

MVEA Advocate

The Official Publication of the Moreno Valley Educators Association

Unfortunately ...

By Janet MacMillan, MVEA President

This speech was presented to the MVUSD School Board on March 8, 2011 by MVEA President Janet MacMillan:

Unfortunately, the state budget is once again controlling the business of the District.

MVEA Applauds Mr. Holguin's request that the Board consider adopting a resolution supporting the tax extension that is essential to us offering a solid education program to our students. On behalf of MVEA, I urge the Board to vote in favor of this resolution.

You also have another resolution to reduce the number of certificated employees. 240.1 of our members will be noticed. This is in addition to 75 temps being released, most of whom were permanent or probationary employees prior to last year's layoffs. Since MVEA leaders had no role in making this decision, I want to share with the Board some concerns.

First, MVEA understands the need to be financially solvent. School Services and CTA agree that the District will lose \$11 million if taxes are not extended; yet multiplying the number of certificated layoffs, 315.1, by the average salary, equals 18.9 million. Is the District planning to balance the budget solely on the backs of our students and the educators who work directly with our students? That's what it looks like.

Second, the mission of the District is to prepare students academically and socially to become more productive members of society. It is hard to believe that the educational program was considered when one looks at the magnitude of the proposed layoffs. Programs and course offer-

ings at all sites will be disrupted. How will the District reduce the drop out rate, improve test scores and move out of program improvement with a reduction in staff that goes far beyond what the worst case budget scenario dictates?

Agreements are important. The District shares the responsibility for maintaining the working conditions outlined in the Collective Bargaining Agreement. Article XIII covers class size. Section 1 (a) list class ratios for projected staffing which cannot exceed a 1: 30 ratio at the elementary level and 1:32 at the secondary level. Section 2 addresses class size limits. Laying off the teachers listed in the resolution will put class size over 40. MVEA will be obligated to file a grievance on this issue not only to protect the integrity of the Contract, but also to provide our students with a learning environment conducive to learning.

The Association has stepped forward to collaborate on the budget and other issues. Our members were the first to agree to the two furlough days. However, collaboration works two ways. Laying off more educators than is necessary and increasing class size without regard to the contract is not collaboration. Collaboration means analyzing all possible approaches to solving the budget problem. It means putting students first by prioritizing what is absolutely necessary for them to learn and move successfully on to the next stage of their lives. On behalf of MVEA, I urge the Board to reconsider the number of certificated layoffs. Our students deserve no less.

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Inside this issue:

Unfortunately	1
The Lesson of EERA	2
P.E. Requirement	3
A Time for Unity and Action	4
Classification in a Nutshell	5
Instruction & Professional Development	6
Upcoming Deadlines	6
MVEAinfo.com	7
Wear RED for Public Ed	8
Important Dates	8

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The Lesson of EERA

By Ann Adler, CTA Executive Director

Across the United States, teachers are under attack, and unions are being blamed by those who wish to privatize education and other public entities. Legislatures, including California's, are proposing bills that take away the rights of employees to bargain and act collectively. This is a travesty. Educators fought hard in the 1970's to gain their rights. The right to limit class sizes, to regulate transfers, and even have the 45 minute duty free lunch was bargained.

The School Board, by adopting the resolution to lay off 240 MVEA unit members and "let go" 75 temps, has attacked collective bargaining rights in our own backyard. If the proposed RIFs actually happen, they would cause a class size of more than 40! This is a blatant disregard for our collective bargaining rights and a major violation of the Contract.



Let me share with you a little of the history of collective bargaining and why we have it.

The Educational Employment Relations Act, also known as the Rodda Act, the Collective Bargaining law, or the EERA, governs labor/management relations in California K-12 public schools and community colleges.

The EERA was passed in 1975. It is found in Government Code sections 3540 through 3549.3. It replaced what was known as the Winton Act. Back when we had the

Winton Act, also referred to as "Meet and Confer" or "collective begging," teachers went to school boards and asked if it would be okay to get a pay raise. This is what we risk if we allow the legislature to erode our collective rights or a district to ignore provisions of the Contract. Imagine if the districts could just cut 10% or raise class size without some accountability!

The EERA created the Educational Employment Relations Board to administer the act. This was later renamed PERB or the Public Employee Relations Board as we know it today.

