

Rep Council Minutes
March 12, 2009

Officers present: President Marc Houle, High School Vice President Bob Walker, Middle School Vice President Bob Ruark, Elementary Vice President Stephanie Martin, SPED Vice President Jan Van Horne, Secretary Naomi Lukaszewski, Treasurer Kelly Logan, 6-12 Director Candy Smiley, K-5 Director Karen Wusthoff

School & Members Represented:

High Schools New Direction	Middle Schools	Elementary Schools and PPAP			
ABR	BHMS	AB	HR	RH	TBCK
MCHS	BMMS	CHAP	LP	SCRK	VAL
PHS	MBMS	CRKS	MID	SD	WG
RBHS	MVMS	CV	MCRK	SH	WW
WVHS	OVMS	DC	MR	TB	N. DRI
	TPMS	DS	PR		NURSE
		GR	PV		

Handouts: Agenda with attachments

Letters for campaign

Call to order: 4:00 p.m.

I. Open Agenda Items

A. PFT's role in determining layoff criterion

1. Seniority determines order of layoff notices and re-employment
2. Wanted to have input on "tie breakers" and competency standards.
 - a. District chose not to follow PFT's recommendations for tie breaker order.
3. PFT consulted with legal counsel
 - a. Was advised that according to law, tie breakers were not negotiable items.
 - b. PFT did not have legal recourse to contest tie breakers.
4. List is not the same as last year.
 - a. District added first date of temporary service, National Board Certification.

B. Shared Contracts

1. Teachers who are sharing a contract are not "linked".
 - a. Teacher with more senior hire date is not able to "protect" her partner.
 - b. Teachers in shared contracts do not have additional rights to rehire in order to preserve partnership, regardless of the partnership's success or working relationship.
 - c. Temporary teachers sharing a contract will be released. If that teacher's partner wants to continue at 50% status, a teacher from the pool of laid off teachers must be offered the position first in order of seniority date.
2. Technically, teachers are not sharing a single contract; they are on 50% leave.
 - a. A secondary teacher on 50% leave may teach only 2 periods instead of 4.
3. PFT is arguing for a more liberal policy regarding shared contracts during negotiations.
 - a. Suggesting increased fringe benefits for teachers sharing a contract to make the arrangement more attractive.
 - b. Shared contracts preserve teaching positions and can save the District money.
 - c. A mid career teacher who goes to half time and is replaced by a new teacher can save \$30,000.

C. Decisions around tie-breakers

1. PFT will review decisions made around tie-breakers including the formal and informal handwritten notes made by the Human Resources (HR) techs.

D. Health Insurance for retirees.

1. Perversely, the poor economy is keeping inflation on medical costs low which tends to keep insurance premiums low.

E. Seniority Listings

1. There are several lists.
 - a. Lists are according to credential area.
2. According to Bill Chiment, Assistant Superintendent of Personnel Services, seniority “ranking” will be revealed at March 17 meeting. Your name and ranking will be shown to you but you will not have access to the complete list.
3. Do not assume District personnel have not done their due diligence.
 - a. HR Techs have been working during weekends. Each teacher’s credentials are examined and verified during the process; tie breakers are recorded and verified as well.
4. Names and rankings will not be distributed but will be made available on request in order to answer any questions or concerns a laid off teacher may have.
 - a. Last year, many teachers called asking to have rankings or reason for rankings confirmed.
 - b. All teachers who contacted PFT were given the information they needed to answer their questions or clarify misunderstanding.
5. Even though seniority lists are open documents in other districts, PFT does not feel that it is necessary to make such information available for perusal by the general public.
 - a. PFT feels that making the information available on request allows teachers to address their concerns while maintaining and respecting the privacy of unit members.

F. Transfers

1. No decisions have been made around transfers.
2. District Administration’s time and efforts have been consumed by the process of issuing lay-off notices.
3. Transfers that are a result of the reduction in force may be done in a manner similar to involuntary transfers.
4. Due to the vagaries of the current budget situation, transfers may not happen until August.
 - a. It is possible that teachers could be moved as late as 2 days before the start of school.

G. Re-employment

1. Hire dates
 - a. Probationary employees who have been noticed retain their original hire date for 24 months after being noticed.
 - b. Permanent employees who have been noticed retain their original hire dates for 39 months after being noticed.

Question: We were told that teachers would be brought back according to what a school site needs.

