



*Employee Transfer Request ~ April 1  
Salary Advancement ~ May 15*

*Can you believe it... LESS THAN FORTY DAYS to go!! I know that everyone is focused on their classrooms with ESGI testing for Kindergarten, 1st Grade Literacy and Math Assessments, Kinder through 5th Grade district writing assessments and State Testing for Grades 2nd through 8th. Even though these times are often described as, "chaotic or crazy"- don't forget to enjoy those little moments with your students that make you smile.*

*As for your union, we have been busy working on several different projects including Section 125 improvements, better communication with open enrollment options, research on possible bylaw updates, and ETA account updates. All the while, we are also keeping a sharp eye on the uncertain State Budget and awaiting the final decisions that will ultimately affect our district and our union. It is the hope of your ETA Executive Board that we have been able to be your "watch dog" on the above projects and issues, so you could focus on what's important... your students and your classroom. :-)*

***Have an enjoyable month~ Michele Jacks***



***We want YOU to get involved!***

***Are you interested in learning more about ETA?***

*There are several ways you can actively participate in Etiwanda Teacher Association activities.*

- *Attend ETA Rep Council Meeting (all teachers are welcome to attend)*
- *Consider being a School Site Representative Council Member for 2011~2012*
- *Consider running for a ETA Executive Board officer for 2011 –2012*

***See page 4 and 5 for more info***



***Happy Spring!***

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**ETA Executive Board**

President ~ Michele Jacks

Vice President ~ Sonya Scott

Secretary ~ Shay Pearsall -Lee

Treasurer ~ Christine Sabala



## Physical Education Requirements

This article appeared on page C - 3 of the San Francisco Chronicle on March 17, 2011

The state Supreme Court denied an Alameda County school district's appeal Wednesday 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."

This story has been corrected since it appeared in print editions.  
E-mail Bob Egelko at [begelko@sfchronicle.com](mailto:begelko@sfchronicle.com).

Remember to check out the ETA website  
[www.etiwandateachers.org](http://www.etiwandateachers.org)





# Classification in a Nutshell

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, she 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 regularly-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.

A person who holds a provisional credential, such as a Short Term Staff Permit (“STSP”) or Provisional Intern Permit (“PIP”), which replaced emergency permits, must be classified as probationary unless she is correctly classified as a Temporary or Substitute (see below).

However, she will not be eligible for permanent status until she obtains a preliminary or clear credential and serves in a probationary position for two years. A person holding an Intern credential is treated a bit differently: a year as an intern will count toward permanent status if the employee obtains a regular credential and subsequently is reemployed in a probationary position.

An employee’s seniority date is determined by the first date of paid, probationary employment. Ironically, this means that an employee who was first hired with less than a preliminary or clear credential and served for several years in that capacity may actually have more seniority than a fully-credentialed employee who became permanent after serving only two probationary years. Similarly, an employee who is probationary because she has always served in a categorically-funded position might have more seniority date than a permanent employee. None of this matters, however, in a lay off situation, because a probationary employee must be laid off before a permanent employee with the same certification and qualifications.

If a person doesn’t receive any employment contract or receives a contract after her 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 and do not have the same guaranteed rehire rights as Probes or Permanent employees because their contracts simply terminate at the end of the school year. Because Temps have fewer 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.



## ETA Executive Board ~ Job Descriptions

According to the ETA Bylaws

Officers shall be elected for a term of one year commencing on July 1 and ends on June 30 of the following year.

(Please review ETA Bylaws for more information)



*Election Information for  
ETA Executive Officers  
will be forthcoming.*

### ETA Stipends per term

President = \$5000

Vice President, Secretary  
and Treasurer = \$2500

- Be the official spokesperson for ETA
- Prepares the meeting agenda and preside over all ETA meetings
- Be familiar with the governance documents of ETA
- Appoint all chairpersons and members of committees and the bargaining team with the approval of the ETA Executive Board
- Call all meetings of ETA and the Executive Board
- Co-sign with the treasurer all checks
- Serve as an ex-officio member of all ETA committees
- Suggest policies, plans and activities of ETA and responsible for the progress and work of ETA
- Attend Service Center One meetings and CTA/NEA meetings as directed by Rep Council
- Meet with individual school site's members to receive direction from teachers regarding their needs