The purpose of the Rodda Act is three-fold:

- to promote the improvement of personnel management and employee-employer relations
- to afford certificated employees a voice in the formulation of educational policy
- to select one employee organization as the exclusive representative

The ability to organize legally, to bargain collectively, and to consult on educational policy were critical new rights in the 70s. Since then educators have worked hard to achieve the provisions we have in our contracts and to improve and approve curriculum. Rights like using the mailboxes for association literature and having association bulletin boards were achieved because of the new law.

In these difficult times, let's remember that our ability to influence comes from our collective strength not our individual wants. Please stand together with all your colleagues and let us work together to influence our working conditions and most importantly, educate the children. Together we can...

P.E. Requirement—Are Your Students Fit?

Contributed by Connie Pruett, MVEA Vice-President

This article appeared in the San Francisco Chronicle on March 17, 2011.

On March 16, 2011, the California State Supreme Court denied an Alameda County school district's appeal of a ruling that requires elementary schools in California to provide three hours and 20 minutes of physical education every two weeks.

The suit was filed in 2009 by a third-grade student who claimed, through his lawyer, that the Albany Unified School District was violating his rights under state law by offering only two hours of PE every two weeks.

The district, joined by the state Department of Education, argued that the law calling for more exercise time set only nonbinding guidelines for local school officials. But the Third District Court of Appeal in Sacramento ruled in November that the law "means what it says" and requires all districts to provide at least 200 minutes every two weeks in Grades 1-6, not counting lunch and recess.

"Although one might reasonably question the wisdom of the Legislature micromanaging the state's education system" by imposing the requirement, the court said, "it is not for this court to second-guess the Legislature."

The state's high

court unanimously denied review of the district's appeal Wednesday.

The ruling was limited to elementary schools but has implications for a similar law requiring twice as much physical education time - six hours and 40 minutes every two weeks - in Grades 7-9.

"The Legislature has been very clear about how much physical education they wanted kids to get in school, and some school districts have just ignored those requirements," said Donald Driscoll, lawyer for the plaintiff, who is now 10 and in the fifth grade.

The state's then top education official, Superintendent Jack O'Connell, sent a letter to local districts shortly after the suit was filed saying the 200-minute standard was a requirement. But Driscoll said O'Connell's office, which sided with the Albany district in lower courts, had failed to pressure districts to comply.

The district's lawyer and the new state superintendent, Tom Torlakson, were unavailable for comment.

The law, which dates from the 1960s, says the elementary school curriculum "shall include" at least 200 minutes of physical education every 10 schooldays, "with emphasis upon the physical activities for the pupils that may be conducive to health and vigor of body and mind."

A later statute elaborated on the need for the law by citing studies showing that "the vast majority of children and youth are not physically fit."



A Time for Unity and Action

By Anne Prows, MVEA Director of Political Action

A reoccurring adage in MVEA is “an injury to one is an injury to all.” Recently, 184 of your colleagues were RIFFed and 75 temps were released. How will this directly affect you, your classroom and site, and the students of Moreno Valley?

We need to unite and educate our community about the anticipated \$11 million budget cuts, what the tax extension means, and the effects of the proposed loss of over 300 teachers, counselors, and administrators. Many parents are not aware of these situations and need to be informed of how this will affect their children. It is time for us to come together and support one another.

Open House nights (“Unite Nights”) are a great time to reach out to the community. Because of this, each school has been assigned a partner site to assist in an effort to educate parents. Site Reps are recruiting volunteers from their sites to unite and join the cause. At your partner site, you will pass out flyers to parents as they approach the school. We also ask that you wear RED to show solidarity.

It is time for us to stand up for education, and become involved. After all, isn’t 45 minutes of your time worth saving jobs, maintaining class sizes, and protecting the learning environment for our students? We cannot do this alone, please join us! Any questions? Please contact me via e-mail at aprows@mveainfo.com or call the MVEA office at (951) 485-0545.

Open House “Unite Nights”

