

Enhance Your Job Security:

- ⇒ **Know your contract**
(leaves, hours, transfers, etc.)
- ⇒ **Organize your Professional Life**
- ⇒ **Be Smart about Technology**
- ⇒ **Identify Red Flag Moments**
(and ask for support from
Association Reps)

DOCUMENTS TO KEEP IN YOUR PROFESSIONAL RECORDS FILE

1. Your teaching certificate/licenses
2. Transcripts of degrees and credits including attendance
3. Letters of hire
4. An individual employee contract if you signed one upon hire
5. Supplemental contracts for extra duty responsibilities
6. The negotiated contract
7. Yearly salary information and payroll notices
8. Records pertinent to your retirement
9. Records of leave accrual and use
10. Evaluation and growth plans
11. Commendations, awards and honors
12. Teaching schedules
13. Records of incidents involving discipline or referral of students
14. Records of referrals of students with special needs
15. Copies of all correspondence from the principal and the district
16. Proof of membership (membership card)
17. The CTA/NEA \$1 million liability insurance policy brochure
18. Do not keep your professional records in your classroom.



COMMUNICATING WITH PARENTS

Working with parents is an important and positive part of teaching. While it's normal to feel a bit nervous when a parent asks to speak to you or meet with you, there are some basic things you can do to make communication with parents enjoyable and productive.

THE KEY IS TO ESTABLISH A PARTNERHSIP WITH YOUR STUDENTS' PARENTS EARLY IN THE YEAR, AND THEN TO MAINTAIN IT THROUGHOUT THE YEAR.

REACH OUT

Start by sending a note to students and parents, welcoming them to your class. Or, have a letter ready to hand out the first day of school that introduces you to your class. It might include your goals for the year, an outline of the curriculum and/or your philosophy, a supply list, and some background information on you. A few days or a week later, you might send home another letter, describing your behavior management and homework policies. Be sure to have it returned, and signed by the parent and student. *Cautionary note: most building principals will appreciate seeing a copy of any parent letter going home with students before it goes out.*

MAKE POSITIVE CALLS

Too often, we call parents with a complaint about their child. How about a "just you'd like to know how well so and so is doing" call? It makes everyone – parents, students, and teachers – feel great!

PROVIDE ENCOURAGEMENT

Urge parents to provide their children with a quiet study area, a good breakfast, a time to read together, and guidance and supervision TV viewing.

WELCOME PARENTS INTO THE CLASSROOM

Consider having parents come in as "special guests" or as speakers, or ask them to help with projects at home that require their assistance, while setting realistic limits at all times.

TAKE CALLS AT SCHOOL

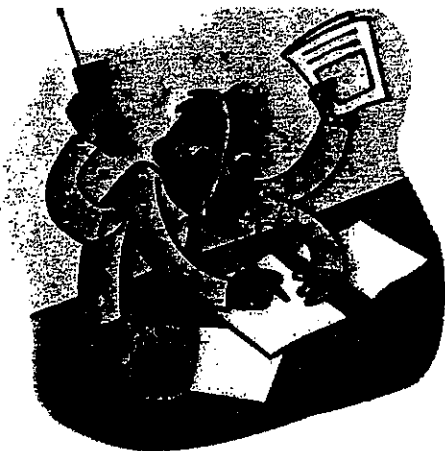
You don't have to give out your home number, it's okay to "draw the line." You can return calls when mutually convenient, either right after school, or in the evening.

LETTERS

You'll get complimentary letters from parents, but you may also get inquiries that are based on misunderstanding, which can almost always be ironed out with a phone call.

ELECTRONIC MAIL

If you're "on-line," and your students' parents are, too (just ask them), this can be excellent way to stay in touch, answer questions, and communicate at everyone's mutual convenience.



SURVIVING AND THRIVING: HOW TO AVOID STRESS AND STAY HEALTHY

Within the first few weeks of school, there will be many new demands made of you: new texts, new techniques, new schedules, new students and a new way of life. It's an exciting as well as stressful time for you.

All this excitement can lead to stress and people who don't deal positively with stress can become ill unless they have mastered some coping techniques.

Experienced teachers have found some useful techniques and some "preventative medicine" to protect you against debilitating stress symptoms:

LEAVE YOUR TEACHING AT SCHOOL

If you must lug home school work, try to get it done early in the evening. Better yet, do it at school and leave it there. Those late afternoon hours after the students are dismissed are quiet, immediate, and focused.

RECOGNIZE AND ACCEPT YOUR LIMITS

Most of us set unreasonable and perfectionist goals for ourselves. But, we can never be perfect (or even come close), so we often have a sense of failure or inadequacy no matter how well we perform. Are your goals achievable? Or, do they reflect and effort to reach perfection in a very imperfect world? Is that what life is really about?

FIND A FRIEND

This probably is someone in your building who can be a "trusted" listener. Talk a problem out won't make it go away, but it can relieve tension.

EXERCISE!

After a day of teaching, you owe it to your body to shake off the "chalk dust." Exercise helps to rid the body of chemicals that are discharged as a result of stress.

BE GOOD TO YOURSELF

What more could your self-esteem than to take yourself out to dinner or buy yourself a treat?

ALWAYS HAVE SOMETHING TO LOOK FORWARD TO

This will perk up your spirits.



San Mateo Elementary Teachers' Association
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TO: SMETA GOVERNING COUNCIL REPRESENTATIVES

FROM: HALIMAH MEKKI

DATE: JANUARY 21, 2015

RE: EXECUTIVE DIRECTOR'S REPORT

Article share: Legal Advice on using Social Media

Volume 15 Issue 7

Legal advice on using social media
By Brenda Sutton-Wills

It's as if you had three wishes. You wish that there was a way to easily reach your students once they leave your classroom for the day. You wish that your students would be more responsive and open in responding to your communications. Finally, you wish that you could reach students in their comfort zone. Facebook, Twitter and other social networking sites have potentially granted all of those wishes — especially if you are teaching students with easy access to technology.

