

THE ADVOCATE

SAN DIEGO EDUCATION ASSOCIATION

TESTIMONY CONCLUDES IN UNFAIR LABOR PRACTICE HEARING DEFENDING RIGHTS OF SDEA REPS

Legal testimony concluded April 20th in the case in which SDEA alleges SDUSD committed unfair labor practices when two principals reprimanded teachers who attempted to enforce Covid-19 safety protocols last year.

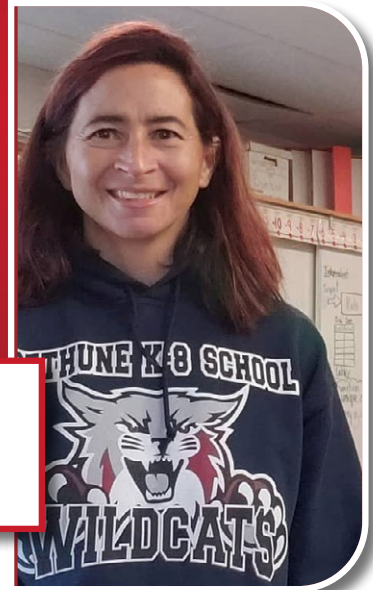
When schools reopened, SDEA members negotiated Covid safety protections with SDUSD, including a rule about 5-6 feet of space between student seats to prevent student outbreaks. Elizabeth Alyea, who was also the union rep at Toler, measured students' seats to check the spacing. "Not only was the spacing rule being broken, but when my principal found out I measured, she yelled at me and threatened me. I really thought I might lose my job just for looking out for kids' safety," Elizabeth said.

There was also a rule that classroom air purifiers be kept on and not turned off. But the principal at Bethune K-8 School distributed a flyer to teachers with direction to turn off air purifiers at the end of the day. Math teacher and SDEA rep at Bethune, Sara Ovadya, told the principal the flyer was incorrect, and then emailed the correct rule – to keep air purifiers on at all times – to the principal and teachers. "After my principal found out I emailed the teachers, she called me into her office. She was angry, and said I was contradicting her and undermining her authority," Sara said. "When health and safety is on the line, we can't be hung up on things like 'undermining authority'. This wasn't about the principal. It was about keeping people safe," Sara said. California law also says that when a teacher is acting in their role as a union rep, they are equal to the administrator, not a subordinate. This provides the union rep the right to contradict or disagree with the administrator, even publicly.

The actions of these two principals were unlawful because they tried to interfere in the union activities that are protected under the law. So Kisha Borden, teacher and SDEA President, filed an unfair labor practice charge on behalf of Sara and Elizabeth. "These teachers at Bethune



Toler Elementary
ELIZABETH ALYEA
3rd Grade Teacher and SDEA
Association Representative



Bethune K-8
SARA OVADYA
Math Teacher and SDEA
Association Representative

and Toler were absolutely doing the right thing," Kisha said. "No teacher should be yelled at, threatened with retaliation, or muzzled when they try to stand up for school safety, and the District needs to get the message that they shouldn't stand behind any principal who does that."

In the hearing, SDEA members were represented by a union attorney. A decision from the judge in the case is expected later this year.

CONTINUED ON PAGE 7

SDEA PRESIDENT



KISHA BORDEN

LETTERS IN SOLIDARITY

SDEA VICE PRESIDENT



KYLE WEINBERG

FIGHTING FOR A STRONG CONTRACT to Recover, Rebuild & Rise Together!

As we enter the home stretch of the school year, we want to put a spotlight on the recent May 1st International Workers' Day that [started in Chicago in 1889](#). Building on this decades-long tradition of collective struggle for worker rights across the United States and here in SDUSD, your elected SDEA site representatives recently approved a strong bargaining platform ([see next page](#)) that will guide our fight for our next union contract. The platform is the product of the priorities expressed in over 140 SDEA bargaining input sessions that impact our students and their communities.

WAGES: With the nationwide educator shortage crisis still raging, our district must utilize available funds to incentivize our educators to remain in San Diego Unified and in the teaching profession. We need to increase the salaries of San Diego's educators in order to keep pace with the rising cost of living and attract and retain the highest quality educators to our district. To address the hardest to staff areas, we must maintain our significant visiting teacher pay rates and hiring bonuses for special education positions.

STAFFING: The school shutdown and its impact on student academic and social-emotional well-being has highlighted the need for smaller class sizes that allow educators to provide more individualized support to students. To address the impact of the pandemic, we also must increase staffing to advance counseling services, restorative practices, Ethnic Studies, Community Schools, supports for multilingual learners and student physical health.

BENEFITS: San Diego Unified is the gold standard for other districts in the county with fully paid healthcare for educators and their families and multiple provider

options to choose from. We must keep it that way. We will also be fighting to extend summer healthcare benefits to temporary teachers so we don't lose newer educators to more competitive districts.

