




MVEA Advocate



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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.

Involuntary Transfers

By Janet MacMillan, MVEA President

Historically, transfers have been a critical issue for MVEA. It was one reason for Association members to strike for two weeks in 1979. Results of this concerted activity included improvements in the existing language on involuntary transfers and an added protection against reassignments to punish or discipline certificated employees. Since then, there have been seven superintendents in the District. The language has been followed as written until Superintendent Lagrosa assumed the position.

tration is binding on both parties.

Despite the Arbitrator's decision supporting the current Contract's language prohibiting involuntary transfer for punishment or disciplinary action, the Superintendent informed the Association on one other occasion that she was considering involuntarily transferring another unit member after a complaint was filed against him. This injury to one is an injury to all. Association leadership was successful in returning the Educator to the assigned site.

Then practice changed. In August, 2006, the District involuntarily transferred a unit member after a parent complaint led to a letter of unprofessional conduct. Despite the efforts of Association leadership and the Executive Director, the situation could not be collaboratively resolved through meetings with Human Resources or the Superintendent. Since any unchallenged involuntary transfer has the potential to affect all members, an Association grievance was filed on all sections of the Contract relating to involuntary transfers. The process went directly to Level 3 - the Superintendent, and followed through Level IV - Mediation and Level V - Arbitration. Finally, at the end of March, 2008, an Arbitrator from the State Mediation and Conciliation Service rendered a decision. The language in the Contract was upheld on all transfer issues. The Contract further stipulates that arbi-

However, even the threat of an involuntary transfer should be a wake up call for all. Parent complaints seem to generate involuntary transfers. Therefore, if you are called into a meeting with your administrator, ask what the reason is for the meeting. If a complaint is involved, take a Rep with you. You can stop a meeting and ask that it be rescheduled if the topic turns out to be a complaint. Review Article XIX, Public Complaints, with your Rep. Make sure the process is followed. If you or your Rep have questions or concerns, call the MVEA office. Our strength is in our collective enforcement of the Contract.



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MVEA Prevails in Grievance Arbitration After Two Years: How Does It Impact You?

By Ann Adler, MVEA Executive Director

After 2 years of the grievance process and many attempts by MVEA to collaboratively problem solve a situation, an Arbitrator found that **the District violated the involuntary transfer process by transferring an employee following a parent complaint.** This is very good news for MVEA bargaining unit members because it protects Educators from discretionary transfers by District administration; that is, transfers that are disciplinary or punitive in nature. But this does not tell the whole story.

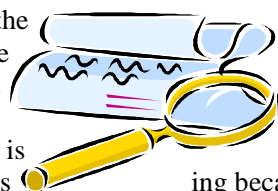
In transferring an employee, the District claimed that the transfer benefitted the educational program. That explanation does recognize the definition of the educational program under the Contract. Further, and as noted by the Arbitrator, the District stated, “they [involuntary transfers] were basically discipline, but you can always make them programmatic if you want.” The District representatives, including the Superintendent, went on to say that the transfer was “wholly programmatic.” Further, and very importantly to MVEA members, the District argued that it had the right to move an employee as per Ed Code 350359(c) which accords a school district superintendent the right to transfer teachers “in the best interests of the District.” This is very scary for our members because if this were true, it would give the District carte blanche by mouthing those words. However, the same Ed Code provides that districts and their employee organizations may bargain over transfers. This means that districts can limit their own rights by agreeing to specific provisions in a collective bargaining agreement. In the case of Moreno Valley Unified and the Moreno Valley Educators Association, transfer language was bargained that prohibits transfers for punitive and disciplinary reasons. Similar language appears in Miscellaneous Provisions, Reassignment: “Reassignments shall not be made to punish or discipline employees.” Therefore, the District cannot trump the Contract with the Education Code since specific transfer provisions were agreed to between the two parties. Finally, in the Contract, involuntary transfers may only be made for three reasons, none of which is for discipline. Educational needs are defined in the Contract as “appropriate credential, satisfactory evaluation, and specific site/program needs and/or related experience in desired position.” None of these fit the situation of this transfer either.