**Please be at your assigned school at least 45 minutes before the start time listed below.*

<u>Date</u>	<u>Site</u>	<u>Start Time</u>	<u>(Partnered Site)</u>
Thurs, March 17 th	Moreno	6:00	(PAC Committee & volunteers)
Thurs, March 24 th	Alessandro	5:30	(PAC Committee & volunteers)
	Butterfield	6:00	(PAC Committee & Charter)
Thurs, April 14 th	Armada	6:00	(Hendrick Ranch)
Tues, April 19 th	Edgemont	6:00	(TownGate)
Wed, April 20 th	Palm Middle	5:30	(North Ridge)
	Sunnymead Middle	6:30	(Sunnymeadows)
Thurs, April 21 st	Vista Heights	5:00	(Canyon Springs)
	Landmark	6:00	(Vista del Lago)
Thurs, May 12 th	La Jolla	5:00	(Ridge Crest)
	Midland	5:00	(Sugar Hill)
	TownGate	5:30	(Edgemont)
	Box Springs	6:00	(Honey Hollow)
	Sunnymead	6:30	(Sunnymead Middle)
Tues, May 17 th	Ridge Crest	6:30	(La Jolla)
Wed, May 18 th	Bayside	6:00	(Ramona)
	Chaparral Hills	6:00	(Badger Springs)
	Hidden Springs	6:00	(Seneca)
	Cloverdale	6:15	(Palm Middle)
	Sugar Hill	6:30	(Midland)
Thurs, May 19 th	North Ridge	6:30	(Cloverdale)
	Seneca	6:30	(Hidden Springs)
	Sunnymeadows	6:30	(Sunnymead Elem.)
Wed, May 25 th	Mountain View	5:00	(Bear Valley)
	Ramona	5:30	(Butterfield)
	Badger Springs	6:00	(Chaparral Hills)
Thurs, May 26 th	Bear Valley	5:30	(Mountain View Middle)
	Honey Hollow	5:00	(Box Springs)
	Creekside	6:00	(Serrano)
	Hendrick Ranch	6:00	(Armada)
Wed, June 2 nd	Serrano	6:00	(Creekside)

Classification in a Nutshell

Contributed by Harold Acord, MVEA Director of Contract Maintenance

Article by Dale Brodsky, CTA Group Legal Services Attorney

There are only four classifications of certificated, public school employees: permanent, probationary, temporary, and substitute. Your classification will dictate what rights you have under the Education Code. To determine if you have been properly classified, first review your written contract. Sometimes contracts can be wrong, and if you have any doubts, be sure to check with CTA.

Permanent

In general, “permanent” employees are those who passed their two years of probation and are reelected to serve a third year. To be a permanent certificated employee, the person must hold either a preliminary or clear credential.

Under the Education Code, permanent employees can only be terminated for just cause or if you are a part of a layoff. If notified that the termination is for cause, they must be afforded the opportunity to have a full evidentiary hearing before a three-person panel that is independent of the school district or governing board.

If a permanent employee is laid off because of a reduction in services, s/he has a 39-month preferential right to rehire. Probationary employees must be laid off before permanent employees, even if the probationary employee has more seniority.

Probationary

An individual who is hired as a probationary employee (“Probe”) usually must serve in that capacity for two consecutive, complete school years (at least 75% of the number of school days) before being eligible for permanent status. Probationary employees may be non-reelected for the next school year without a hearing for any or no lawful reason, at any time up to March 15 of their second year. After March 15 of her second year, a “Probe 2” cannot be terminated without a full evidentiary hearing, and she is deemed to be permanent on the first day of the following school year.

During the school year, a Probe cannot be summarily dismissed unless the District proves at an administrative hearing that there is just cause for the dismissal. However, in these hearings, the governing board, and not an independent panel, has the final say. If a probationary employee is laid off because of a reduction in services, she has a 24-month preferential right to rehire.

A person who is hired into a “categorically-funded” position and remains in a categorically funded position can never attain permanent status. In other words, he will be probationary forever, unless he is subsequently placed in a regu-

larly-funded, probationary position and serves in it for at least one school year. The preceding, complete year he served in the categorically-funded position will count toward permanent status. If an employee was initially hired to fill a regularly-funded, probationary position and is subsequently reassigned to a categorically-funded position, service in both positions will count toward attaining permanent classification. And, a permanent employee doesn’t lose her permanent status by accepting a categorically-funded assignment.

If a person doesn’t receive any employment contract or receives a contract after the first paid day of the school year, then she is deemed to be probationary.

Temporary

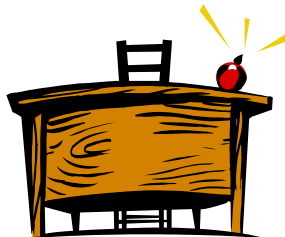
In general, school districts may hire people employees with a temporary classification (“Temps”) to replace regular employees on leaves of absence or to fill in for regular employees who have been given categorically funded positions, like TSA’s, department heads, and class size reduction. The Temp doesn’t actually have to replace a particular person; but the number of certificated employees on leave throughout the district cannot exceed the number of temporary employees.