## President



## Vice President

- Serve as an assistant to the President in all duties of the President
- Assume duties of the President in the absence of the President
- Responsible for the formation and distribution of the ETA calendar of activities
- Responsible for the creation and distribution of the ETA newsletters to members
- Serve as coordinator of committee activities at the direction of the President



## ETA Treasurer



- *Receive all funds belonging to the ETA and be responsible for their safe-keeping and accounting*
- *Pay out funds in accordance with appropriate laws and guidelines of ETA*
- *Co-sign all checks*
- *Prepare bi-monthly written financial reports for Rep council and Executive Board meetings*
- *Responsible for annual audit of the books of ETA and provide summary of this audit to the membership*
- *Submit financial reports to CTA, NEA and other agencies as required by law*
- *Perform other duties as the President assigns*

## ETA Secretary



- *Keep a careful and accurate record of the proceedings of each meeting*
- *Responsible for the distribution of minutes, meeting notices and agenda*
- *Keep an accurate roster of membership and all committees*
- *Maintain records and carry on the correspondence pertaining to ETA*
- *Prepare ballots for elections*
- *Submit membership reports to CTA, NEA and other agencies as required by law*
- *Perform other duties as the President assigns*

### **Interested in being a School Site Representative?**

School site representatives responsibilities

- *conduct constant and ongoing liaison between the Rep Council and school site*
- *serve as the official channel through which written communication is transmitted between ETA and teachers*
- *represent the views and input of teachers in votes taken in the Rep Council meetings*
- *perform additional duties as prescribed by the Executive Board*

*One school site representative for every ten teachers at a site (elections may be required)*

*Stipend ~ \$25 per Rep Council Meeting attended up to \$250 per year*



# Notice

**Do you ever receive mail or email messages from companies claiming to be a CTA endorsed vendor?**

If so, you're not alone. Recently, several members received an email from someone identifying himself as "Michael Cohen, California Teachers Association" and referring teachers to "[www.refi.org/teacher](http://www.refi.org/teacher)". Please understand that Mr. Cohen does not represent CTA, the company to which he is referring is not a CTA endorsed vendor, and steps are being taken to stop these emails.

CTA does endorse the following companies:

- The Standard Insurance Company – Life and Disability Products
- California Casualty – Auto and Home Insurance Program
- First Financial Credit Union - Financial Services
- Provident Credit Union (available in Northern California only) – Financial Services
- TSA Special Member and Insurance Services, Inc. – Travel, Entertainment and Discount Services
- Bank of America – Credit Card Services

CTA also has agreements to recommend the following companies:

- NEA Member Benefits
- Mayo – Well-Baby Program
- Enterprise Rent-A-Car – Rental Car Program
- CalSTRS 403(b)Comply

Companies endorsed by CTA must go through a rigorous screening and review process, and must be approved by the Vendor Evaluation and Screening Committee and the CTA Board of Directors. Those companies who receive endorsement by CTA must agree to be subject to the processes of the CTA Advisory Panel on Endorsement Services. The Panel provides advocacy for our members should they have a concern or be unhappy with the products or services of an endorsed vendor.

If you receive information from a company claiming to be CTA endorsed and want to verify whether it is true, or just want to know what companies and products and services are endorsed, visit the Member Benefits section of the CTA website at [www.cta.org](http://www.cta.org), or call the Member Benefits Department at (650) 552-5200.

The Standard

## A CTA Member's personal story on the benefits of Disability Insurance provided by The Standard

The Standard strives to provide the best customer service to the more than 85,000<sup>1</sup> CTA members who have chosen to protect themselves and their families with the only CTA-endorsed Disability and Life Insurance plans.

To protect against the unexpected, Tustin Education Association member Whitney Schell chose to participate in the CTA-endorsed Disability Insurance plan provided by Standard Insurance Company (The Standard). When a medical issue caused Whitney to use her policy, The Standard was able to help her make the best of a difficult situation. Here is Whitney's story in her own words:

*"During the whole claim process everyone was kind, respectful and just wonderful to me. I truly felt cared about and appreciated. The staff at The Standard helped me take care of paperwork, easing my stress load and making the situation an all around pleasant one. Thank you for making the customer feel #1!"*

If you've had a great experience with The Standard and you would like to let other CTA members know about it, please send your story to [ctastory@standard.com](mailto:ctastory@standard.com).