

# SBUT ANNOUNCER

South Bay United  
Teachers  
3551 Voyager Street #105  
Torrance, CA 90503  
(310)921-2500  
Fax: (310)921-2502  
sbut@aol.com  
www.sbut.org

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## EDUCATION FUNDING— The Target, Again.

Here we go again. The fight to protect public education never ends! We need your help to stop cuts in FEDERAL FUNDING this time.

Due to the “sequester”—predetermined, drastic cuts that will automatically go into effect if a budget agreement to do otherwise is not reached, California schools stand to lose \$262 million.

Congress did not act by March 1 so the across-the-board cuts have already started to be implemented. These cuts will impact students in special education, Head Start and early childhood learning. Our students cannot afford another round of devastating cuts to federal funding. The expected loss of membership at the national level is approximately 50,000 members—a big hit to the services provided to kids across the country. NEA is not expecting any votes or action to be taken in Congress this week and Democratic leaders in the Senate are asking to delay the cuts until January 1, 2014. **The continuing resolution expires March 27<sup>th</sup>** so we need to do a lot of work beginning now to ensure they take action before this date.

California’s expected loss is as follows:

- \$262 million in cuts to California
- \$91 million in cuts to Title I
- \$72 million in cuts to SPED
- \$2.8 million in cuts to charter schools
- \$6.9 million in cuts to career and technical education
- \$9.6 million in cuts to ELL
- \$3.7 million in cuts to active duty military/Impact Aid

If Congress fails to act by March 27<sup>th</sup>, we can expect government to “shut down.” So now it’s up to us. There are several ways in which you are needed to take part and join in sending a strong message to Congress that **our kids cannot afford any more cuts.**

### **Make a call:**

Please call 1-866-293-7278. You will be put through to your representative in Congress.

### **Send an e-mail:**

<http://www.capwiz.com/nea/issues/alert/?alertid=61492246>

It’s as easy as inputting your zip code and clicking on the message points provided. The more emails they receive the stronger the message.

### **Join the Conversation on Twitter:**

<https://twitter.com/edvotes>

Follow the conversation on Twitter: #kidsnotcuts and #jobsnotcuts

### **Post this status update to Facebook**

Sequestration budget cuts would be devastating for California students and schools and automatic cuts would have the greatest impact on those who can least afford it — our nation’s children. Please join me in sending a strong message to Congress... KIDS NOT CUTS! Just follow this link to send your message: <http://www.capwiz.com/nea/issues/alert/?alertid=61492246>. Thanks on behalf of our students!

### **California Sequestration Impact**

<http://www.sbut.org/SequestrationImpact.pdf>

### **Sequester Cuts**

<http://www.sbut.org/SequestrationCuts.pdf>

### **Sequestration Letter to Congressional Leaders**

<http://www.sbut.org/SequestrationLetter.pdf>

The work on behalf of public education never ends. We have to remain vigilant, however, because NO ONE is going to do it for us!

## TEACHERS— The Target, Again.

Proposition 30 passed and we breathed a sigh. We knew this didn't fix everything, but finally there was some good news for Education funding. Some of our districts, however, are still panicking, and claiming that the sky is falling. And once again they are looking at layoffs to "settle their stomach." Never mind the turmoil that causes for those who must endure the uncertainty and pain of being threatened with layoff.

If you have received a layoff notice, hopefully you have requested a hearing by now. After requesting a hearing you will receive an "Accusation" from the district (some districts give them at the same time as the RIF notice). You must then complete and submit to the district a "Notice of Defense" form. These are just legal terms that are used in lay-off proceedings.

Union members are represented in

the hearing process by a union attorney. Be sure the office has your current contact information.

Fee Payers have a right to a hearing as well and may represent themselves or hire their own attorney, however there is only one hearing for the group.

*"Teaching is not a lost art,  
but the regard for it is a  
lost tradition."*

*Jacques Barzun*

## Temporary Employees

Are you a temporary certificated employee? You are also a favorite target at budget time. Temporary employees do not receive RIF notices, but do receive a notice that specifies their services will not be needed in the coming year. Unfortunately, temporary teachers do not have the right to a hearing under California law. You should, however, be certain about your status. If you have been misclassified you may have additional rights. If you are a temporary teacher and question your status, you should contact the Union office. Answer this short quiz:

Are these statements true?

