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This is Public Comment for, therefore this will be sent three times - one for each.

7.0 Pubic Comment

Item 11.5 Revision to Board Policy 6158- Independent Study

8.1 Employee Organization Reports:

To the Board,

What happened at CCS was a perfect example of exactly what the legislature wanted not to happen under **EDC 35036** - only it was on deeper sinister level and had the audacity to actually leave hundreds of students with no teacher, in far worse violation of civil rights and employment rights. (See Intent of the Legislatures below) Because in-part of The **New Teacher Project** the California Legislature created the law to stop the bad practice of transferring teachers over the rights of principals and with the intent of not hiring new teachers just as qualified or more in Api 1-3 Tittle 1 schools. AT CCS The Intent was to move new teachers out by hiring dozens of Transfer teachers in late July and then a month later in August plan on the newer teachers hired the year or years before and have them removed or involuntary transferred

Ed code 35036 prohibits transfer policies from giving priority to voluntary transfers over other qualified teachers after April 15 prior to the school year that a transfer would become effective. ...

The Truth - The hiring freeze was in affect from November 8th to June 2023 and not interview the dozens or hundreds of applicants including those I know for IS positions. The lie to the Press, the people, and to the judge in PERB by the district, board, SCTA there was a teacher shortage was audacious and false because there were dozens of applicants, and a hiring freeze. The district did not follow protocol in HR forms and processes. I requested those forms in public records request. The Vacancy requisition forms that show the need and justification for the teachers. They would not have the student numbers over summer to hire them in end of July and then keep them but move 22 teachers less senior under them out. The moving out of the Music teacher at the same time and denying the five other proposed positions by the principal, like resource, were denied and thus pushing many teachers out and keeping those high on the seniority around the district in. - not what the principal wanted and in violation of his rights. It violated the employment and the civil rights of students too.

But it happened. - **and to such an extreme probably never seen before in history of California.**

It's Historic - but it's not the first time.

There were 500 students waiting for teachers during the pandemic. The principal told me he was not allowed to interview teachers who applied in November and before for positions. He said there was a freeze, in total violation of all laws and board policies. 35036 laws added that principals from other schools can refuse to allow their teacher who wants to transfer in or the district-union wants to can say, "no." and not allow this transfer to take place. This is what happened to the majority of dozens of teachers whom the district wanted to move into CCS and so instead of hiring new teachers - students had no teacher during the pandemic and in such violation of AB 130 and laws. This was never about the best interest of the district.

David Fisher said in the zoom with all the other teachers when discussing the pending potential move out of 22 teachers at CCS in September 2022- This has never happened on this scale or in this many numbers at a site.

The union conspired- See below the MOU of SCTA and SCUSD Jan 27, 2023.

iii. Filling of Non-traditional Independent Study Positions:The District *will post available, Independent Study positions, for application among bargaining unit members.* Positions will be awarded first to certificated staff who need accommodations as set forth in Section X above. If vacancies remain after those positions have been awarded, positions will be awarded in order of seniority.

SCTA had no interest in Cap City hiring immediately to provide teachers to students, or they would have hired new teachers, who would be less senior the current teachers as I have said. Their only interest was transfers who would have more seniority to move out the current teachers or new teachers. No care for the students without teachers during a pandemic. Supported by the umbrella,-- The Firm, -- CTA is now giving them medals.

Aside from not hiring the qualified applications, including my friends stellar aps, no hires were done in violation of every principal and practice to reserve the spots for HR and SCTA reviewed everyone's credentials and experience and move all the teachers in when it could be done the in the shadows but unfortunately the sun was shining through. The principal was told by the district they hired to many and there was a freeze In total violation of his rights as well under 35036.

Not claiming to be any better but nobody wants to go against the union or district and stand out. I imagine that might be true of working union employees too. But I don't protect my feet well either and prefer hiking rivers barefoot. Lucky for me, or not, I was already claimed there would not be any legal help by the union for any issues even if they agreed for my conflict of interest. I did not complain in spring 2022 until facing my own illegal transfer in September. In mid-September I sent emails with the codes, EDC, board policies, and CBA rights and why it was improper including my own limitations in the regular classroom and concerns about my own hampered abilities. I also had VPSS certification and training for three years and should be in my own class of credit recovery based on my experience in the seniority list. No training or help was given when HR and SCTA were aware of my concerns and claim of illegal transfer. I brought up the codes that allow the superintendent even to bypass seniority to place teachers in the best place.

The pandemic created needs that only CCS fulfilled in 2021-2022, thus making the whole picture very dark. Additionally, At CCS My children, (students) had music ripped from them long after school started, and it was approved when the position had no bearing on student numbers or need to reduce. Why?

Please follow the LCAP and the intent of Title 1 funds. Bring music back to CCS when it was there at the beginning of the school year. The teacher was the only other teacher whom complained after me about these civil rights of students and improper moves. She was moved out and it made no sense.

