



California Teachers Empowerment Network

Standing out from the crowd, fully informed on the issues

Please note that in addition to the traditional emailing of the CTEN monthly newsletter, we will once again post it on the CTEN blog - <http://www.ctenteachers.blogspot.com/> As usual, there are several controversial issues covered in this letter and we urge you to share your opinions with other teachers.

April 20, 2016

Dear Colleague,

Last Thursday, a California appeals court reversed a previous ruling that had removed tenure (after two years) as well as the LIFO and dismissal statutes from the state's constitution. But it isn't over yet. Next stop for the *Vergara* case will be the California State Supreme Court. More here - <http://www.latimes.com/local/lanow/la-me-ln-court-rejects-bid-to-end-teacher-tenure-in-california-marking-huge-win-for-unions-20160414-story.html>

In light of the *Vergara* case, there is proposed legislation in Sacramento that deals with the controversial issues involved. Assemblywoman Susan Bonilla (D-Concord) has introduced legislation that would change both seniority and tenure as we know it,

Under Bonilla's bill, teachers who are doing poorly would be placed into a program that offers them extra professional support. If they receive another low performance review after a year in the program, they could be fired via an expedited process regardless of their experience level.

New teachers would potentially take longer to obtain permanent employment status, often referred to as tenure. The probationary period for new teachers now lasts 18 months. Bonilla's bill would allow school officials to keep teachers on probation for a third or fourth year after placing them in the professional assistance program.

Seniority would no longer be the single overriding factor in handing out pink slips. While tenured teachers with positive reviews would still be the last to go, Bonilla's bill would allow districts to lay off permanent teachers with two or more poor reviews before they lay off newer teachers who have not received poor evaluations.

To learn more, go to <http://www.sacbee.com/news/politics-government/capitol-alert/article68720617.html>

A quick review of the *Friedrichs* case: The lawsuit, which would make teacher and all public employee participation across the country voluntary, was on track to win in the Supreme Court until Antonin Scalia's death in February. At that time, all involved agreed that the vote would be

4-4 and the decision would revert to a lower court ruling; thus there would be no change to the existing agency fee rules. In fact, that's just what happened on March 29th when SCOTUS revealed that it was evenly divided. Then, on April 8th, the plaintiffs' lawyers filed a petition to rehear the case after a new justice is chosen to replace Scalia. The petition states, "The questions presented in this case are too important to leave unsettled with an affirmance by an equally divided court, and they are guaranteed to recur in the absence of a definitive ruling from this court." The petition also argues that it is "quite common" for the Supreme Court to grant rehearing "where the court is equally divided, particularly when there is a vacancy." To read an *Education Week* piece on the petition, go here - http://blogs.edweek.org/edweek/school_law/2016/04/non-union_teachers_seek_friedr.html To read the petition itself, go here - http://pdfserver.amlaw.com/nlj/friedrichs_v_cta_pet_rehearing.pdf

Ed Source's John Fensterwald has written an interesting piece on the *Friedrichs* case in which he asserts that "Besieged teachers unions reach out to their members." As he states, the unions got a reprieve and an "opportunity to learn from a near-death experience." One paragraph in particular really caught my eye:

And it has seen a growth in membership, notwithstanding the spotlight that the Friedrichs lawsuit cast on the teachers' option to pay only agency fees instead of full union dues. (UTLA Secretary) Barnhart said the percentage of teachers who are paying only agency fees dropped in two years from about 10 percent to 4 percent. The largest increase in membership coincided with the union vote last year on a contract with a 10 percent pay raise. UTLA converted 900 teachers on election day. Many of the 2,700 teachers who had been paying agency fees "didn't realize they weren't members," Barnhart said. The union gave them a provisional ballot to vote and signed them up, he said. (Emphasis added.)

I find it quite surprising that so many agency fee payers do not realize they must resign from the union to achieve that status. If any of you know others who are unaware of the agency fee facts of life, please send them to the CTEN web page where membership options are discussed - <http://www.ctenhome.org/teachers-union-membership-options.html>

For those of you who are still union members, most notably of the CFT variety, you might be interested in a piece written by CFT president Josh Pechthalt in the union's Feb.-March newsletter. In a piece called "The State of Our Union: We are working to "Activate Labor for Justice," Pechthalt states the following,

We must deny Republicans the White House. The next president may appoint more than one Supreme Court justice. I don't want my daughter or any child living in a world where a majority of right-wing Supreme Court justices are making decisions about women's rights, healthcare, the environment, affirmative action, union rights, and the power of the wealthy and corporations to buy elections. We have to work hard to elect a Democrat.

