

CTA TAKES A POSITION ON TEACHER DISMISSAL AND CHILD ABUSE BILLS

The California Teachers Association (CTA) supports streamlining and expediting the dismissal process to keep students safe, safeguard the integrity of the profession and protect the rights of educators. Under existing law, districts can immediately remove from the classroom any educator accused of immoral conduct or a serious crime, and can keep the accused employee away from students until the facts of the case have been determined. Several school districts such as LAUSD have failed to take appropriate action. AB 375 would update and streamline the teacher dismissal process, saving school districts time and money while at the same time ensuring due process. Existing law prohibits a permanent employee from being dismissed except for one or more specific causes, including, among other causes, immoral or unprofessional conduct.

AB 375 also removes outdated references in the Education Code, updates other sections consistent with current school calendars, and clarifies the responsibilities of both school districts and teachers with respect to the appeal process. "Sen. Alex Padilla has announced that he is dropping SB 10, a bill which CTA had previously opposed, and will instead co-sponsor AB 375 by Assembly Education Committee Chair Joan Buchanan."

Key points:

- We commend Assembly Member Buchanan for taking the lead on two bills that address matters im-

pecting California's educators and the students whom they are entrusted to teach. We appreciate Senator Alex Padilla for joining the efforts as a co-sponsor.

- CTA is concerned with keeping students safe, safeguarding the integrity of the profession, and protecting the rights of educators. CTA supports these bills because they provide immediate protections for students and streamline and shorten the dismissal process to ensure charges are handled fairly and in a timely manner.
- Districts have the power under current law to immediately remove from the classroom educators accused of immoral conduct, but as seen in recent cases, they often fail to act. AB 375 establishes clear and timely procedures for dismissal that reinforce the district's responsibility, while protecting educators' professional rights.
- CTA strongly believes school districts should be penalized for not following the law and failing to report serious misconduct to the Commission on Teacher Credentialing.
- AB 1338 requires all districts to develop a policy on mandated reporting of child abuse that complies with current law. CTA wholeheartedly supports a safe environment for our schools and communities.
- We look forward to having many conversations with legislators as these bills make their way through the legislative process.

For more facts on dismissal bills, go to www.cta.org/en/Issues-and-Action/Legislation or visit our Facebook page at <https://www.facebook.com/SouthBayUnitedTeachers>

STATE COUNCIL NOTES:

CTA State Council re-elected President Dean Vogel and Vice President Eric Heins at its April meeting. They join Secretary-Treasurer Mikki Cichocki-Semo who was re-elected at a previous meeting.

USE SCHOOL TECHNOLOGY WISELY

Technology has the power to transform and enhance the work you do as education professionals. Be aware of the potential hazards, however, and keep these tips in mind when using school computers:

Acceptable Use Policy

Check if your employer has an Acceptable Use Policy for using technology. Your district or community college likely has separate policies for students and employees. The Acceptable Use Policy should define where, when, and how long employees may use computers and network services.

Be Prudent About Content

Don't access, accept, or transmit anything that can be interpreted as obscene or pornographic. Review

the Acceptable Use Policy about any other potentially objectionable material.

Non-Commercial Use

School & college networks usually prohibit using their network and computers for commercial purposes, such as promoting a personal business.

Protect Student Information

All confidential student data such as Individualized Education Programs (IEPs), grades, and all other private data must be secured, even on a computer. Establish a password that will limit access to computers you use for confidential material, and do not share your password with others (ask your technology staff for assistance if needed).

Your Public Employer Owns Your Email

Do not send anything you wouldn't want read by your employer, or possibly the public. The school district or college owns and controls the email system. Even deleted email can be retrieved and used in lawsuits. Do not send any confidential or private email at work. Using the district's hardware, including WiFi, allows the district access to your device, even if it is your own property.

Monitoring Student Use

You might be held responsible for inappropriate student use of technology. Because it is impossible to supervise student use at all times, check if your district has a "reasonable supervision" standard.