Response: We have to bring teachers back based on their hire dates, by law. Where the teachers are placed is different. We have a signed MOU that said the needs of the site can be considered when placing teachers.

Question: I have known principals to hide openings. Is that going to be monitored?

Response: Under the current system it is not possible for the principals to hide positions. When we were using PSUs, principals could manipulate the figures to hide available positions. Now with the Joint Staffing Team, we use a staffing ratio based on the number of students divided by the number of courses/classes so we know exactly how many teachers are needed. Principals do make hires after the school year starts, it happens. We can’t know exactly how many students are going to walk through the doors once school starts. It is tough to complain about a High Performing Temporary teacher getting

hired late in the game. However, all noticed teachers have rights to re-employment by law. If there is a position available that one of those teachers could fill, they will get that job. An outside hire cannot be made instead.

Question: When site needs were considered in the decisions around the tie breakers, was it done by credential or by experience? Was ASB experience considered?

Response: You can see by its high placement on the list that ASB was highly valued. Principals don't usually object when they are told they have to keep their ASB person.

H. Chinese Courses at Secondary level

1. One of the secondary reps was asked to sign a document granting credit approval for a foreign language course taught during the summer.
2. Due to a late Grant, a course in Chinese was taught "for credit" during summer school in 2008.
3. However, Board did not approve Chinese as a course until December 2008.
 - a. Students believe they are getting credit for the course but this may not be the case because it was not a Board approved course when they took it.
4. A non-credentialed person was hired to teach the course and not paid according to the agreed salary schedule.
5. Inquiries by both the rep and PFT went unanswered.
6. PFT has made a formal request for information.
 - a. PUSD has an unfair labor practice situation.

I. District Advertising positions

1. District has job openings advertised.
2. PFT cannot give details for confidentiality reasons but those positions will be filled internally.

II. PPAP Performance Ratings: Charlotte Kutzner—see *Agenda Attachment 3*

A. PPAP only applies to those teachers who are in the program.

1. PPAP does not evaluate or have information about Temporary or Probationary teachers who are not enrolled PPAP.
 - a. They do not have any control over their evaluation or re-employment.
2. Teacher who have taught less than 3 years are enrolled in PPAP upon being hired in PUSD.

B. PPAP evaluates and categorizes teachers in the program.

1. Temporary teachers do not have rights to re-employment.
2. Prior to categorization, temporary teachers were balanced by site with the number of teachers out on leave.
 - a. Resulted in situations where qualified teachers remained temporary while less qualified personnel gained probation and tenure.
3. Evaluation rubric was developed to ensure that High Performing teachers received priority consideration for employment.
 - a. Rubric is not secret.
 - b. No numbers are used
 - c. In past years, all Outstanding and Strong Temporary teachers were re-employed.
3. Based on evaluations by PPAP consultant and principal, temporary teachers are placed in the following categories:
 - a. Outstanding
 - b. Strong
 - c. Sustained Progress
 - d. Meeting standards

- e. Not Meeting Standards
- 4. PPAP consultants meet on a weekly basis to calibrate ratings on the rubric.
 - a. Calibration ensures consistency
- 5. Re-employment is decided by PPAP Consultants, PPAP Governance Board, and Principals.
 - a. Final decision is based on their cumulative opinion.
- 6. Administrative evaluation is not in alignment with PPAP rubric.
 - a. Administrators tend to be more lenient in evaluations.

Question: Was this rubric considered when applying the tie-breakers?

Response: No. This only applies to temps and given the depths of the lay-off notices, it did not apply to probationary teachers either. It only applies to the probationary teachers relative to re-employment. However, re-employment is based on seniority first.

Question: Is any effort being made to collaborate with principals to bring the evaluations into alignment?

Response: [Charlotte Kutzner] is supposed to be invited to a principals' meeting to present the rubric. It is my charge to make sure the principals become familiar with the rubric.

Question: What assurances do we have that Administration understands a rubric?

Response: The PPAP consultants and Governance Board do understand the rubric and in general, Principals like to rely on their own evaluations.

Question: Can any teacher volunteer for PPAP? Should we inform teachers to [join the program]?

Response: We are at maximum capacity. We might be able to schedule an observation to help with a specific problem but at this time, our consultants are at the limit.

Question: What is going to happen to PPAP with the budget and lay-offs?

Response: Currently, the plan is to reduce the program to 1 Director/consultant. PPAP is a Category III budget item which means the district can pull the money back into the general fund.