- You received written notification that your employment was temporary on or before your first day of paid service
- You received written notification that your employment was temporary in July of each year thereafter

To be classified as temporary, one of these should also be true. You are:

- replacing a permanent or probationary teacher on long term leave, or
- teaching a class or performing duties that will not last for more than the first three months of any school term, or
- serving in limited coaching assignment, or
- teaching one semester only in anticipation of a reduction in student enrollment, or
- teaching for no more than 20 days due to an emergency, or
- providing services in a non-mandatory categorically-funded program, or project, where you were hired for the term of the program or project

### CTA STATE COUNCIL POSITIONS OPEN

State Council is the statewide representative body of the California Teachers Association. It is the legislative and policymaking body on behalf of the membership and carries out the purposes of the Association. The State Council meets during weekend sessions four times each year.

Three-year terms (June 26, 2013- June 25, 2016):

State Council Representative & Alternate (MBUTA only)  
State Council At-Large (ethnic-minority) Representative & Alternate

If you are a CTA member and wish to be a candidate for State Council, you may download a Declaration of Candidacy form from the SBUT website ([www.sbut.org](http://www.sbut.org), and click on the "current news" link).

Elections will be in April. **Deadline for application submission is 5pm on Monday, April 1, 2013 to the CTA Bay Valley office.**

**REMINDER!  
DON'T FORGET  
TO TURN IN  
YOUR NEA REP  
ASSEMBLY  
BALLOT TO THE  
SBUT OFFICE!**

# Teaching in the Twenty-first Century

Teachers have historically received a great deal of respect and admiration from students and parents. Even in this day and age, our members report a tremendous amount of support and appreciation throughout the school year from students, parents and the community at large. It is true, however, that instances of parental complaints against teachers and other educators are on the rise. Maybe it's because there are so many more ways to make a complaint—via email or voice mail or text or social network. Or maybe it's that our senses are all now super heightened after learning of some horrible things that have reportedly happened to children. Whatever the cause, more and more accusations of misconduct are being made and those of you who are teachers, counselors and nurses, even school librarians, now find that there is growing scrutiny of the job you do for your students. This scrutiny is often coupled with an unfortunate willingness to think the worst before confirming the best.

So what can you do if faced with a complaint against you? Complaints typically come from one of three sources—a student; a parent/guardian or another district employee. Even if you are the most outstanding educator, at some point in your career you will have a student who is critical about some aspect of your practice. Through no fault of your own you may have a situation where the student or his/her parent lodge a complaint against you. Don't panic. There are a few things you should know, however.

Each of our local unions in South Bay United Teachers has contract lan-

guage that has been negotiated and covers how the District is to respond to complaints made against our bargaining unit members. In CVSTA that language can be found in Article 20. For MBUTA, it's in Article 10 and Article 17 covers complaints in PVFA's contract. RBTA's contract has "complaints" embedded into Article 9—Evaluations. Find your contract online at our website: [www.sbut.org](http://www.sbut.org) and click on your union and then the appropriate contract.

While there are differences in each union's contract, there are a number of provisions they have in common. If your administrator receives a complaint against you that could result in some type of reprimand or other negative action, the administrator needs to advise the complainant to go to you directly to try to resolve the matter. This is an informal step that is often successful if not overlooked. The District should notify you of the complaint and they have varying numbers of days in which to do that depending on the district in which you work.

If/when the District advises you that there has been a complaint against you, you should contact your site rep right away. If the administrator wants to meet with you, we urge you to bring a rep with you to that meeting. The administrator should allow reasonable flexibility for you to arrange a mutually acceptable time to meet with him/her. Be sure to allow time for you and your rep to talk before the meeting. They'll give you more advice.

Be sure that you are keeping good records of parent contacts and any discipline issues that arise. You may

want them one day to justify a grade or other actions taken regarding a particular student such as assigning detention, or not providing a recommendation for a student.

I cannot stress enough how important it is for union members to try to resolve their own differences without engaging administration. You may have many years of working together in front of you and to have a bitter disagreement that goes unresolved—or worse that an administrator has to step in and take some type of personnel action over is not in anyone's best interest.