WORKING CONDITIONS: This school year has been challenging as students continue adjusting to returning to in-person learning. Educators need increased instructional planning and preparation time, especially for our elementary colleagues, to be able to focus on meeting the needs of our students.

ACCESS TO EDUCATION: The pandemic has magnified the digital divide in the communities we serve that impedes students' access to their education. To make strides toward closing this gap, we must provide students with access to broadband home internet. Access to education also means that students must have access to free and efficient public transportation.

This SDEA member-driven platform addresses the urgent needs of our students at a time when historic levels of funding are coming to school districts. Our schools and communities — historically underfunded and disproportionately impacted by the pandemic — need a comprehensive plan for pandemic recovery and beyond. This contract campaign will be our chance to make sure SDUSD moves forward in a community-centered direction that puts students and educators first. There's no telling that the district will do this, so ensuring that SDEA members at each site and program are ready to fight for this platform will be critical!

TOGETHER WE ARE STRONGER!

KISHA BORDEN
SDEA PRESIDENT

KYLE WEINBERG
SDEA VICE PRESIDENT



Educators are fighting for a union contract to

Recover, Rebuild, Rise Together!

Fully staff schools to recruit new educators and stop burnout

Pay and benefits to stop the staffing shortage

- Educator pay raises that keep up with cost of living increases
- Keep fully-paid family healthcare and improve dental and vision care
- Extend summer healthcare benefits to temporary teachers so they don't leave SDUSD for more competitive districts
- COVID retention bonus
- Hiring incentive to recruit special educators
- Wage parity for JROTC instructors and compensation for all VAPA extended day work

Make educators' work and family lives better

- More paid planning time so teachers can do our best teaching, including more preparation time for elementary teachers
- Fewer non-essential meetings so educators have more planning time
- Transfer rules that are fairer to educators and make schools more stable for students, including eliminating the elementary "TK-3 or 4-6" rule
- Improve rate for off-hours training workshops
- Expanded maternity and paternity leave



5.9.2022

Resources that address the impact of the pandemic on students

- Lower class size so elementary teachers can give students more one-on-one attention to overcome pandemic learning loss
- 3-5-year-old Universal TK students must continue to have both a TK Teacher and an Early Childhood Education Teacher in their classrooms
- More counseling services to meet students' increased mental health needs
- Hire more paraeducators so students with IEPs get the support they're entitled to
- Support for special education assessments so no student has to wait
- Close loopholes that allow SDUSD to overload special educators' caseload
- Strengthen SDUSD's online and independent study programs
- Invest in staffing to advance restorative practices, Ethnic Studies, Community Schools, supports for multilingual learners and student physical health
- Expand access to after school opportunities

Clean and safe schools

- Hire more custodial and maintenance staff to fulfill SDUSD's promise to keep our schools safe, clean and pest-free
- Lower class size in Physical Education classes to ensure safe supervision of students in the gym, on the field, and in the locker room
- Keep COVID air quality measures in place with portable and HVAC filters

Equitable access to education

- Broadband home internet available for all students
- Access to technology devices for all students and educators
- Access to free and efficient public transportation for all students

SDEA

**REACHES CASELOAD
AND SECONDARY
CLASS SIZE OVERAGE
AGREEMENTS!**



In Fall 2021, SDEA staff filed two unionwide grievances: one over M/M & M/S caseload and another over secondary class size overages. We have reached agreements on both and have won settlements, that provide significantly more compensation for SDEA members than settlements provided in past school years.

In both agreements, eligible unit members will get paid one (1) hour per student per week over caseload/class size retroactive to October 1, 2021. Each hour is paid at the Additional Hourly Classroom Assignment rate.

Click below to view each agreement.

- [EDUCATION SPECIALIST CASELOADS 2021-2022 AGREEMENT](#)
- [SECONDARY CLASS SIZE 2021-2022 AGREEMENT](#)

HOW DO I GET PAID THE CASELOAD/CLASS SIZE OVERAGE STIPEND?

Unit members shall submit either the "[2021-2022 Caseload Overage Reporting Form](#)" or the "[2021-2022 Secondary Class Size Overage Reporting Form](#)" to their administrator. Their administrator will verify the information is correct on the form with their signature. Once signed, the unit member must submit the form to their site Timekeeper.