III. Budget Negotiations

- A. Teachers want to know if efforts being made to reduce number of lay-offs
 - 1. Currently waiting for results on variables beyond PFT control.
 - a. May 19 special elections
 - b. June 8 revise
 - c. Amount of Federal stimulus money is undetermined.
 - 2. PUSD purposely noticed more teachers than necessary in order to prepare for worst case scenarios.
 - 3. PFT is confident that keeping teachers in the classroom is a District priority.

Question: What about items we can control, like the travel and cell phone bills?

Response: We are having conversations now. The Superintendent has actually asked PFT what he needs to cut on the District's end.

- Are these talks going to continue?
- Yes
- Will Dr. Phillips come around to the sites again?

I cannot speak for him but if you want the PFT President to answer questions at your site, call and make an appointment and I will be there.

Question: TOSAs in LSS and APs are coming back. How will that affect teachers re-employment?

Response: TOSAs and APs who were teachers in the unit before going to Administration retain their unit tenure. They have been accruing seniority. If you entered the district as a Site Administrator, you have 3 years seniority in your discipline. If you entered at the District you have no seniority.

Question: Will there be contingency language in the contract for when things change?

Response: Yes!

IV. CSR

A. The current state budget solution to CSR is a “train wreck”.

1. Instead of raising or maintaining a class size limit, the Legislature has decreased the penalties for going over 20 students by 5%-30%.
2. District made a chart showing various configurations and the cost.
 - a. Chose configurations that did not cause a negative fiscal outcome.
3. Dr. Phillips has implies in talks at sites that CSR is ineffective.
 - a. Quotes data with results that show class size does not make a difference, it is the quality of the teacher.
4. Eliminating CSR completely would be a bad political move.
 - a. CSR has strong parent support.
5. CSR may be partially saved but not at the 1:20 ratio.

V. Lay-off Process Q & A

Question: Do the noticed teachers have Unemployment insurance rights?

Response: Yes, temps also. They are also covered by Health Insurance to August 31. This is because insurance premiums are paid for a full 12 months. After August 31 they can access COBRA coverage in which they pay 35% of the premium while the District pays 65%. Previously employees paid 100% of their COBRA insurance. COBRA is for 9 months, however we are in the process of finding out if the 9 month period starts when you lose your job (June 30) or when you lose your coverage (August 31).

Question: With staffing ratios increased and the possibility of 30 students, what about the impact of inclusion students. At our site in particular, we have students who are included 90% but are not on our roll. A class of with a roll of 25 could actually have 28 bodies in the room.

Response: We will definitely need to investigate that. However, under the proposed guidelines for CSR, only the impacted classroom will be penalized so it is not a major fiscal impact.

Question: Can a probationary teacher be re-employed to take the place of a teacher on leave?

Response: Yes. Usually the district maintains a balance between temporary teachers and teachers out on leave but given the current situation, we will just be out of balance.

Question: What about the Dual Language Program and the Spanish Academy? Can we afford these special programs?

Response: Yes, it was protected but the FLAP (Foreign Language Assistance Program) was reduced so the program had to make adjustments.

Question: It was reported that other districts took a pay cut in order to avoid lay-offs.

Response: First of all, do not assume all districts are the same. Compared to many districts we are small. A district must maintain a 2% cash reserve for every 33,000 students. We have 33,000 students this year and a 2% cash reserve. Other districts can have as much as a 15% cash reserve.

- San Juan Capistrano has a \$60 million cash reserve.
- San Diego Unified recently received a lot of publicity for not laying off any teachers. However, an e-mail was sent out telling teachers that unless their union agrees to their proposals (Early Retirement Package; Health Coverage in which the District will only pay for Kaiser, employees will pay the difference for Health Net; tripled co-pay; reduced school year) they will need to make \$34 million in cuts that would include closing schools. When the Early Retirement package was announced, their

Union responded that they had not agreed to any package and had not even been negotiating about one.

Question: What about the Chieftain article that mentioned the furlough and how teachers were probably not going to agree?

Response: The reported never called us to check on his facts. I spoke with the person he interviewed and during the interview, that not only did the reported not take a single note, he didn't even bring a notepad with him.

Question: When are we voting on a contract?

Response: The District must present a budget for the coming school year by June 30, by law. Backing up from there, we will most likely have a contract to present at the May Rep Council meeting. However, things could change with the June 8 Revise. We could vote on a contract and then there could be a change.