In summary, a lot was resting on this case in terms of implications to all bargaining unit members. If MVEA had lost, the District could return to its ways of the 1970s and transfer employees after complaints or alleged issues by claiming “educational needs of the District or “in the best interests of the District.” Thankfully and rightfully, the Arbitrator found, “Even if only part of the motivation for an involuntary transfer is disciplinary or punitive, it is enough to taint the involuntary transfer as being in violation of the Agreement.” She goes on to say that she finds “this transfer was at least partly punishment given its timing, the absence of a contemporaneous explanation of the programmatic need being met, the failure of the District to accord the Grievant the promised opportunity to bring their conduct up to professional standards...and the acknowledged history of the District regarding disciplinary transfers in somewhat analogous circumstances.” And so, she found the District in violation of the collective bargaining agreement.

One footnote: the Association had alleged that the District also violated the Public Complaint procedure timelines. The Arbitrator did not agree and found MVEA out of compliance with the timelines. This is interesting because the issue in the above case had been investigated once and put to rest. The investigation was reopened, upon request by a group of parents, to the then new Superintendent Lagrosa when she arrived. MVEA said the timelines were expired, and it was too late to make the same investigation. So, the bottom line is:

1. File a grievance immediately if you suspect or know there is a parent (or even student) complaint about you. You can drop the grievance later if the investigation is dropped or does not happen, but you will be enforcing the Contract and helping assure yourself contractual protections if, unfortunately, you have to deal with a complaint. And, you will be within the timelines if you file the grievance.
2. Notify MVEA IMMEDIATELY if you know of anyone who is being forced to transfer following any issues, and especially if that person has been written up for alleged behaviors.

Your Contract and its protections are only as good as you make them. Collectively speaking, ask not what MVEA can do for you, but what you can do collectively to make a difference. You are MVEA!

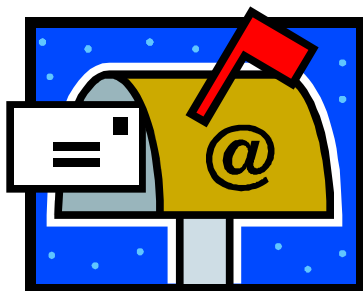




E-mail Your Legislators and the Governor Today!



**Stop the Legislature from Devastating Public Education!
Help stop RIFs. Help our students so there are resources.**



Send an email now!

Let your voice be heard.

YOU CAN MAKE A DIFFERENCE!

It's quick. It's easy. And it's **WORTH** your time!!

Tell your Site Reps who you have written to so that you will be entered into the drawing for \$100, \$50, and (2) \$25 Best Buy gift cards.

The more people you write to, the more chances to win!

1. Go to www.cta.org on your **HOME** computer.
2. Find STATE BUDGET CRISIS in the middle of the page toward the top.
3. Click on "Tell your Lawmaker to reject the proposal."
4. Click on TAKE *ACTION* just below "Reject Governor's State Budget Proposal."
5. Type in your zip code and the Governor and your legislators' names will pop up. (You can email all three at one time or unclick individuals.)
6. Click "Budget" in the "Issue Area:"
7. Next, select paragraphs you wish to use or write your own.
8. Type your name where it says, "Your Name," and fill out the information spaces at the bottom of the email form.
9. You may preview your message.
10. Click "Send Message" to end.
11. **Let your Site Rep know who you contacted!**



California's "Day of the Teacher" to be observed May 14

CTA calls for a Statewide Day of Action



MVEA will celebrate California's "Day of the Teacher" on Wednesday, May 14. This marks the 26th anniversary of the

day established to give special recognition to teachers for their contributions to education and the lives of California's children. This year's theme is: *"California Teachers: Making a Difference Every Day."*

"Day of the Teacher has always been a time to recognize and appreciate the educators in your local schools. As President of MVEA, I can tell you that the teachers in this community make a difference every day in their classrooms," stated Janet MacMillan, President of the Moreno Valley Educators Association.