Let's talk about the past- I said it is not the first time. It was just determined last month by the Appeals court In Wu vs TRUSD that in Independent Study you cannot have hourly paid substitutes as regular teachers and they would be misclassified. Therefore, at CCS several years ago this district was in total violation of the laws for all or most all of its teachers. - Because they were doing the same thing, but unknown how long and with the union's blessings.

The judges ruled they would be regular probationary teachers. They claimed I was let go at TRUSD but in all briefs by the district and myself we both agreed I was laid off when the Hourly position ended (and they reclassified everyone but me on the 9-13-2016 board notes and I negotiated on their behalf) The judges also did something odd. They singled out the attorney asking what he thinks separating him from his client.

I know my audio had technical difficulties in the 3rd court in December on my union case. That was a case against the union has duty of fair representation to a misclassified teacher and also Subs are teachers that should be under union CBA around the state, but it was ruled the opposite for both issues and now published. I mentioned in oral argument on Feb 22 that this court, the

3rd, is the seat where the state agencies are, and writs happen but I discovered after trying to review for how to argue that its the only district of six in California that does not have recordings or live video. It only has a recording that one can buy later. It also only allows 15 minutes when other districts allow 30 per the statutes. It is a funding and overloaded with cases issue is what I said and that effected the transparency. Not sure I will get that audio but it seems to me that it was clear the judges did not like the improper things the district did in having teachers improperly classified.

After I joined the statewide union CTA in late Spring semester 2015 at TRUSD then the union decided to help the hourly paid teachers at CCS who were wrongly classified as substitutes and settle for a move outside the school. This was the first Rodeo of a mass movement of teachers out of CCS. A pattern is now emerging that does not stop. - Change that list. You move the people you want out too.

I had the same CTA attorney, but he filed for misclassification of me and recommended reclassification. For CCS, he shamefully recommended or supported they all leave and get positions in the district - the first time a Mass movement of dozens of more experienced IS teachers pushed out of CCS except one part time math teacher who worked overtime doing the same work each day which is not legal. If he did not keep threatening to drop representation if I did not settle, then I would not filed against the local union have a PERB case in state supreme court. Then the CTA attorney claimed conflict of interest and refusal to settle, both improper reasons, The president of the union said the attorney played dirty and if I had to quit someday, I wanted to bring my years of service and have my medical bills paid and other things they would not do in 2016. The union was not interested in doing the right thing and they can improve their ways - so can this district.

The shady districts are like Mafia - immune to federal DOE, CDE, CCTC, COE, FCMAT, CONTROLLER and other agencies. Back alley STRS meetings with the unions and districts are the norm. FCMAT's Michael Fine's commented in an email that he was offended I claimed FCMAT was improper. FCMAT has Bill Mcguire teaching HR workshops as one of only two for the state when he does not have a credential as required by law to oversee HR. After the media on him and his Retirement he still works for TRUSD as a consultant for 1500 a day or hour or who knows because they do not post the details in their budgets nor does the COE or CDE force Districts too clarify when they report improper fiscal reports. They claim no jurisdiction, only reporting agency except and after hours with really kind employees of CDE they claim it all comes back or down to the voters and the board. - *There you go.*

---but they know they are interpreting the laws wrong because they knew they have jurisdiction.

Just because school districts get this immunity blanket does not mean it does not have holes or wont cover in the future. look to Franklin DryWall vs Attorney General. He did

fraud ten times less than TRUSD but got two years in prison. Private sector does not have the mafia that education holds. He had his HR filling out overtime for part time employees and defrauding the retirement by hundreds of thousands and other types of benefits to employees, but he was way better than TRUSD. They were regular employees with benefits. (TRUSD defrauded millions in the part time hourly paid teachers over two decades and did not give medical benefits or union membership, a constitutional right to property and freedom of speech and assembly)

Which leads me to my last request. Please tell the district to send all the public records request I made for HR documents that are not protected by privacy and I know which ones are and are not because I have gotten them from TRUSD and dozens hours of deposition about them so I know what can and cannot be provided. The forms that have the approval and reasoning for the hiring for this last year and more. Some of them requested are the (5.3 Position Vacancy Requisition is forwarded to the Personnel Technician to post vacancy per SCTA contract. (PSL-W031), The Vacancy Requisition forms are in the Binder in the Cabinet in HR and retained for three years. (TRUSD came in and took away boxes of the PAF forms (similar to Vacancy requisitions) I still need them and the district needs transparency.

Fiscal issues

Getting back to Fiscal issues and mafia infiltration, I hope you find a way to stop the CCEE from attempting to pay Millions per two schools for the entire district. That is insane. (Board meeting March 2nd) Do a writ, keep looking for what you can do. Demand a program or Manual on implementing the program yourself without paying that amount. Clearly, someone is making money from it and its pushed by darker players. The Mafia at work. yes professional development does work and denial of it is just wrong. But it does not have break the district.

