partner, CSR has continued as a community organizing project including partners such as the Equality Alliance. A handful of schools have volunteered to be CSR pilot sites. Union members at those sites

have been meeting to brainstorm about the needs of their schools, and how to reach out to parents to gather input and organize together to achieve real, meaningful change for their students.

That community and parent outreach will continue at the CSR pilot sites, but must expand this year as our schools face new challenges such as the Parent Trigger law and possible school closures. While the Parent Trigger wears the cloak of parent empowerment, in truth it is designed to hand over our public schools to charter management companies that are not accountable to parents or anyone else. Conversely, *truly effective* school reform must involve real collaboration among all of the stakeholders who care about our children.

SDEA members have spent five years building union organizing structures at the site level. Now we are ready to shift our focus outward, and develop organizing structures within our parent communities. Only when the voices of educators and parents standing *together* to protect our schools are heard will our children see the *real* reform they deserve.

District's fiscal fixes flop

As any elementary school teacher can tell you, the problem with repeatedly crying wolf is that when a wolf actually shows up, no one believes you. Yet every time “budget season” roles around, SDUSD leadership starts screaming “WOLF!” in the hopes

that District employees will give up our hard-earned wages, healthcare and other benefits. It is impossible to predict if there are really “wolves” circling the District’s coffers this year, as it is far too early for the District itself to have accurate information (let alone determine if they are representing it accurately). But already the District has kicked off the year with an ill-formulated school closure plan in the name of fiscal responsibility. The plan not only imperils valuable school programs and communities, but may actually cost money (and even rosy SDUSD projections predict only \$500,000 savings per school). Members in Mission Bay and other clusters have begun organizing efforts to reach out to parents and combat the proposed school closures.

The District has also begun asking yet again if SDEA and the other employee unions will open our fairly negotiated contracts for mid-term concessions. Historical context is crucial in understanding these requests. A year and a half ago,

the District made a rational request of union members to exchange reasonable concessions (furlough days and copay increases) for concrete returns (pay increases several years out), without dangling the livelihood of more than 1,000 laid off educators in the balance. In response, union members gave from our own pockets to protect our schools. Conversely, the District’s recent demands for concessions have been irrational in scope (attacks on the VEBA healthcare plans, indefinitely extended pay increases) with no concrete exchange. And the District is leveraging these deep, one-sided concessions with hundreds of layoffs we all know are unnecessary, delaying recalls to seek extractions. Rather than continuing to cry wolf, District leadership would be better served by putting together a truly transparent budget and engaging parents and educators in *honest* dialogue about our schools’ futures.

We are all well aware that our schools are under attack. From the misguided educational policies flowing from the White House, to the inability of California’s legislators to properly fund our schools, to the frustratingly slow pace of necessary, elected leaders at every level of our political system are either incapable or unwilling to do what is right for our children. Compounding this lack of political will is a concerted corporate campaign to wrest control of our classrooms from the hands of parents and educators and convert our public schools into privatized educational systems from which profit can be made.

The relentless pace of these assaults is simply exhausting. As soon as we defeat one attack on our public schools, such as our recent successful campaign to ensure that the so-called “San Diegans 4 Great Schools” school takeover initiative never reached the ballot, our attentions must immediately turn to a new battle. Right now, San Diego’s educators face new laws intended to expedite the ability of corporate charter chains to convert our schools, District-proposed school closures that would disrupt educational communities while resulting in minimal savings, and the ever-looming threat of another round of unbearable state cuts.

While we may not have signed up for the fight we are facing, we are the only ones capable of winning it. When educators and parents come together to protect our classrooms, it works. In fact, it’s the only thing that does. SDEA is uniquely equipped to do this organizing work.

Read the articles in this section for an overview of the challenges facing our schools, and the path we can take to fight back together!



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¹Based on figures developed by Standard Insurance Company as of March 31, 2011. For costs and further details of the coverage, including exclusions, any reductions or limitations and the terms under which the policy may be continued in force, please contact Standard Insurance Company at 800.522.0406 (TTY).

Eligibility *Continued from p. 3*

While the new regulations apply to medical insurance, they do not apply to dental or vision coverage. To maintain dependent **dental or vision** coverage, full-time student verification is required. Upon reaching age 19, a copy of the student's fall class schedule verifying enrollment with 12 units in an accredited college must be turned in to the Benefits Operations Office by September 30 for the student to continue dental and vision coverage for the Fall Semester. Please make sure you have submitted your child's student verification to the SDUSD benefits office.

Last school year, the District completed an audit conducted by a third party vendor of all unit members who have one or more dependents receiving benefits. This audit was only an eligibility verification audit, not the district's standard open enrollment period, which will take place at its regular time during the month of November.

If you are considering changing your benefits, remember to mark your calendar for the November open enrollment period (Oct. 11 through Nov. 1 of this year).

Sections cited: 9.1.3.2, 9.1.3.3 and 9.1.3.6 of the 2010-2013 contract.

Post and Bid *Continued from p. 4*

had some aspect of their rights violated had a way of compiling and getting that information to SDEA leadership and staff for further review and investigation. SDEA collected several hundred grievance forms from members over the course of the summer and early fall that detailed many potential violations of the transfer article. With these forms, SDEA staff analyzed and then categorized the intake data into various groups of the most common violations of different parts of the transfer article.

