

Rep Council Minutes
October 18, 2007

Officers present: President Marc Houle, 1st Vice President Bob Ruark, 2nd Vice President Terri Jo McNaul, Communications Secretary Naomi Lukaszewski, Treasurer Kelly Logan, 6-12 Director Candy Smiley, K-5 Director Karen Wusthoff

Membership: *Secretary's Note: Membership totals are still in the process of being calculated.*

School & Members Represented:

High Schools New Direction	Middle Schools	Elementary Schools and PPAP			
ABR	BHMS	AB	HR	PV	SR
MCHS	BMMS	CHAP	MID	POM	TB
PHS	MBMS	CRKS	MCRK	RH	TBCK
RBHS	MVMS	CV	MR	SCRK	VAL
N. DIR	OVMS	DC		SD	WW
	TPMS	GR		SH	

Handouts: Agenda with attachments

Yearly Out of Pocket and Total Premium Amounts for 2007 and 2008

CA Health Care Coalition Information Sheet

Every Child Holds Opportunity Information Packet

Letter from Gattey Baranic LLP, Attorneys at Law re: CLAD Requirement

Information Items for Rep Binders

Student Grade Policy: Ed Code and PUSD Board Policy

Call to order: 3:55 p.m.

I. PFT Budget-K. Logan

A. June 2007: Membership approved dues increase in order to help meet goal of meeting fiscal obligation to District within fiscal year.

1. 2006-2007: Salary reimbursement paid to District in October 2006.

2. 2007-2008: Salary reimbursement paid to District in September 2007.

3. PFT is making forward progress on reimbursing District and discharging debts within a single fiscal year.

B. Affective Factors

1. Close examination of expenditures enabled PFT to reduce energy and phone costs.

2. Enrollment increase resulted in hiring more staff and increased membership.

a. 2006-2007: Enrollment was 200 students over projections.

b. 2007-2008: Enrollment was 400 students over projections (figures are unofficial).

II. Restructuring-K. Wusthoff, R. Ruark-see Agenda Attachment #1

A. Thanks to Executive Council Restructuring Committee.

1. R. Mercurio, C. Boone, S. Rosenthal, G. Strachan, K. Hizal.

B. Discussion Purpose

1. No decision will be made today. Discussion only to focus ideas and build consensus.

a. Reps need to come to consensus on recommendations at November Rep Meeting. Membership will vote on recommendations in December.

2. Job Descriptions and details of proposed changes provided in packets at each table.

a. Reps had received this information through e-mail in August and September.

C. 4 Major components to discuss

1. Executive Board Configuration

2. Nominating Committee Duties

3. Election Timeline

4. PFT Presidential Succession

Executive Board Configuration	
Current	Proposed
<ul style="list-style-type: none"> • 1st & 2nd Vice President • Secretary • Treasurer • Each elected Officer receives \$5000/year stipend <p>Total cost: \$20,000/ year</p>	<ul style="list-style-type: none"> • Vice President, High School • Vice President, Middle School • Vice President, Elementary School • Vice President, Special Education (SPED) • Secretary • Treasurer • Each elected officer receives \$5000/year stipend <p>Total cost: \$30,000/year Additional \$10,000 over current configuration</p>
<p>Questions & Comments (received via e-mail by PFT Staff):</p> <ul style="list-style-type: none"> • The Vice Presidents need to be knowledgeable about their grade levels. There is nothing limiting eligibility for these positions. • How will the Vice Presidents be elected? Will everyone vote for them or will they just be elected by the grade levels they represent? • Will we need a dues increase to pay for extra officers? 	

Discussion re: needing a dues increase:

- Can we afford \$30,000?
- Yes. It's not \$30,000 more a year. It's only \$10,000 more. Currently the cost of stipending officers is \$20,000.
- How are we going to do that without another dues increase?
- Regarding the dues increase: Are we going to have one in the future? Yes. At some point, *someday*, there is going to be a need for a dues increase. Costs go up, enrollment changes. However, we do not anticipate an increase this year. We have had two years of enrollment growth which resulted in more teachers being hired which increases our income through agency fees and dues. The last two years, the District has been basing budget projections on zero growth in enrollment and then enrollment has gone up. If this becomes a trend, we will negotiate accordingly. However, it would be fiscally irresponsible to state that we are not going to have a dues increase at all. There will be one, but we're not planning on having one this year.
- I would like to hear from the current Vice Presidents. Do we need two more?
- Yes. We're not just increasing the number of officers. We need to have the perspective that officers from each level would provide. At one point, the Executive Council leaned heavily toward a High School/Middle School background. Now it is predominantly Elementary and [C. Smiley] is the only High School person. The Executive Council makes decisions that affect everyone and we need to have all points of view.
- We also have spoken about the need to build capacity. This helps us build capacity. It gets more people from all the levels involved.
- As for providing a Special Ed point of view, we have been relying on a SPED teacher who voluntarily represents us at the state level.