If you are a full dues paying member, please keep in mind that your political dues are supporting Pechthalt's politics. If you want to reconsider your membership status, again, our membership options webpage spells things out - <http://www.ctenhome.org/teachers-union-membership-options.html>

Is there a war on school choice in California? *Watchdog.org*'s Amelia Hamilton certainly thinks so. "Currently the 15th friendliest state for school choice, California's educational establishment is fighting back. While the battle against charter schools continues to rage, the Los Angeles United School District (LAUSD) has recently denied parents the right to a parent trigger option, throwing the law into jeopardy." She ends her convincing piece with "Stuck in a bureaucratic, unionized past, school districts are looking to strong-arm these options away from families rather than grow with the educational opportunities that are becoming available." To read the whole article, go to <http://watchdog.org/260240/war-school-choice-california/>

In a recent *US News & World Report* piece, "America's Bankrupt Schools," Lauren Camera sounds alarm bells, explaining that "Pension plans could be the culprit behind broke big-city school districts," and goes on to detail the bleak fiscal situation that now burdens Philadelphia, Baltimore and Chicago. Among other things, she claims, "the funding crises have had serious ramifications on the teaching profession, making it difficult for urban school districts, which already struggle to attract and retain teachers for the most underserved students, to fill open positions." To read this provocative piece, go to <http://www.usnews.com/news/the-report/articles/2016-03-18/why-big-city-school-systems-are-going-broke>

According to a new report, from the Washington, D.C.-based think tank Education Reform Now, an affiliate of the advocacy group Democrats for Education Reform,

One in four college freshmen who enroll in college directly after high school enroll in remedial classes. Remedial students who begin at four-year colleges are about 75 percent more likely to drop out of college — an issue both K-12 and higher education policy experts have been grappling with for years. Much of that research has focused on lower-income minority students who attend community colleges. But a report released Wednesday shows this student population is far from the full picture, pointing to an "expansive failure" of American K-12 schools in preparing all students for college.

To read more, go to <http://laschoolreport.com/remedial-courses-come-with-steep-price-tag-and-low-income-students-arent-the-only-ones-footing-the-bill/>

Just how bad are the Common Core tests in New York? According to a teacher there,

Over the course of three consecutive days last week, students in Grades 3-8 took Pearson's New York State Common Core English Language Arts tests. As was the case in [2013](#), [2014](#) and [2015](#), I felt that the 2016 English Language Arts tests were developmentally inappropriate, confusing and tricky. Despite the New York State Education Department (NYSED)'s "adjustments" to the 2016 assessments, there was no improvement to the quality of the tests.

To continue reading, go to <https://www.washingtonpost.com/news/answer-sheet/wp/2016/04/12/teacher-what-third-graders-are-being-asked-to-do-on-2016-common-core-test/>

Blogger and education activist Leonard Isenberg claims that:

Every week for the last 5 years I have been contacted by what seems to be a neverending parade of targeted senior teachers at the top of the salary scale that make up 93% of teachers being

charged and subsequently removed from their careers at LAUSD. They all tell with minor variations the same story: They are being hit with fabricated morals charges or inflammatory allegations of being racist for doing something as mundane as teaching about race in the context of the civil rights movement in a Social Studies class.

They all describe the open collusion of UTLA from chapter chairs on upwards with LAUSD against them in a process that presumes them guilty without UTLA doing anything to come to their aid. The only teachers UTLA has ever defended are those within the UTLA "power" structure. Just ask Alex Caputo Pearl who was targeted when he was at Crenshaw High School and very atypically had the union successfully come to his defense.

Has this happened to any of you who are involved with LA Unified? Or any other district? To read more of Isenberg's accusations, go to <http://www.perdaily.com/2016/03/top-of-the-salary-scale.html#more>

CTEN has three Facebook pages. If you have a Facebook account, we urge you to visit ours and let us know your thoughts. Having a dialogue among teachers is an effective way to spread information and share our experiences and ideas. Our original Facebook page can be found here <http://www.facebook.com/home.php#!/group.php?gid=125866159932&ref=ts> Our second page, which deals with teacher evaluation and transparency, can be accessed here - <http://www.facebook.com/home.php#!/group.php?gid=126900987357825&ref=ts> Our newest page is Teachers for School Choice and can be accessed here - <https://www.facebook.com/teachersforchoice?ref=ts>

In any event, if you enjoy these letters and find them informative, please pass them along to your colleagues. We know that there are many independent-minded teachers in California who are looking for alternative sources of information. Many thanks, as always, for your interest and support.

Sincerely,
Larry Sand
CTEN President