Question: Bill Chiment mentioned a March 23 deadline for noticed teachers to file for an appeal and that the District is having a meeting...

Response: Yes. PFT is having a meeting for noticed teachers on March 17. At that meeting, teachers who have been noticed can make an appointment with the PFT legal counsel to speak with him one on one and discuss the merits of their case, whether or not they have a case.

Question: Will laid off teachers have first opportunities at available sub jobs?

Response: We are currently negotiating a "super sub pool" to guarantee sub work for noticed teachers. It is in everyone's best interest to have them at the top of the sub list.

Question: Will they also have first opportunity at Impact jobs?

Response: There aren't any impact jobs. The district has pulled back the Title I funds.

Question: Are voluntary transfers off?

Response: Yes. Since involuntary transfers are done before voluntary transfers and the budget situation could bring about involuntary transfers as late as the day before school, the dates for voluntary transfers don't pan out.

Question: If teachers are brought back according to seniority, a school with a young staff is going to be staffed young again.

Response: That's a challenge the district is working on.

Question: What would be the impact of student transfers to districts that are maintaining CSR?

Response: Encinitas, Solana Beach and Del Mar are Basic Aid schools. They are not going to accept transfers from outside. They have a maximum enrollment they need to maintain in order to keep their Basic Aid status.

Question: We were told that no decisions have been made but our Principal had numbers.

Response: What numbers?

- The cuts being made.
- Those numbers are based on the staffing ratios and current Budget projections which are based on what information we have from the state.

Question: Is the Board moving forward on the lesson plans and Middle School grading policies?

Secretary's Note: See February Rep Meeting Minutes for details.

Response: No, it's been tabled.

Question: Due to the type of students that the staff at my site works with, is it possible to have a metal detector installed?

Response: We'll need to investigate it.

VI. Lay-off Notice Appeal (Request for Hearing) Process

- A. You must have filed a request for an appeal with the District Office by March 23. The agenda attachment has an error. It is March, not April 23.
 - 1. Form is included in the layoff packet provided with the letter.
- B. If you do not have a disagreement with the hire date, then please do not file an appeal; you will just clog the system.
 - 1. Extenuating circumstances do not count. They do not change you hire date.
- C. Making an appointment on April 6, 7, 8 will allow you to discuss the merits of your case.
 - 1. Teachers can sit with the attorney and discuss whether or not they have a case.
 - 2. After school on April 15 is reserved for those people who cannot come during Spring Break due to travel obligations.

Question: If I walk it into the district, do I get something in return? Like a receipt?

Response: If you walk it in, make a copy and ask the person who takes your paperwork to sign and date it as received. If you mail it, use certified, return receipt mail.

VII. Early Retirement Packages

- A. Offering Early Retirement seems like an easy solution.
 - 1. Offer an incentive to a teacher at the top of salary schedule to retire, hire a replacement that makes less.
- B. Teachers who are eligible to retire must also be paid the incentive as well at the early retirees.
 - 1. PUSD usually had 35-40 retirements every year.
 - 2. This means you must have enough people taking the incentive to cover the cost of paying an incentive to people who were going to retire anyway.
 - 3. If you do not have enough people to cover this cost, the SERP puts the plan in the red from its inception.
- C. Demographics must also be considered.
 - 1. Need to have population able and ready to take SERP
 - a. Eligibility is not enough.
- D. PFT and PUSD have negotiated a Supplemental Executive Retirement Plan (SERP) three times since 1996.
 - 1. Only 2 triggered.
 - a. More than any other district in the county in that time period.
 - 2. For some reason, this has led to the misconception that a SERP if offered every 5 years in PUSD.
- E. PFT/PUSD SERP Timeline
 - 1. Demographic data gathered in June.
 - 2. Offering SERP in June pressures people and has a tendency to make them resistant, regardless of the incentive.
 - 3. First presentation in October.
 - a. Gives teachers time to make STRS appointment and get information.
 - b. Also allows PFT/PUSD to estimate level of interest.
 - 4. Teachers retire in January, continue to teach to the end of the year on emeritus pay.
 - a. San Diego Unified plan pays teachers full salary to end of year.
- F. PFT and PUSD co-signed an agreement stating a SERP would not be offered during the 2007-2008, 2008-2009 school years after examining the pertinent data and determining that a SERP could not be supported.