RE: Election "At-Large" or by a constituency:

- At Executive Council and Restructure Committee meetings, it was pretty much agreed that High School teachers should vote for the High School Vice President, etc. The difficulty was the SPED Vice President. How do you vote if you are a Special Ed teacher? Do you vote only for SPED? Do you vote twice? What if you split your time between a Middle School and High School campus? Do you vote three times?
- I think you should vote for the level you work at.
- This argument came up with committee and we felt that since SPED had their own Vice President, they should vote only for the SPED Vice President.
- How many SPED teachers are there?

- 212.6 [The decimal is due to some teachers working a less than 100% contract]
- Each level has different SPED issues. I think the SPED teachers should be allowed to vote for both their level and for a SPED teacher.
- I'm a SPED teacher at the elementary level. If given the choice, I would choose to cast my vote for the SPED Vice President.
- SPED has encroachment on the general fund that affects everyone. Everybody should be able to vote. It's not a SPED issue. It's everyone's issue.
- If you are a General Ed teacher and you have an issue that deals with SPED, who do you go to? Do you go to the SPED Vice President or Vice President of your level?
- We used to know everyone. Basically, it was Don and Don and Marc. Now. Most of us have no idea who the people holding these positions are. Why don't we just all vote?
- The Executive Council decides on issues that affect everyone. Everyone should get to vote on who is going to be making those decisions.
- My school does not want someone out of their level voting for someone who is going to impact and represent their level.

Consensus: Changing the configuration is acceptable. How to vote for these officers needs to be decided. There are 3 choices:

- 1. SPED teachers vote only for SPED Vice President for both SPED Vice President and Vice President of their assigned level (High School, Middle School or Elementary).**
- 2. SPED teachers vote only for SPED Vice President.**
- 3. Voting is done "At Large". Everybody casts votes for each office, regardless of grade level.**

The Reps are requested to take these three options back to their site for feedback and further discussion at the November rep meeting.

Nominating Committee Duties	
Current	Proposed
<ul style="list-style-type: none"> • Select and endorse a slate of officers 	<ul style="list-style-type: none"> • If no candidates apply for nomination, select qualified persons to run for office
<p>Questions & Comments (received via e-mail by PFT Staff):</p> <ul style="list-style-type: none"> • None submitted 	

No discussion.

Election Timeline	
Current	Proposed
<ul style="list-style-type: none"> • Representatives and Officers elected yearly in December. • President elected every two years in May. 	<ul style="list-style-type: none"> • Representatives and Officers elected yearly in May. • President elected every two years in May.
<p>Questions & Comments (received via e-mail by PFT Staff):</p> <ul style="list-style-type: none"> • None submitted. 	

Discussion:

- There was only one concern expressed about a yearly cycle for all the officers and that was what would happen if all the officers decided to leave office at once. It was felt that this would create a vacuum of experience and knowledge.

PFT Presidential Succession	
Current	Proposed
<ul style="list-style-type: none"> • In the event that the President cannot finish his/her term in office, the current 1st Vice 	<ul style="list-style-type: none"> • Executive Council appoints interim President. • Appointment is ratified by Representative

President would become President for the remainder of the term.	Council by vote of 50% +1. • Interim President serves until Special Election.
Questions & Comments (received via e-mail by PFT Staff):	
• None Submitted.	

No discussion.

III. Health and Welfare Negotiations—*see handout*

A. Background Numbers and information.

1. \$20,700,000 budgeted for insurance
2. \$2,409,000 provided for “cell enhancement”.
3. \$200,000 one time money for 2008 cell enhancement.
 - a. \$102, 919 rollover into 2009.
4. Insurance follows regular calendar year.
 - a. Current agreement begins in January 2008.
5. Returning Scripps as an option was not fiscally possible.
6. COLA 4.53%
7. Cost increases:
 - a. Kaiser 14.4% increase
 - b. HMO (HealthNet) Silver 9.5% increase
 - i) When 14% increase in self-insured Rx plan is factored in the HMO Silver increase is 10.2%
 - c. HMO Full 17% increase
 - d. HMO-PPO 16.8% increase

B. Agreement

1. District absorbed 10.2% increase for all HMO Silver and 14% increase for Kaiser.
2. District will absorb 10.2% of cost increases for HMO Full & HMO-PPO.
3. All employees will have their Out of Pocket Expenses reduced by \$100/year.
 - a. Employees who are paying for 2 or more dependents had their out of pocket amount adjusted so that all employees are paying approximately 1/3 of total premiums for dependent coverage.
4. All coverage and co-payments remain the same.
5. Dental plan switch from Plan Handlers to Delta Dental
6. Increase in frame allowance for eyeglasses.