If you do find yourself in the difficult situation of having a peer make a complaint to the District about you, please feel free to share that information with a rep as well. Realize though that a rep will not take sides with one member against another; we represent all bargaining unit members. Sometimes members feel they must report an incident to the district and in those instances, union reps may be present to help all members ensure their rights if there are any employment implications (investigations, reprimands in personnel files, etc.) Again, the union represents its bargaining unit members with the District, not against each other.

For more information about your rights as an educator, follow this link: <http://www.sbut.org/TeacherRightsHandout.pdf>.

In Solidarity,  
Sandra Goins  
SBUT Executive Director

# What Rights Do You Have?

Keep this information where it can be easily accessed. While it is not legal advice, it may be useful to have readily available. Teachers have the right to:

- ◆ Suspend students from class for two days (Ed Code 48910)
- ◆ Be informed of students' violent, criminal, harassing, or threatening conduct (Ed Code 49079)
- ◆ Make the final decision as to student grades (Ed Code 49066)
- ◆ Be notified within a reasonable time before a parent visits your classroom. (EC 49091.10)

Be sure to keep accurate and on-going records of student discipline. In meetings with administrators, our bargaining unit members have a right to:

- ◆ Ask what a meeting's purpose is before attending
- ◆ Be represented in meetings that might lead to discipline
- ◆ Request unusual directives in writing before complying
- ◆ Give no explanations until after consulting with a staff representative
- ◆ Refuse to submit a written statement until after consulting with a staff representative
- ◆ Remain silent and consult a lawyer if accused of conduct that could lead to criminal prosecution

In matters concerning parents:

- ◆ Parents are liable for willful misconduct of minor children that cause injury (Ed Code 48904)
- ◆ A parent who disrupts a class or school activity is guilty of a misdemeanor (Ed Code 44811)
- ◆ If a parent meeting becomes unpleasant, immediately stop and demand the attendance of a union representative or administrator.

**Be sure to keep a record of all parent and administrator meetings on file at home.**

- ◆ Teachers have a right to know specific details about complaints made about them including the identity of those who make complaints against them. See

your contract at our website [www.sbut.org](http://www.sbut.org). In the CVSTA contract, the complaint process is in Article 20. In MBUTA's it's Article 10. In PVFA's contract, complaints are covered in Article 17 and in RBTA's contract, complaint language is in Article 9.

In addition to these rights, your school district has responsibilities to its employees:

- ◆ Districts must notify law enforcement (Ed Code 44014) when a school employee is attacked, assaulted or threatened by a pupil
- ◆ Districts must establish and enforce a discipline policy (5 Cal. Code Reg. § 5551)
- ◆ Administration must implement fire, earthquake and lockdown drills and they should be practiced regularly (Ed Code 32001)
- ◆ The District must develop a School Safety Plan (Ed Code 32280-32289)
- ◆ The school district must maintain cleaned and stocked restrooms (Ed Code 35292.5)
- ◆ The State Legislature has made it a goal to have a working telephone in every classroom
- ◆ A school district must establish, implement and maintain an Injury Prevention Program (Labor Code 6401.7)
- ◆ Under Ed Code 49079, a school district must inform the teacher of a pupil who has engaged in, or is reasonably suspected to have engaged in any acts described in Ed Code 48900 (these include, but are not limited to the sale, possession or being under the influence of drugs and/or alcohol or other controlled substance, possession of a knife, or firearm.) This information shall be provided in confidence and for occurrences within the last three years
- ◆ The school district must not allow any parent, guardian or other person to materially disrupt classwork or extracurricular activities—individuals engaging in such behavior are guilty of a misdemeanor (Ed Code 44811)

For more on classroom disruptions, see Ed Code 32210, 32211 and Ed Code 44810. Also see Pen Code 627.2 and 626.7.

Members: Be sure to regularly checkout [www.neamb.com/192.htm](http://www.neamb.com/192.htm) for NEA sweepstakes opportunities:

NEA Member Benefits Sweepstakes

Win a \$500 Target GiftCard!

Prize: 1 \$500 Target GiftCard.