1. A retirement incentive was negotiated instead.
 2. This was done for teacher who may have been waiting for a SERP.
 - a. Allowed teacher to make decision based on a known condition.
- G. Retirements usually drop off after a SERP
1. PFT currently tracking 26 intended retirements.

Question: What about the Ramona plan, where they borrowed \$30,000 and then recouped it when they hired new teachers who earned less than the teachers who were paid \$30,000 to retire.

Response: I have discussed the Ramona plan with their person and I am not convinced their math is sound. They need to know how many people are going to retire on the natural for one.

VIII. PFT Budget Report—see *Agenda Attachment 1*

A. Income

1. Line item 3300: Interest income
 - a. Projected: \$6000
 - b. Actual
 - i) Quarter 1 & 2: \$801
 - ii) Quarter 3 & 4: \$800
 - c. PFT has CD that will mature in July, earning \$4000 in interest so that by then end of the 4th quarter, we will be nearer our initial projection.
2. Line item 3500: Legal Defense Grants
 - a. Projected: \$10,500
 - b. Received \$22,000
 - c. Surplus of \$11, 500

IX. What Can We Do?—see *Agenda Attachment 4*

- A. Each rep provided with sample letters to write to legislators.
 1. Support reduction of Parcel Tax threshold to 55%
 - a. Currently require super majority of 67%
 2. Parcel tax assess taxes on each parcel of land in district.
 - a. Different in every county
 - b. Income from parcel tax does not go to Sacramento and is controlled locally.
 3. Letter's intent is to support lowering threshold, not pass an actual parcel tax.

Question: Would this lower the threshold on the parcel tax only?

Response: Yes.

- I am not sure I like the idea of a parcel tax where everyone pays the same thing regardless of the value of their property. Income tax is the problem.
- Yes but this is a short term goal to help us now. We have 66,000 parcels in our district. If each parcel was taxed \$400 a year, we would have \$22 million.

Question: Is there one of each letter?

Response: The letters are color coded according to representative's districts. We would like reps to pass these out on Monday to differentiate it from Pink Friday.

Question: Can we pass it out to parents?

Response: The PTA will be passing out letters to parents. The letters you have are written for a teacher.

X. Pink Friday-- see *Agenda Attachment 5*

- A. Statewide effort to protest education's lack of priority in State Budget decisions.
 1. Midland school to have media coverage.

Question: When will these [facts listed in attachment] get in the media?

Response: They will be printed in the paper. Please be aware that you cannot use your parent e-mail distribution lists. They belong to the school district. You can give a copy to your room parent to distribute for you.

XI. PFT Elections--see Agenda Attachment 6

A. PFT Constitution requires presentation of candidates at the March Rep Meeting

B. Candidates for Executive Board Office for the 2009-2010 year

1. PFT President
 - a. Marc Houle
2. Vice President, High School
 - a. Peter Califano
3. Vice President, Middle School
 - a. Greg Strachan
4. Vice President, Elementary School
 - a. Stephanie Martin
5. Vice President, SPED
 - a. Jan Van Horne
6. Treasurer
 - a. Kelly Logan
7. Secretary
 - a. Naomi Lukaszewski (incumbent)
 - b. Jeff Blankman

C. Candidate forums scheduled for April 15 and April 30

1. Proposal to eliminate April 15 since that coincides with scheduled appointments for legal consultations regarding lay off hearings.

Consensus: The April 15 Candidate Forum is cancelled. A Candidate Forum will held on Thursday, April 30 at 4:00.

D. Candidates for Site Rep for the 2009-2010 year

Karen: Can you please send me an electronic copy of the list and job description on the agenda attachment so I can attach it here? Thanks!

1. Job description included.
 - A, Description to accompany ballot: **insert description**

Consensus: The Representative Council approves the job description of PFT Site Representative as written.

XII. Announcement of Leadership Positions

A. Professional Development Advisory Board

1. High School: Terianne Libby
2. Middle School: Mark Vitti
3. SPED: Christine Kisselburgh
4. The Elementary position is still in mid-term and was not open.

B. PPAP Governance Board

1. Kathy Oxford

C. IBPS (Fiscal Group)

1. Selection was not made due to the current budget situation.

Meeting adjourned: 6:00 p.m.

Next meeting: April 16, 2009

Submitted by Naomi Lukaszewski, PFT Secretary