

Rep Council Minutes
May 15, 2008

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

President M. Houle was delayed due to a PPAP Board meeting.

School & Members Represented:

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

Handouts: Agenda with attachments

Personnel Necessity FAQs

Cabinet Budget Notes from 4-17-08

Call to order: 4:00 p.m.

I. PFT Budget—see agenda attachment 2

A. Line 4200: Legal and Professional Fees

1. Budgeted \$15,000

a. \$10,395 spent on legal fees, bookkeeping and audit

b. did not anticipate increased need for legal services this year.

2. Have not yet received bill for Layoff hearings

a. Projected at \$7,000

3. Projected expenditure on line 4200: \$17,395

4. PFT has applies to AFT/CFT for Legal Defense Grant

a. If approved, CFT will pay for 1/3 of legal costs incurred by Layoff hearings, AFT & CFT will equally pay remaining 2/3.

5. PFT attorney is also working on CLAD issue (*see below*)

6. If all pink slipped employees are not re-employed and one of the non re-employed teachers questions their seniority date, there may be more legal hearings.

II. CLAD Requirement for Foreign Language Teachers

A. All CA teachers who have students identified as ELL must be CLAD certified.

1. Teachers must have CLAD by June 2006

2. PUSD applied and was granted two extensions.

a. During extension, Shirley Day provided CLAD courses for training and certification.

b. PFT also wrote TLC proposal to help teachers study for CTEL (CA Teachers of English Learners) exam.

B. CA Department of Education stated Foreign Language teachers exempt from CLAD requirement.

C. CA Teacher Credentialing Commission (CTCC) stated all teachers must have CLAD regardless of subject taught.

1. Law changed 2007

a. Too late for Foreign Language teachers to take Shirley Day's classes

b. Must take courses or pass CTEL

c. Can apply for Emergency CLAD credential but must show progress toward acquiring CLAD.

2. CTCC authority supersedes CA Department of Education
 D. San Diego County Office of Education gave legal response to PFT inquiry regarding CLAD and Foreign Language Teachers.

1. Legal response: All teachers must have CLAD.

E. Bottom line: All teachers must be CLAD certified if they have students identified as ELL in their classes.

1. Non-CLAD teachers cannot have ELL students.

2. Creates scheduling and placement difficulties

F. Paycheck withholding

1. In some districts, teachers without CLAD have had their paychecks withheld until they can show they have acquired CLAD or are in the process.

2. PFT consulted with PFT Attorneys, Gattey & Baranic who provided legal opinion that SDCOE could require teachers to have CLAD credential.

Secretary's Note: Reps received a copy of this letter at the October 2007 Rep Meeting.

3. PFT has requested attorneys to research whether or not SDCOE can legally withhold paychecks of non-CLAD teachers.

a. One Foreign Language teacher has argued that a loophole in the law exempts Foreign language teachers from CLAD requirement. PFT attorneys are also researching this claim.

G. PFT has not publicized this information because at this time, CLAD is a viable legal requirement.

1. Teachers who are currently preparing for CTEL exam should not abandon effort.

a. The law is being examined by our attorneys, it is not being overturned, nor is the CLAD requirement being rescinded at this time.

III. Employment Hearings

A. All permanent and probationary employees who received termination notices in March (pink slips) had the right to ask for a hearing before an Administrative Law Judge.

B. 19 teachers who received pink slips requested a hearing

1. These teachers were given paperwork which contained a "Notice of Defense" that had to be completed and filed within 5 days.

2. Ten teachers made the decision to continue with hearings and consulted with PFT attorneys.

C. Rulings

1. Administrative Law Judge determined that anyone who did not file a Notice of Defense or filed late would not be heard.

2. Seniority Date discrepancies

a. Judge ruled that if a discrepancy in the Seniority date did not affect whether or not the teacher would be laid off, there was "no harm" unless the teacher did not get re-employed due to the discrepancy in the seniority date.

b. Judge declared rehire to be a different issue that would not be resolved at this time.

i) Teachers had to "show harm" and could not legally do so until actual rehiring was taking place.

Question: We had this issue before with TOSAs (Teachers On Special Assignment) going back to the classroom and not knowing who had seniority and who didn't. Are you saying the district hasn't learned anything?

Response: We're encountering situations that we haven't had to deal with before. For instance, we have temps who went to New Teacher Day their first year and then as a second year temp, didn't go the next year. Why would they? Well, because they didn't go the second year, their hire date was recorded one day later and a teacher who just hired that year. We are trying to find out what the law says about that.

Do we have to require that teacher to attend the New Teacher day on their second year as a temp? That's an increased cost.

Secretary's Note: This is an increased cost because an employer cannot legally require an employee to attend a "work day" without compensation.

- We also have a situation at my site where there are two teachers who cannot determine their probation dates because there isn't any paperwork on when they were granted probationary status.
- Just to be clear, only permanent and probationary teachers have re-employment rights. Temps do not have rights to re-employment.

IV. Option II Kindergarten—Agenda Attachment #1

A. Option II Kindergarten would maintain a teacher student ratio of 1:15 for half the school day while raising overall Kindergarten class size to a 1:30 ratio.