Grievances on many of these violations, wherein SDEA staff and leadership were able to establish the nature and extent of the violations, have already been filed with the District. These grievances include the misclassification of visiting teachers working in vacant positions (including many laid off teachers working in their own vacant classrooms), as well as the late notification of members excessed from traditional-calendar sites. Additionally, SDEA has sent the District a massive and thorough information request to substantiate many of the alleged violations that we do not have enough data for yet. The expected result is that more grievances will be filed when SDEA staff can confirm that additional violations have been committed. It is important that members remain vigilant about enforcing our transfer rights, to ensure that the District staffs our classrooms appropriately.

Election Announcement

Each year, SDEA members have the opportunity to select representatives from among their colleagues to serve in a variety of elected positions. A special election for the SDEA Board Area III Secondary Seat will be held after the October 19 Representative Council meeting, and will be conducted via paper ballots which will be mailed to members' home and/or site. Specific dates will be forthcoming in The Advocate and online. Materials for the election are available for download at: www.sdea.net/about/sdea-elections.

October 2011



Know Your Rights!

What are workload rights?

In 2009 SDEA members won new workload protections. SDEA is one of the few – if not the only – educators unions in the state that has workload protections memorialized in a union contract. In general, our workload rights say that if there is new work put on our plates, work of a comparable quantity must come off our plates. There are nuances to the rule, though:

- ✓ This must be new work that was assigned after November 18, 2009.
- ✓ It must impact the workload of a job class (NOT individuals) at one or more of the following levels: grade, department, program, school or district wide.
- ✓ This language only applies to areas not already addressed in other portions of the contract (e.g. non-classroom supervision and class size).
- ✓ The impact of new work must be substantive for this language to apply.

Section 8.5.B of the union contract

All terms and conditions of employment impacting the workload of any certificated job class within the bargaining unit at the grade, department, program, school or district level shall be maintained at not less than the highest minimum standards in effect at the time this Agreement is signed.

Does this language mean the District can't make changes or add new work?

No, this language does NOT mean the District can't make changes that result in new work. It DOES mean that in doing so, something else of comparable quantity must come off our plates. This will require the District to consider the impacts of any new work, and ideally discourage the District from implementing new changes without first thinking them through and obtaining the input of front line educators.

What do I do if I believe I have a workload issue?

The first step is to talk to your AR. The process for enforcing this language differs from the regular grievance process and timeline. See chart below.

Date of Incident	Up to 20 workdays	Up to 20 workdays	15 workdays	Level Two Grievance Filed
	SDEA notifies District of the workload violation <u>within 20 work days</u> (e.g. AR notifies principal), and then moves immediately to next step.	SDEA/District "discuss" and attempt to resolve. If resolution not reached, or when 20 days elapse, grievance timeline begins.		Standard grievance timeline (15 days to hold Level One and file Level Two).

Sources: MOU between SDEA and SDUSD re: Unit Member Workload (November 18, 2009).

October 2011

Second Workload Special Education

Know Your Rights!

Are there any limits on my caseload?

Yes! The contract sets guidelines as to how the District should assign caseloads for Education Specialists (Mild/Moderate and Moderate/Severe), and Speech Language Pathologists.

Classification	Caseload
Mild/Moderate	20
Moderate/Severe	12
A mix of Mild/Moderate and Moderate/Severe	Proportionally reduce caseloads to conform with above caseload counts
Speech Language Pathologists (Elementary Schools)	55 (inclusive of a max. of 5 Speech Improvement Students and 5 RtI* cases)
Speech Language Pathologists (SEEC)	40 (inclusive of a max. of 5 Speech Improvement Students and 5 RtI* cases)
Speech Language Pathologists (Secondary Schools)	55 IEPs

*RtI = Response to Intervention

What's the Workload Committee and why should I care about it?

The Workload Committee includes union members and SDUSD Special Education administrators. It works to resolve workload problems. If your caseload is too high (whether it exceeds the numbers above or not), the Workload Committee may review your caseload and may offer solutions such as, reassignment, readjustment of aide time, and evaluation of student placement, or other reasonable solutions.

Talk to the Association Representative (AR) at your site about caseload issues that may need to be brought to the Committee.

I'm a General Education Teacher and have an increasing number of Special Education students in my classroom. What rights do I have in this area?

SDUSD should notify you before assigning a student with an IEP to your general education classroom. The union contract says that the principal should assign students with special needs "in such a way as to minimize the impact and equalize student load." This is often a good subject for a union meeting that includes Special Education and General Education Teachers.

Source: Collective Negotiations Contract, July 1, 2010–June 30, 2013 (Article 30 and Section 11.3)

*We Need a Workload Model!
My caseload is under the limit, but I'm still over-worked and struggling to keep up with students who require more time and more services. What can we do?*

Union members know that the number of students on a caseload doesn't necessarily paint an accurate picture of the amount of time and effort required to provide services to the students on a caseload.

SDEA and the District have agreed on the principle that workloads must be equitably distributed. If you feel that IEPs are not being equitably distributed at your site you can request to have your workload reviewed by the Workload Committee.