FIND OUT IF YOU ARE ELIGIBLE, AND MORE, IN THIS [Contract Win! Caseload and Secondary Class Size Overage Agreement Flyer](#)

Teachers of the Year

ELEMENTARY SCHOOL
TEACHER OF THE YEAR

**ANDREA
LOYKÖ**

CLAY ELEMENTARY SCHOOL



ELEMENTARY SCHOOL
TEACHER OF THE YEAR RUNNER-UP

**RICH
REDMOND**

BAKER ELEMENTARY SCHOOL



MIDDLE SCHOOL
TEACHER OF THE YEAR

**JOE
PAULSON**

MARSTON MIDDLE SCHOOL



MIDDLE SCHOOL
TEACHER OF THE YEAR RUNNER-UP

**KIMBERLY
FRANK**

STANDLEY MIDDLE SCHOOL



HIGH SCHOOL
TEACHER OF THE YEAR

**JOSH
ROSENBERG**

SCRIPPS RANCH HIGH SCHOOL



HIGH SCHOOL
TEACHER OF THE YEAR RUNNER-UP

**JENNIFER
HARDEN**

SAN DIEGO HIGH SCHOOL



FIND OUT
MORE ABOUT
THESE AMAZING
EDUCATORS [HERE](#)



PHOTO by Joanna Kosinka

New Legislation Introduced to Win Equitable Rights for Career Technical Educators (AB 2573)

Last year, union members helped push for AB 388, which would have given permanent contract rights to career technical educators. Currently, the Education Code practically requires districts like SDUSD to keep these educators in probationary status year after year. Our students need a stable, experienced, and high quality workforce of educators to help them reach their full potential. Under the Education Code (44955), permanent employees

can be terminated for just-cause (*i.e. the district has to establish there is a cause for termination*) or as part of a layoff.

The law currently denies many CTE educators this basic professional right, hurts students and exacerbates the teacher shortage. Unfortunately, AB 388 did not make it through the CA Senate Committee on Appropriations. This is partially due to strong opposition from various school board organizations and rural county offices of education.

Hope is not lost. Last month, several members of the state assembly introduced AB 2573 which seeks to provide the same job security benefits to CTE educators, while avoiding certain hurdles that AB 388 faced in the state Senate.

The good news is that SDUSD, through our organizing as SDEA members, is one of the only public school districts who are on the record as supporting AB 2573.

In the meantime, it's important that members reach out to their Assemblymember and ask that they support a pathway for permanent status for all educators.

[SEND AN EMAIL IN SUPPORT OF AB 2573.](#)

TOGETHER WE ARE STRONGER



CONTINUED FROM COVER

The bottom line is that workers in this country have the right under the law to talk about health and safety issues at work, free from retaliation and threats of retaliation. But most workers in this country aren't part of a union, so don't have a way to fight back when the boss retaliates. When Sara and Elizabeth stood up for school safety and got shot down, they had the protection of a union

contract and a union attorney. If you believe teachers should be free to stand up for what's right, but aren't yet a member of SDEA, [now's the time to join](#).

Standing up for what's right takes bravery. If you know [Sara Ovadya](#) or [Elizabeth Alyea](#), it's a good time to reach out to appreciate them for doing what's right, even when it's hard.

Want to make sure your workplace is free from unfair labor practices? Here are some things to look for:

DO	DON'T
<p>Administrators respect members' right to talk to other members or their rep about workplace issues.</p>	<p>Administrators do not say, for example:</p> <ul style="list-style-type: none"> • "I want you to come to me before you go to your union rep." • "Why did you talk about this in a union meeting before you came to me?" • "Information about health and safety can only come from me, not the union rep."
<p>Administrators respect members' right to have a union representative present in any meeting or discussion that could lead to discipline of the member, or impact the "terms and conditions of their employment" (e.g. increase class size, lead to a transfer, increase work hours).</p>	<p>Administrators do not say, for example:</p> <ul style="list-style-type: none"> • "If you bring a union rep, then I'm going to have to bring the Area Superintendent." • "We don't have time for you to have a union rep." • "Do you really want to make this a bigger problem by bringing a union rep?"
<p>A member has the right to ask for the purpose of a meeting or discussion with an administrator so the member can decide if they are entitled to a union rep, and want to invoke that right.</p>	<p>Administrators do not say, for example:</p> <ul style="list-style-type: none"> • "You'll find out the purpose of the meeting when you get here." • "Students." (This is overly broad. It's a topic, not the purpose.)
<p>Administrators respect members' right to engage in union activities, like attend a union meeting, distribute union information, wear a union t-shirt, file a grievance, picket, and many, many more.</p>	<p>Administrators do not say, for example:</p> <ul style="list-style-type: none"> • "The reason we're having all of these problems now is because one of you filed a grievance." • "I highly discourage you from wearing a union t-shirt on open house night." • "Tell me who came to the union meeting. I want names."
<p>Administrators respect members' right to use district email for union matters.</p>	<p>Administrators do not say, for example:</p> <ul style="list-style-type: none"> • "Union emails to all staff have to be approved by me first." • "Union business has to be conducted on your personal email."



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San Diego Education Association

10393 SAN DIEGO MISSION ROAD STE.100, SAN DIEGO, 92108

PHONE (619) 283-4411 FAX (619) 282-7659 WEB WWW.SDEEA.NET



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