1. State provides ½ CSR funding

B. PFT is not placing more value on one grade level over another, nor are they advocating the position that one group of teachers has more demands than another group.

C. All teachers, K-12 have roughly 5 ½ hours of student contact time during the contracted day.

1. Difference of about 15 minutes between grade levels.

a. Grade levels have different requirements for minimum school minutes.

D. While researching Option II Kindergarten, it was discovered that many Kindergarten teachers were working under conditions that violated contract.

1. Some intervention models exceeded 7 hour contracted workday.

a. Teachers working with students after school as part of intervention.

2. Some teachers had lunch in 10 minute increments throughout day.

E. PFT's primary interest is to maintain contract.

1. Teachers should not be compelled, nor can they volunteer to work outside contract hours or without conditions guaranteed by contract.

Discussion: Kindergarten working conditions

- Why do they have 30 minutes for lunch while the rest of the staff has 40 minutes?
- I don't know.
- As of right now, are we going to Option II?
- Yes, so far.
- If money comes back are we going to back to Option I?
- I don't know. We have had a chance to discuss it. PFT is not going to place a value on work but we will not endorse any model that violates contract, whether teachers are willing or not.
- Why doesn't before or after school duty count as part of the workday?
- This is a concern.
- So two teachers teaching in a classroom all day is out of compliance?
- Possibly. It depends on how they are doing it.
- Middle school is seeing the same similarities on scheduling. I think we need to all examine our work days and what is being asked of us.
- Why hasn't [the Kindergarten Teachers] said anything?
- Middle and High school in general are better at reporting abuses of contract. It's the nature of the people who teach at the different levels.
- The attachment is not a proposal, it is not an endorsement of either Option II model, it is just an example of how it could be implemented with the concerns listed.

V. PDAB (Professional Development Advisory Board) White Paper

A. White paper establishes guidelines for PDAB

1. "Blueprint" for operation

a. Avoid "person dependence"

B. Interests

1. Professional development is based on teacher choice, teacher focus, relevant (applicable in the classroom) and job embedded.

2. Teacher collaboration within the regular workday.

C. K. Wusthoff will e-mail copy of White Paper to reps.

VI. Principal Survey

A. Results for site administrator available for site reps.

1. Sites needed to have 50% participation in order for results to be shared with site.
2. Site who did not have 50% participation can have survey re-opened.
 - a. Everyone will need to take survey again.
 - b. C. Smiley will contact CFT Computer Tech to re-open survey.
3. C. Smiley reviewed comments to ensure there were no unprofessional comments in nature. No comments were deleted and comments were left as written.

Question: Our staff was confused. We had just done a district survey with Eric Lehew.

Response: Your site may want to do it again. The district survey is different from our survey, although our survey is in line with the District performance goals for administrators. We apologize for the lateness of the survey. We originally wanted to distribute the Principal survey in February but the Budget situation forced the Salary rollback survey into precedence.

B. Protocols around sharing results

1. Make an appointment with site principal
2. Share that the results will be shared with Dr. Phillips and Cabinet
3. This is not a tool to bash the principal.
4. Discuss results in relation to leadership and moving forward.
5. Do not post, e-mail, or handout [make multiple copies for distribution]
6. If colleagues request to see results, share on an individual basis.

Discussion: Sharing the survey results

- What if the principal doesn't want to see the results?
- Tell them Dr. Phillips sees it and area superintendents use it as a guide to set goals for site administrators.
- Our survey is aligned with the District Survey and they have on more than one occasion, requested results for referral.
- What was the security on the e-mail?

At this point, notes were not taken since there was an Election issue that required the Secretary's attention.

- How do we notify our staff of the results if we are supposed to share the results on request only?
- You can send out an e-mail letting your staff know you have the results. I send one out and then say, "See me if interested."
- It's also in the Rep Minutes which are distributed to all teachers.

VII. Personal Necessity FAQ sheet—see *handout*

A. Contract Language

1. "Unit members may use accumulated sick leave granted pursuant to Education Code 44978 for personal necessity leave. Such leave is with full pay and is deductible from accrued sick leave."
2. "If an employee has exhausted regular sick leave, he or she will be eligible to receive a maximum of five days' leave at regular salary less the cost of a substitute for illness or surgery of an immediate family member, as verified by the employer, if necessary. This leave does not accumulate from year to year."

B. Uses of Personal Necessity

1. Need to care for a sick child or other member of immediate family.
 - a. Will get full pay, will not affect STRS
2. Employees who have exhausted accrued sick leave and need to care for sick or other immediate family member can go on extended sick leave for up to 5 days under Personal Necessity.

a. Extended Sick leave is 5 months for the employee.

C. STRS

1. The only time STRS is not fully credited is under Extended Sick Leave.
 - a. Extended leave=full salary less cost of substitute
2. STRS credit is percentage less cost of substitute

D. Hypothetical scenario

1. There 25 more days of school. Mary's mother has cancer and Mary is her care provider. Mary needs time off from work to provide care. Mary has only 5 days of accrued sick leave. What should Mary do?