Demand a middle ground. OR only one that doesn't costs more than a few million for the whole district not two schools. The teachers spoke, they liked the connections with and learning from other teachers. I had one hour with a team teacher in two months I think, formally. Ask for a design to implement and a year to show improvement or two years. Something reasonable. It was nice that you were blunt and I am sorry for the wall and rock. I was impressed. It was admirable. The fight with CCEE has just begun but keep it going. -

Rebecca Wu

EDC 35036

After April 15 prior to the school year that a transfer would become effective, no teacher who requests to be transferred to another school shall have priority over other qualified teachers who have applied for positions requiring certification qualifications at that school. **(Education Code 35036)**

<https://www.csba.org/NewsAndMedia/OtherNewsletters/~media/744CCE64490A4FD9BDDA3BB23662D636.ashx>

teacher Transfers SB 1655 (Ch. 518, Statutes of 2006) added two new provisions that are intended to give districts more control over teacher transfers. As added, Education Code 35036 allows principals to refuse voluntary transfers of teachers into schools ranked in deciles 1-3 on the Academic Performance Index (API).

In addition, Education Code 35036 prohibits transfer policies from giving priority to voluntary transfers over other qualified teachers after April 15 prior to the school year that a transfer would become effective. ...

[legislative intent] SB 1655 was a response to a report issued in 2003 by The New Teacher Project, a national nonprofit organization whose mission is to increase teacher quality in schools. Missed Opportunities: How We Keep High Quality Teachers Out of Urban Classrooms concluded that hiring delays caused by teacher transfer policies often keep hard-to-staff districts from hiring high-quality teacher candidates. Teacher transfer requirements often "stall hiring by giving existing teachers the first pick of openings before any new teacher can be hired . . . and create additional delays by making principals reluctant to post vacancies and interview for fear of being forced to accept a transferring teacher they do not want," the report says. "Because of hiring delays, these districts lose substantial numbers of teacher candidates — including the most promising and those who can teach in high-demand shortage areas — to suburban classrooms that typically hire earlier." See the report at www.tntp.org.

i. Right to Return to home school. During the 2021-22 school year, students and staff will be allowed to return to their home school (within the same grade level/content area) when they return to in-person learning. For staff who complete the 2021-22 school year teaching Independent Study and who return to their home school at the beginning of the 2022-23 school year, they will be returned to their home school within the same grade level/content area based on enrollment. If the enrollment at the school does not provide for such a return in the 2022-23 school year, returning staff members will be treated as if they were part of the staffing complement for the 2021-22 school year with regarding to assignments and surplussing, subject to the provisions of the Collective Bargaining Agreement.

January 27, 2022 MOU between SCTA AND SCUSD proposed by SCTA

[notice that there is no mention of hiring new teachers and was not their concern or the districts]

ii. Maintenance of Staff at Home School: The District will maintain the staffing levels for certificated staff at the home school for 2021-22 school year. **Students who disenroll from the home school to Cap City will continue to be counted in the enrollment numbers of the home school for staffing purposes.**

iii. Filling of Non-traditional Independent Study Positions: Within twenty-four (24) hours following the approval of this MOU, [that was crossed out with a line] **The District will post available, Independent Study positions, for application among bargaining unit members.** Positions will be awarded first to certificated staff who need accommodations as set forth in Section X above. If vacancies remain after those positions have been awarded, positions will be awarded in order of seniority.

iv. Cap City Staffing: Staffing for Independent Study at Cap City for those students enrolled in the traditional independent study program shall be SCTA Counter Proposal to Safely Reopen Schools to In-Person Instruction January 27, 2022 consistent with the staffing model that was in place during the 2019-20 school year.

Thank you for listening,

Rebecca Wu

Thank you,

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Please add this to public comment: 7.0 ,

I find it very disturbing that my public comment on corruption in SCUSD was met with an email not to talk about certain things.

Please check out the following:

[H:\News releases\Jan. 2011\010411.Franklin plea final.wpd \(dol.gov\)](H:\News releases\Jan. 2011\010411.Franklin plea final.wpd (dol.gov))

This case is where the company owner did not provide proper info to the Union nor the retirement system and falsified documents in HR. This happened in CCS half a decade ago and the district moved everyone out who were hourly paid and now the courts have determined by another case that they were probationary by law not hourly paid substitutes. Please put them as first in the four-year transfer back list, if they did not settle when they were moved. This is declatory requests.

Rebecca Wu
Member of the Community

03/18/2023 - 2:34pm

Putting Children First
K-12

WEBFORM SUBMISSION

Submitted by user

Name:

Caresse Marie Williams

Email:

Phone Number:

Student Name (if applicable):

School (if applicable):

Cap City

Comment or Question:

I am a Counselor at Cap City. I can not believe that you guys are not only dropping Amerine from the principal here at Capital City....but you are taking away his Principal Status!!! I am in disbelief !! This is why new good educators don't want to continue to be in a school district!!?? Congrats creating a shitty future for our students.