Temps are at-will employees who serve on contracts for one school year or shorter periods of time. This means the District can release them at any time during the first 75% of the school year, with or without cause and without a hearing. If they receive a release notice from the District, Temps don’t have an automatic right to reemployment the next year, but under certain circumstances, they must be given some preference if there are vacancies. A person may be a temporary employee for many years. But, if she is rehired into a probationary position for the next school year, then the one previous year in a temporary position will count toward permanent status.

In the event of a layoff, Temps don’t receive layoff notices or have preferential rehire rights because their contracts simply terminate at the end of the school year. Because Temps have so few rights, it is especially important to verify the accuracy of the temporary classification.

Substitute

To be hired as a substitute employee (“Sub”), a person does not have to possess any kind of regular teaching credential, but only a 30-day Substitute permit. A Sub permit issued by the Commission on Teacher Credentialing requires only a bachelor’s degree and passage of CBEST. Even a sub hired for a long-term assignment during the school year may be released at any time, with or without cause, and without a hearing. Subs are paid for each day actually worked, and they usually do not receive benefits.



Instruction and Professional Development News

By Amy Hall, MVEA Director of Instruction and Professional Development

Read Across America

Once again, teachers across the District made **Read Across America** a wonderful day for motivating our students to read. With the help of District Office Personnel, City Council Members Robin Hastings and Jesse Molina, and employees from Target, our students learned that reading can be fun. A special thank you goes out to Mrs. Valdez at Vista del Lago High School, who escorted seniors to Seneca Elementary as well as Armada Elementary, to read to the students who have enjoyed this special treat for the last 5 years. Thanks to all of you who participated in making Read Across America a success!

Professional Development Opportunities

We have trainings from the JPL/NASA Aerospace Education Specialist coming up:

On **March 24th**, at Badger Springs Middle School (Library), training in "Space Math @ NASA". This training is for Middle School and High School educators. Space Math @ NASA introduces students to the use of mathematics in today's scientific discoveries. Through the use of press releases and other articles, they will explore how many kinds of mathematics skills come together in exploring the universe. It will focus on Algebra I problems including Properties of Numbers, Working with Simple Equations, Rates and

Slopes, Interpreting and Working with Graphs, as well as other mathematical problems. All subject matters are invited to attend this training. Come and expand additional ways to motivate our students to learn math.



On **April 28th**, at Vista del Lago High School (Library), there will be training for the Lunar Rock Certification. This certification will allow you to "check out" the Lunar Rocks and Meteorites from NASA to dazzle your students. How awesome would it be to have your students to look at the moon, and then know that they touched a part of that moon! After you have obtained your certification, you will be allowed to check out the samples for a 2-week period for your classroom. This training is for all levels of educators.

In **May**, (date and location to be announced), there will be training on Lunar Rocks for the Elementary Level educators. More information will be coming soon.

All trainings will be held from **3:30-6:30 p.m.** There is no fee for the training. Light snacks and drinks will be provided.

If you are interested in any of the trainings or have any questions, please contact the MVEA office at (951) 485-0545.

Upcoming Deadlines for Restructuring Plan and Single Plan for Student Achievement

The MVEA Executive Board takes action on Restructuring Plans. If your site is planning to Restructure for the 2011-2012 academic year, please send a copy of the ballot, ballot results and a summary of the Restructuring Plan to the MVEA office no later than Tuesday, May 3, 2011.



The Single Plan for Student Achievement is due to the District office April 27, 2011. This plan should have gone through the staff, the leadership team and the School Site Council. You should know the focus of the improvement efforts listed in your site's plan and the budget that supports those efforts.

MVEAinfo.com—The Place to Go for Info

By Cathy Fulgenzi, MVEA Director of Communication

Did you know that for three years now, the Moreno Valley Educators Association has had its own website, **MVEAinfo.com** where its 1700+ members can go for the information they need? Our website has had over 4000 “hits” in the past nine months alone! If you haven’t checked it out, it’s time that you did.

At MVEAinfo.com you will find all the current and past copies of our Advocate newsletter as well as the InBetween. If there is an article that you remember reading, but cannot locate the paper version of, just go online and it will be there!

When was the last time you had a question about our Contract, but you didn’t know where to look? A link to our Contract is there for you to look at and you can print the specific pages you need, if necessary.