C. Total Compensation

1. District pays all premium costs for employee.
2. District pays 2/3 of premium costs for dependent coverage.
 - a. Example: Premium for employee plus 2 dependents: \$14, 352/year. Employees who have this plan pay only \$3800 of total cost.
3. Other districts pay all insurance costs but this leaves less money for salary.
 - a. This has also led to financial difficulty for some districts.

IV. California Health Care Coalition (CHCC)

A. Non-partisan, non-profit company who provides facts and figures for Health Care.

1. Unlike brokers, CHCC does not accept a commission from any Insurance Companies.
2. Charges clients \$1 for every insured person.

B. Brokers charge clients a fee as well as receive a commission from the Health Insurance Companies.

1. All information from/about the Insurance Company to the client flows through the Broker.
2. Seeming conflict of interest.

c. PFT Interest

1. To cease using a broker and engage CHCC.
2. PFT and District Administration meeting with CHCC on October 23.

V. Calendar Discussion-K. Wusthoff—*see handout*

A. Information

1. PFT does not have the right to set the start and end dates of the calendar.
 - a. This was determined in court. (see discussion below)
2. Final calendar will be in effect for two years.

B. Teacher Interests

1. Continue 1 week breaks for Thanksgiving and February.
2. Continue 2 week break in December
3. 1st day of school as late in the week as possible.
4. Elementary concern: Professional Growth Days within calendar set on Mondays to avoid Time Banking Days.
5. Keep current salary compensation which includes 5 Professional Growth Days.
6. Have 2 Professional Growth Days before start of school.
 - a. Feedback from teachers this year indicated about 60% in favor and 40% opposed to Professional Growth before the start of school.

C. District Interests

1. Set calendar to meet all stakeholders interests as much as possible.
2. Stakeholders & Interests
 - a. Teachers (see section V, line B)
 - b. Classified staff
 - i) Would like to recapture January professional growth day for Classified.
 - c. Transportation and Food staff
 - i) Would like more time before start of school to prepare.
 - d. Parents
 - i) Do not want shorter summer
 - ii) Non-students days on Monday or Friday, aligned across levels (secondary and elementary)
 - iii) Few weeks broken up as possible.
 - e. Religious considerations
 - i) Friday afternoon graduation would violate the Sabbath
 - f. Students
 - i) 1st day of school as late in the week as possible.
 - g. Administrators
 - i) Capture site professional growth time
 - h. Professional Development Advisory Board
 - i) capture some on-going professional growth time
 - i. Business Department
 - i) Capture as much money as possible.
 - ii) Data indicates increased ADA with longer Thanksgiving and February breaks.

D. Straw Poll: Which Option did your site prefer? Option 1 or Option 2?

1. Today's vote *will not* determine the calendar. The vote will allow C. Smiley and K. Wusthoff to know which the majority of the teachers prefer and act accordingly.
 - a. Option 1: 1 Professional Growth Day before start of school, Tuesday Student start day, 1 Professional Growth Day in January.
 - b. Option 2: 2 Professional Growth Days before start of school, Wednesday Student start day.

K. Wusthoff called off sites and reps reported out voting. A circle around the number indicated a strong preference for the option. Sites whose reps were not in attendance were marked "No results."

Secretary's Note: Reps were repeatedly notified about the need to bring site feedback to the October Rep meeting. They were also told this would be the only opportunity to provide feedback since the Calendar Committee would be meeting to finalize the Calendar before the November Rep meeting.

Question: What are the parameters for the two Professional Growth Days before school? Do we know at this time?

Response: This year, with two different textbook adoptions, Elementary did not have the opportunity to go have a choice. Next year, they will have 1 day for Math and 1 days of choices. That's all we know so far.

Question: I know from the Progress Report committee that there was some talk about extending the first trimester. Is that going to happen?

Response: We need to determine the start and end date of school before we can adjust the rest of the calendar.

Question: Why are the other groups more in favor of Option 1?

Response: Classified staff and Administrators would like to recapture the January professional growth day. Classified fought very hard to get professional growth. They have to be on-site for the two days prior to the start of school. Administrators would like to be able to do some site based professional growth.

Consensus: The results of the straw poll showed a majority of sites in favor of Option 2 by about 2:1. Therefore C. Smiley and K. Wusthoff will press for Option 2 at the next Calendar Committee meeting. This does not guarantee that Option 2 will be the final choice.

Discussion: Should [C. Smiley and K. Wusthoff] fight for this?