"Yet, the governor's proposed budget cuts of \$4.8 billion to education will do serious harm to schools across California and will undermine the steady progress teachers have been making with their students. **Statewide, the proposed cuts would mean laying off thousands of educators and would result in increases in class sizes and the elimination of important programs like art, music, and advance placement courses. In Moreno Valley, this would include the loss of our critical elementary counseling program and our P.E. Grant program for 08-09 and more for 2009-10 if money is not found,**" MacMillan said.

The 18,000 layoff notices that have

been issued to teachers, school employees and other educators are only the first in a series of problems being created for our schools by these proposed budget cuts. The problems will only get worse if funds are cut further.

"That's why, on this Day of the Teacher, **MVEA is asking our legislators to reject the current budget proposal and pass a budget that protects our schools and our students,**" continued MacMillan. A letter and e-mail writing campaign has already started.

MVEA's members are also strongly urged to attend a State Budget Rally being held on May 14th at 4:30 p.m. at the SE corner of Hospitality Lane and Waterman in San Bernardino. Educators from the entire Inland Empire will be there. State Superintendent Jack O'Connell will be a speaker, as will the county Superintendents. Our numbers and our voices will make a difference for our students and employees. CTA has called for a Statewide Day of Action for public schools on May 14, the California Day of the Teacher. "We must persuade our local lawmakers that they must do the right thing for public education and the future of this state," declared MacMillan.

CTA and the Association of Mexican American Educators (AMAE) sponsored the bill, SB 1546, first proclaiming Day of the Teacher. It was written by Sen. Joseph Montoya (D-El Monte) and signed into law in 1982. The California celebration is patterned after "El Dia del Maestro" celebrations in Mexico and other Latin American countries.

Riverside and San Bernardino County

Education Coalition

Protect Our Students • Save Our Schools

Education Rally

featuring State Superintendent of Public Instruction
Jack O'Connell

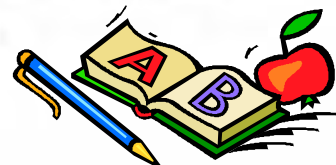
Wednesday • May 14, 2008

4:30 to 6:00 p.m.

Corner of Hospitality Lane and Waterman Avenue
San Bernardino, California



Please join Riverside and San Bernardino County superintendents, administrators, teachers, classified employees, board members, parents, students, and community leaders as we rally to support our public students!



Scripted Instruction: Is It Really Benefiting Our Students?

By Katherine Underwood

Recently, I was appointed by CTA to a Joint Committee on “Scripted Learning.” CTA is seriously looking at this issue because the impact of scripted learning and direct instruction has become an overwhelming concern to California educators. Upon returning to the classroom, I experienced first hand the change that this and other “educational reforms” has had on instruction. I found that, as a result of the District being designated Program Improvement, I was met with direct instruction, scripted teaching, focus walls, standards posted on the wall and more.

During the joint meeting, which was held April 6-7, 2008, the members of the committee engaged in a heartfelt discus-

sion about the impact this trend has had on our students, especially those who are losing the “achievement gap” battle. We discovered that statistically, children who live in poverty or who are English Language learners taught through scripted strategies are falling farther behind, especially if there is no flexibility for the educator. We also found that there might be some short term uses for scripted learning as long as it is not the entire curriculum. Many of the states who adopted scripted programs early are now dropping them. After reading many articles, it appears to me that our state and nation have proceeded down a legislative textbook path that does not create high achievement, honor the diversity of our students, or respect the integrity of educators.

As classroom educators, we have many challenges ahead of us, and we work to protect our rights and promote what is best for our students. We need to be a part of the ongoing “educational reform” dialogue, not just bystanders. It is time to take action to protect our students and to improve the education for all students. The “scientifically based” movement is targeted toward a “one-size-fits-all” approach to teaching and learning. One size does not fit all.

Please let me know your thoughts on this issue by e-mailing me at kunderwood@mveainfo.com so that I can better represent your experiences with scripted learning in a “Program Improvement” environment.