Dates for upcoming events, and links to our Salary Schedule are also there. The Hot Topics page has important information



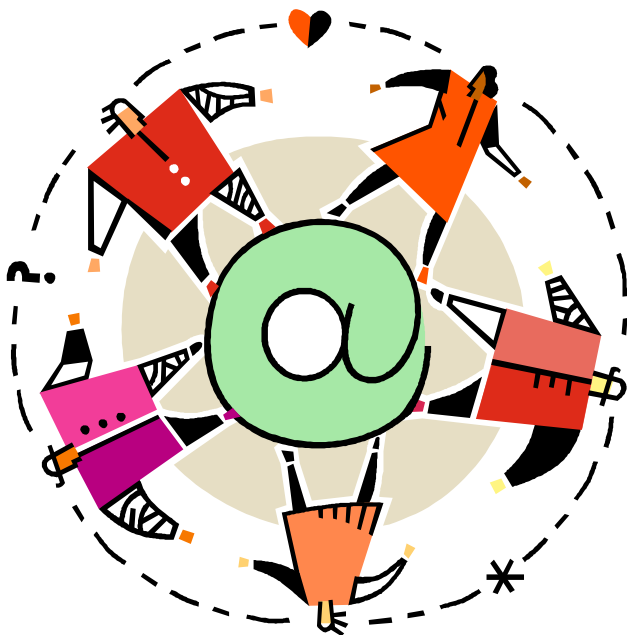
on budget issues as well as a PowerPoint presentation that can be shared with the public about Tax Fairness.

Forms are available for downloading such as Grievance, Involuntary Transfer and Class Size Overage. CTA’s The Standard also has its forms available for Disability and Life Insurance.

MVEA’s Executive Board Directory and Email list, as well as all the contact information—phone number, fax number, and address for MVEA’s office, are all listed on the MVEAinfo.com website.

There are also Resource Links which will make it easy for you to go to the websites for CTA, NEA, the California Department of Education, renewing your Teaching Credential, and even to buy discount tickets to amusement parks, movies, etc.

Go online tonight and check out MVEAinfo.com. Spread the word to your fellow MVEA Educators about how easy it is to locate the information you need there!



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23025 Atlantic Circle, Suite A
Moreno Valley, CA 92553
Phone: 951-485-0545
Fax: 951-485-0353
Email: info@mveainfo.com

*Moreno Valley Educators Association is an organization of professionals which serves as a powerful **voice** communicating the needs of Educators and students to the district, parents, and community in order to establish a **positive** school environment and build **quality educational programs**. The Association will continue to **protect the rights** of Educators, and thereby students, **by promoting equity and human rights**.*

Important Dates:

- **March 28—April 8**
Spring Recess
- **April 12** School Board meeting @ 7:00
*Bring a Friend and Come Support MVEA!
- **April 13** Exec. Board mtg. @ 4 p.m.
- **April 20** Rep Council mtg. @ 4 p.m.
- **April 24** Easter
- **April 26** School Board meeting @ 7:00
*Bring a Friend and Come Support MVEA!

Wear Red For Public Ed Every Tuesday



What started as a one day event has grown into a weekly movement across America. People who support public education will be wearing something RED every Tuesday. How much easier does it get to show you care about public education and the students who attend public schools? By wearing red, you will be symbolizing not only your support of America's public education system, but also your support of:

1. INSTITUTING RESPECTFUL REFORM THAT MAKES SENSE

-We call for reform that respects the people who are most involved in the public school system: teachers, parents, and students.

2. CREATING A SYSTEM THAT PROVIDES FAIR FUNDING FOR ALL SCHOOLS

-The current system sets schools up for failure depending upon their locations. It also has created a race between state school systems that deems some schools winners and others losers when it comes to receiving funding. We call for fair and equitable funding for all schools, no matter where they are located.

3. MAKING SURE THAT ALL STUDENTS HAVE QUALITY CLASSROOMS WITH SAFE ENVIRONMENTS

MVEA Executive Board:

President	Janet MacMillan	Director of Member Services	José Alcalá
Vice-President	Connie Pruett	Director of Political Action	Anne Prows
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Executive Director	Ann Adler	Director of Middle School	Mike Sorter
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Director of Communication	Cathy Fulgenzi	CTA State Council Members	Harold Acord,
Director of Human Rights	Danny Alvarez		José Alcalá, Janet MacMillan, Connie Pruett
Director of Instruction & Prof. Dev.	Amy Hall	CTA Board Rep. District O	Mikki Cichocki
		NEA Director District 11	Katherine Underwood