Discussion: Mary's Options

- Mary should use personal necessity. After she has used her 5 accrued days, she can use her 3 Compelling Reasons days, 2 at full pay, 1 less the cost of a sub. She can then use the 5 days of Personal Necessity provided for dependent care after accrued leave has been exhausted.
- Once all the above options have been exhausted, Mary may have to go on unpaid leave with 12 days of school remaining. In addition, her STRS credit will be affected by the 6 days of extended leave she used.
- Caveat: Mary must be in fully paid service on the first workday of June in order to retain her Health & Welfare Benefits. If she is not in paid service on that day, she will be financially responsible for her benefit premiums. In order to avoid this, Mary would then decide on her leave for the rest of the school year but she would be covered by her Health and Welfare. Mary must be in paid status on the first work day in June and then go out on leave without losing coverage.
- Mary could extend her available sick leave and extended sick leave days by working half days using a sub for half the days.
- Mary could also have a doctor write a note verifying the stress of caring for her mother is causing a disability that renders her unable to work. This means Mary can go out on Extended sick leave without loss of benefits. However, her STRS credit would be affected because she would not be receiving full pay. Extended sick leave for the employee is 5 months for a single condition, therefore, Mary would be able to be out for the remaining 25 days of school.
- Mary could also return to work for some of the remaining days.
- Mary would not be able to access Catastrophic Sick Leave in order to care for her mother because that leave is specifically reserved for employees. If Mary has a medical condition, then she must first exhaust her Extended Leave before applying for Catastrophic Leave.

VIII. PFT Elections

A. Local Units are now being audited by State and National Organizations for Election procedures due to reported abuses in some units.

1. PFT is instituting strict protocols to avoid sanctions in the event of an audit.

B. Current election

1. Four ballots sent out.
 - a. One for each level: Elementary, Middle School, High School, SPED
 - b. SPED ballots were sent directly to SPED teachers
 - i) Site teachers
 - ii) Itinerant teachers
2. Itinerant SPED teachers have until Friday to return ballots.
3. Cannot announce results at this time due to lack of vote totals.
 - a. Some sites failed to report results, did not deliver ballots.
4. K. Wusthoff will announce results as soon as final ballots are in and site tallies are confirmed.

IX. May Revise—see Agenda Attachment 3 and handout

A. General Overview

1. Level funding
2. Categoricals cut by 6.5%

3. Some flexibility in using categorical funds
 4. No Prop 98 suspension
 - a. Not cost effective.
 - b. With economic downturn, suspension of Prop 98 would yield only \$1 billion in savings at great political cost.
- B. Layoff notices
1. Not all layoffs will be rescinded.
 2. Temporary Teachers will still not be offered re-employment.
- C. 1000+ School Districts in CA.
1. Poway is about #27 in size.
 2. All districts must certify fiscal health.
 - a. Negative rating would drive up interests on bonds
 - b. PUSD has positive rating
- D. May Revise Positive Factors
1. No cuts to SPED
 2. Not as bad as January Proposal
- E. Concerns
1. Revise uses one time money for ongoing debt/expenditures
 2. Plan to borrow money with Lotto sales as collateral
 - a. 30+ year payment plan
 - b. Schools will lose Lotto money to debt repayment if sales figures do not increase.
 3. No plan to fix school funding problem

Question: What happened to the COPE [solicitation letter] you were going to send out?

Response: I'm sorry. We have a rough draft but we haven't had time to finalize it. I will send out an e-mail asking you to let me know if you want us to come out to your site to talk about COPE donations or just send me an e-mail telling me you want me to talk about it with your staff if you are uncomfortable.

Question: What happened to the meeting Dr. Phillips was supposed to have with our legislators?

Response: Dr. Phillips, student representatives, PTA Presidents and PFT met with Plesica, Wyland, & Hollingsworth. We discussed the need for radical reform in funding, changing the Budget cycle. Currently we have to turn in a budget before the State has one.

4. Budget agreement not assured.
 1. Democrats unhappy with May Revise
 2. Republicans unwilling to raise taxes
- F. Strategies
1. Parcel Tax
 - a. Property owners assessed fixed fee over a set period of time.
 - b. Parcel tax revenues stay with the district.
 - c. District must reveal exactly what the tax is for and where money is going.
 - d. Need 67% majority to pass.
 2. Reduce percentage for reserves
 - a. Temporary fix
 - b. Percentage will go back up when economy improves
- G. PUSD Impact
1. Level funding does not address cost increases
 - a. Step and column \$1.35 million
 - b. Health & Welfare increases \$1.2 million
 - c. Classified step and column \$500K
 - d. SPED mandated costs encroachment \$1.5 million

2. January proposal: \$16 million in cuts
3. May Revise: \$8 million in cuts with level funding if estimates are correct.
 - a. *May* be able to bring back people and only cut “things”.
4. M. Houle and Dr. Phillips meeting with CA School Services on May 19.

X. Community

- A. Thanks and appreciation to Terri Jo McNaul, for service as 2nd Vice President.

Meeting adjourned: 5:40 p.m.

Next meeting: June 5, 2008

Submitted by Naomi Lukaszewski, PFT Communications Secretary