- *Several reps indicated "Yes" vocally or by nodding their heads.*
- Why don't we have a choice in the calendar anymore? We used to be able to choose what we wanted.
- Yes, at one time, due to strong negotiating on our part, we did have quite a bit of say on the calendar. However, [about 10 years ago], after the reps had reached a decision on the calendar. A teacher, who shall remain unnamed and who was not a rep, came to the meeting and demanded to revisit the entire issue. After a contentious meeting, and many demands on the part of this teacher, the reps, by a one vote margin, decided to revisit the issue. The District responded by removing the calendar from negotiations. PFT filed a grievance and an Unfair Labor Practice with PERB (Public Employee Relations Board) and lost on both counts. The result is although we can negotiate days within the calendar, the District has the sole discretion of setting the start and end date of school.
- You know, the driving force at my site was the day the students started. That was the main factor in the decision to go with Option 2. Not when we have Professional Growth.
- That was the same at my site but not because we don't care about Professional Growth. We feel we have ongoing Professional Growth through TLC (Teacher Learning Consortium). That day in January isn't Professional Growth to us. It's the day we do busywork for the Administration. It's not a frivolous decision.
- A full week of school the very first week is hard on the students. Kindergartners in particular are exhausted.
- The student members of the Calendar committee have also expressed their desire for a start date late in the week.

VI. ECHO: Every Child Holds Opportunity D. Thompson, ABES rep/ CFT SPED rep—see handout

A. Coalition of SELPA (Special Education Local Plan Area) directors seeking to raise public awareness about Special Education Issues and develop coalition of state and local organizations that support ECHO goals.

1. Address misconceptions, lack of federal, state and local funding.

a. Lack of federal and state funding on mandated programs impacts district budgets.

B. ECHO would like endorsement from PFT.

Question: Do they want money or just to use our name?

Response: Just our name.

No objections raised to allowing ECHO to name PFT as an endorsement party.

VII. Administrative Designee-M. Houle

A. New Special Ed Executive Director, W. Smith-Rogers seeking to increase Principal participation in IEP meetings and release Program Specialists to focus on running programs.

1. Issued memo re: Administrative Designee Training

a. Voluntary training for Special Ed Personnel (Classroom teachers, Resource Teachers, Speech pathologists) to stand in for the administrator.

b. Memeo had specific guidelines for Designees

2. Participation in training is completely voluntary.

a. Those that do choose to take the training will be expected to attend 1-4 meetings in lieu of the principal.

3. Principal can only use designee if the principal cannot attend meeting due to compelling reasons.

a. Teachers cannot be required to attend meeting as designee simply because principal does not desire to attend the IEP.

b. Teachers cannot be required to attend training.

c. Designees are to attend only “non-contentious” meetings.

Discussion:

- This is one more thing being dumped onto my plate. We are not even being compensated for this,
- PFT is not going to tell principals that they cannot ask for volunteers to do something. However, we can monitor use of designees and step in if it is being abused. If Site Administrators are not at meetings on a regular basis we need to be notified.

VIII. CLAD Update— M. Houle *see handout*

A. Legal opinion from Gattey Baranic, attorneys for PFT

1. Question from PFT: Can the District require CLAD as a condition of employment?

2. Answer: Yes, they can.

B. Gattey Baranic conducted review of PFT provided documents and all applicable legislation, legislative history, and statutes.

C. PFT cannot do anything for a teacher who does not or will not get CLAD certification.

IX. Rep Info-K. Wusthoff—*see handout*

A. TSA 3rd Party

1. Everyone should have received a letter at home regarding the change in accessing retirement accounts.

2. District must monitor all transactions.

3. 3rd party administrator has been contracted by the District at no cost to holder of TSA.

B. NCLB Reauthorization

1. Please contact your local, state and federal representatives regarding NCLB.

2. As currently written, all schools will be “Program Improvement” schools regardless of increased growth in student achievement, teacher quality, or programs in place to close achievement gap.

a. All students must score “Proficient” or better on state tests in 2013-2014.

3. Before reauthorization, NCLB must be re-written.

C. Using Discipline for Academics

1. Teacher establishes discipline in the classroom

2. Principal cannot require or prevent Teacher from restricting students from activities.

- a. Entire class cannot be restricted.
- b. Students must be given a reasonable amount of time to use the bathroom and eat lunch.

D. Parent Volunteers

1. Ed code states that parents are allowed to volunteer at school. However, classroom assistance requires teacher approval.
2. If a teacher does not want a parent in the room, the parent cannot be in the room.

E. Movement on pay scale

1. Teacher must be in “paid status” for 141 days in a full time assignment in order to advance a step on the pay scale. Accumulated sick leave is considered paid status. Extended sick leave is not.

F. Student Grading practices

1. Ed code states that grades are determined by the teacher of the course.
 - a. District or Site administration may not require a teacher to change a grade.
2. PUSD School Board recognized and affirmed Ed code regarding grading.

Meeting adjourned: 5:30 p.m.

Next meeting: November 8, 2007

Submitted by Naomi Lukaszewski, PFT Communications Secretary