Social Networks—Staying Connected in the Age of Technology

NEA, CTA and SBUT are staying connected via social networks. We encourage you to join us in being smart and using this media responsibly. Assume that everyone sees everything you post—parents, students, your employer, your clergy and your family. Don't post or link to things that you would not want everyone to see, regardless of your settings.

Check us out on www.sbut.org.

"Like us" on FACEBOOK: <https://www.facebook.com/SouthBayUnitedTeachers>

Safety First: What Are Your Rights?

Your District has to provide a safe environment for you and your students. If there is a problem with your classroom or buildings at your site, be sure to report it immediately.

If there is a problem with dangerous students, parents or even staff, be sure to report that as well.

THIS APPLIES TO THREATENING STATEMENTS MADE VIA SOCIAL MEDIA. IF YOU HAVE REASON FOR CONCERN BASED ON FACEBOOK POSTS, TWEETS, OR OTHER SOURCES, REPORT THIS TO YOUR SUPERVISOR.

If someone assaults you, a police report must be filed immediately. It

is actually a misdemeanor *not* to make such a report.

If there is a member-to-member dispute, the Union cannot intervene—you must file a complaint with the District. The union does not represent members against other members.

Over the past 25 years, the law firm of [Gordon, Edelstein, Krepack, Grant, Felton & Goldstein, LLP](#) has established itself as a recognized leader in Personal Injury and Workers' Compensation law in Southern California. This article comes from their online newsletter:

Protecting Your Rights: The First 90 Days of a Workers' Compensation Claim

By [Keith C. Mackenzie, Esq.](#), Associate, Gordon, Edelstein, Krepack, Grant, Felton & Goldstein, LLP

Reporting a work-related injury to one's employer and formally filing a Workers' Compensation claim can be an intimidating proposition. Many workers don't fully understand their rights and fear retaliation from their employer should they file such a claim. Others fail to pursue legitimate claims out of a misguided sense that someone filing a Worker's Compensation claim is trying to get away with something, or is somehow taking advantage of their employer or "the system."

What you might not realize is that the Workers' Compensation system exists to protect employers, not penalize them. In most instances in California, workers who are injured on the job are legally prohibited from suing their employers in civil court. This is true even where a worker is injured through gross negligence on the employer's part. This prohibition exists to protect businesses from incurring prohibitively expensive litigation costs whenever an employee sustains a work-related injury. The tradeoff is that employers are required to carry Workers' Compensation insurance or to be permissibly self-insured to allow for a system to assist injured workers in receiving benefits, including medical treatment and monies, in an expeditious manner.

You should advise your employer immediately if you have suffered a work-related injury. The timelines and rules outlined here apply to the first 90 days after a claim is filed. It is important to understand these so that you receive the full range of benefits to which you are entitled.

1. Once an employee has notified the employer of a work-related injury, the employee should be provided with a Workers' Compensation Claim Form, known as a DWC-1, to complete. Presenting a completed DWC-1 form to an employer initiates the Workers' Compensation claim process. Verbally reporting the injury is not sufficient to trigger an employer's responsibility to initiate benefits. Be sure to keep a copy of the form for your records as it is one of the most important documents in your case.
2. Within 14 days of receipt of the Claim Form, the employer must accept, reject or delay a decision regarding the industrial injury claim. If the claim is put on delay, the employer has 90 days to determine whether to accept the claim. During this delay period, the employer is required to furnish up to \$10,000 worth of medical care to the injured worker. The employer is not, however, required to pay temporary disability benefits for wage loss during this delay period. Therefore, if the employee is off

of work because of the injury, and the employee paid into the State Disability Insurance (SDI) system or has some other disability policy through work, he or she should apply for these benefits.

3. One of the most important issues during the beginning stages of a Workers' Compensation claim is deciding when and where to begin medical treatment. The employer is legally entitled to choose the medical provider for the first appointment. However, many injured workers are under the mistaken impression that they must continue treating with this initial physician. It is the employer's duty to notify injured workers of the existence of what is known as a Medical Provider Network (MPN), which is a list of preapproved doctors from which an injured worker can choose.