MVEA Educators of the Month:

Don Miller and Ben Necochea



MVEA and the Moreno Valley Chamber of Commerce continue to recognize outstanding Educators recommended by their peers.

The Academy of Creative Technology (ACT) at Canyon Springs High School is a school within a school that focuses on digital art and includes the application fields of photography, graphic, web and print design, and television production. The goal of the program is to integrate academic and vocational education so that post secondary options are open for students, but what it accomplishes on a day-to-day basis is to keep kids interested in coming to school. If you visit classes in the ACT program, students will tell you that these periods are the best part of the day and what gets them through school. Many of these students enter college, but some transition smoothly into jobs in the fields they studied in the ACT program. Two Educators, Don Miller and Ben Necochea, have been instrumental in building this program.

Don Miller began the ACT Academy by applying for a grant through the California Partnership Academy program in 1997, and has added to it with additional funding from corporate sponsors such as the Gluck Foundation. He continues to be the Academy's contact with the business community and with other

staff at Canyon Springs whom he recruits to support the ACT program by allowing students to use media as a means to demonstrate mastery of the standards in their core areas. Don currently teaches video productions and humanities. Outside of school, Don films events for local cable channels and recruitment videos for the District. He and his wife, Beth, sing in their church choir and the Raincross Chorale. Don has worked in the Moreno Valley since 1972, and has a long history of leadership experience, including a term as MVEA President.

Ben Necochea left a career in graphic arts to join the faculty at Canyon Springs and the ACT program in 1999. He has added his expertise with digital media and design to the class offerings of the Academy. He teaches Elements of Design and Digital Media, but he is also responsible for monitoring student progress in the core classes, arranging for motivational speakers and recruiting mentors for students. Outside of school, Ben values his time with this wife, Jamie, and four children, the last of which he recently adopted from India over winter break.

Student success keeps Ben and Don motivated. They are enthusiastic about their program that connects academics with the work world. Congratulations to Don Miller and Ben Necochea, two teachers who open the future for students, be that college or career!



The **MVEAdvocate** is published ten times a year by the **Moreno Valley Educators Association**. **MVEA** is associated with the California Teachers Association (CTA) and the National Educators Association (NEA). **MVEA** is a member of the National Council of Urban Educators. Locally, **MVEA** is a member of the Moreno Valley Chamber of Commerce and the Moreno Valley Hispanic Chamber of Commerce. All unsigned articles reflect the official position of **MVEA**.

Comments, suggestions, and inquiries should be sent to: Cathy Fulgenzi, Editor
 (cfulgenzi@MVEAinfo.com)

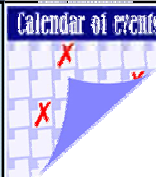
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MVEA Executive Board

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NEA Board Rep. District 11	Patty Taylor

Important Dates:



- May 6:** MVEA Exec. Board Mtg. @ 4 p.m.
- May 6:** MVUSD Board Meeting @ 7 p.m. (Board Room)
- May 7:** MVEA Rep. Council Mtg. @ 4 p.m.
 (Moreno Valley Conference & Recreation Center)
- May 11:** Mother's Day 
- May 14:** State Budget Rally @ 4:30 p.m.
- May 20:** MVUSD Board Meeting @ 7 p.m. (Board Room)
- May 26:** Memorial Day 
- May 28:** MVEA Exec. Board Mtg. @ 4 p.m.

Secretary's Corner

By Katherine Underwood

Election Reminder: This is the timeline for the MVEA Executive Board and CTA State Council Delegate election:

- April 22** First date to request absentee ballots. Any member of MVEA may request an absentee ballot. You can have it mailed to you, or you can pick it up at the MVEA office.
 - April 30** Ballots and boxes distributed to Sites.
 - May 7-8** Election held.
 - May 8** Ballots and Ballot boxes due by 5:00 p.m. at the MVEA office.
- Ballots counted by the MVEA Election Committee.

If you have any questions, please contact your Site Rep or call and leave a message for Katherine Underwood at the MVEA office at 485-0545.