Usually, such notification comes in the form of a letter with a website the worker can go to find a doctor. An injured worker can pick a new doctor off the MPN immediately after the first visit with the assigned company doctor. Not all employers have MPNs. In this case, the employer has medical control for the first 30 days, then an injured worker can designate any doctor who accepts Workers' Compensation insurance starting 30 days after the employer's receipt of the Claim Form. Often times injured workers reach out to an experienced Workers' Compensation attorney during the early stages of an injury claim to seek assistance in identifying a qualified treating physician, as prompt and effective medical treatment can assist an injured worker in making a speedy recovery.

4. In some cases, the insurance company will request a panel Qualified Medical Evaluation (PQME) with a state PQME within the first 90 days. Sometimes such an evaluation will be completed as part of the employer's investigation of the claim, during the first 90 days, to assist them in evaluating whether to accept or deny the claim. The outcome of this evaluation can have a great impact on your case and often times an injured worker will seek the advice of experienced legal counsel before seeing a PQME.

If the claim is not denied within 90 days, an injury will be "presumed compensable," meaning that the injury will be accepted and the employer is barred from presenting evidence to the contrary if that evidence could have been obtained during the 90-day period. This consequence proves to be a great advantage to the injured worker.

NEA Works4Me: www.nea.org/tools/Works4Me.html

Do you love rewards that don't cost anything? One of our readers allows her students to trade their regular chair with the computer swivel chair for the week. Another gives really creative passes such as his "Slurp-Pass" that allows a well-behaved student to bring a drink to class. Here are other no-cost reward teachers use to motivate students:

- We have been brainstorming ideas for whole-class rewards for meeting a class goal: Dance Party; Sing-A-Long; Outside Reading Time; Picnic Lunch; Game Party; Bring a Stuffed Animal to School Day; Sit Where You Want Day
- [ClassDojo](http://www.classdojo.com) is my favorite! (www.classdojo.com) It's an online reward system based on points. The students can earn positive and negative points. Teachers can set up their own behaviors. Reports can be printed or emailed to the parents. Students can also access their accounts and look at their points. I love ClassDojo!
- I know one teacher who rewards her class with just herself dancing. It cracks the kids up and they love it. Play an indoor or outdoor game with students vs teacher. If you want to keep it academic, have a class quiz where the students have created the questions. Could arrange Qs on a Jeopardy-like board.
- Check out Whole Brain Teaching!!! There is a website, videos on youtube and I can personally testify that it works!!! And the rewards are fun games to play for review in any subject!! AND they will come to your school for free to give professional development on the management system.
- How about a Homework Pass for a subject. The students get to choose a night when he or she doesn't have to do their homework, and turns in the pass instead of the subject homework.
- Food works great! I stock up after each holiday, put it in the freezer, and pull it out periodically. Be careful for nut and lactose problems. I usually get smarties or nerds candies.

Why switch to CTA-endorsed disability and life insurance?

CTA members have unique insurance needs. That's why CTA makes voluntary disability and life insurance plans available to members through Standard Insurance Company (The Standard). The plans have unique features specifically designed for education professionals, including:

- Provisions to allow for continuation of coverage during temporary layoffs and labor disputes.
- Access to the CTA Advisory Panel on Endorsed Services.
- Coverage for extra-duty pay such as coaching and tutoring.

The need for disability and life insurance is very real. Each year, almost 5,000* of your peers receive much-needed help from the CTA-endorsed plans.

From **April 1 through May 31, 2013**, members who have disability and/or life insurance coverage through another provider have a special opportunity to make a switch to the only CTA-endorsed disability and life insurance plans. To start the change-over process, call The Standard's dedicated CTA Customer Service Department at **800.522.0406** from 7:00 a.m. to 6:00 p.m. Pacific time.

**From 9/1/11 – 8/31/12, based on data developed by The Standard*

For costs and further details of the coverage, including exclusions, benefit waiting periods and any reductions or limitations and the terms under which the policy may be continued in force, please contact The Standard's dedicated CTA Customer Service Department at 800-522-0406 7:00 a.m. to 6:00 p.m.