In order to get the most out of social media, there are a few best practices and precautions to keep in mind:

> Keep a separate account for your classroom communications. While it does seem magical to suddenly be in touch with your best friend from third grade and your long-lost college

roommate, you do not want your students to be privy to this part of your life.

> Along those lines, your seemingly private communications are not private. Be intentional about the privacy settings on your account. Frequently monitor your settings to restrict access to your professional page so that you have "closed" communications with your classroom. Although this is not "private," it is more professionally appropriate. Also, be prepared to respond to "friend" requests from the parents of students who visit your class page. Have a set and published policy about this, and don't make choices on the fly.

> Allowing students to post directly to your wall is like allowing them to write in Sharpie on your whiteboard



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when you aren't in the classroom — only worse. Students can and do post to social media sites from their

cell phones. By the time you get to your page, truly permanent damage will be done. You can disable this feature through privacy settings on Facebook.

> Your social media record will last longer than those "temporary" bungalows erected in the 1970s. You cannot erase your social media record. It's possible to subpoena an archive of all your posts and all posts made to you.

> Always be aware of the unintended audience. Your separate account can still affect your career. What you post there can be published and re-posted to other sites. There is always a danger of the content being transferred out of context.

> Keep it professional. To be certain, your sense of "free speech" and privacy are not ways to gauge whether your social media content is appropriate. While, in some circumstances, off-campus speech can have more First Amendment protection than on-campus speech, courts have noted that technology has practically eliminated classroom

borders. "Off campus speech can become on-campus speech with the click of a mouse," according to *Doninger v. Niehoff* (2d Cir. 2008). Courts have considered some Facebook and YouTube posts on-campus speech, with diminished First-Amendment protections. As courts develop the definition of on-campus speech as it relates to the Internet and social networking, keep in mind that your influence and accountability as a teacher extend to where students access technology. In this sense, off-campus behavior and documentation on social networking sites can be problematic. Social networking grants a potentially efficient and agile way to communicate with students. Be certain to develop a professional protocol that includes common-sense barriers and protections in working with youth online, and social media can fulfill all of your wishes for a powerful communications tool for educators.

Brenda Sutton-Wills is a CTA staff attorney. She gave a presentation titled "Hearing Secrets That You Keep: Is There Any Such Thing as Electronic Privacy?" at a Los Angeles County Bar Association Labor and Employment Law Symposium. The CTA Legal Department is available to train chapters on this topic.

III. ACADEMIC FREEDOM

A. Grade Changes

Your grade is your own. Administration does not have the right to order a change in grade.

"...the grade given to each pupil shall be the grade determined by the teacher of the course and the determination..., in the absence of clerical or mechanical mistake, fraud, bad faith, or incompetency, shall be final."

Ed. Code §49066

B. Curriculum Issues

1. No right to determine the curriculum, but there is a limited right to control method of instruction, to select outside speakers within the parameters of district rules.

Cockrel v. Shelby County SD (pre-approved speaker on virtues of industrial hemp within teacher's academic freedom right)

2. Teachers cannot be punished for speaking in class about social issues, e.g. racism and homophobia because Ed. Code mandates schools to combat intolerance. *Debro v. San Leandro USD*

3. Teachers have a right to speak out on matters of public concern on school premises in the appropriate setting. Buttons and other material carrying an electoral message may be prohibited in the classroom.

CTA v. San Diego USD [No right to use school mailboxes to distribute Association publications that inform members of the Association position on electoral candidates or ballot propositions. *San Leandro EA v. San Leandro Unified.*]

V. TEACHERS' DUTY TO PROVIDE A SAFE ENVIRONMENT

A. Physical Violence Between Students

1. Off-Campus: no liability for student conduct or safety off campus, unless the teacher has undertaken to transport the student, or during a field trip.
Ed. Code §44808
2. On-Campus: no criminal sanctions against a teacher for using the amount of physical force necessary to maintain order, protect property or the health and safety of other students and staff and to maintain conditions conducive to learning.
Ed. Code §44807

But note: This section does not speak to civil liability. A public employee is not liable for an injury resulting from his/her exercise of discretion vested in him or her. Use of judgement in determining whether to break up a fight or not or following the district's policies will probably immunize a teacher from liability.
Gov. Code §820.2

3. Weapons: You have a right to confiscate them, even if it means using some reasonable physical force. *Ed. Code §49001*

You have a right to search backpacks, clothing, lockers, provided you are not acting in an arbitrary, capricious or harassing way.
In RE: Randy G. Cal. Supreme Court case.

No strip searches or rearranging of student clothing to permit a visual inspection of underclothing or private parts of a student.
Metal detectors are permitted.
Ed. Code §49050

VI. MISCELLANEOUS THINGS TO KNOW

A. Whistle-blower Protections

Protects teachers who disclose evidence of improper governmental activity or who refuse to carry out an illegal order. School employers who retaliate against a teacher who has made a disclosure or refused an illegal order can be held criminally or civilly liable, including having punitive damages assessed against them.

"Improper governmental activity" includes actions that violate state or federal law; corruption, bribery; fraud; misuse of government property; economically wasteful; gross misconduct, incompetency or inefficiency.

Ed. Code §44110

B. Whistle-blowing of Special Education Issues

No school employee who assists a parent of a pupil with exceptional needs to obtain services or accommodation for their child may be subject to reprisal or disciplinary action as a result of such assistance or advocacy. Enforcement is through a complaint with the State Dept. of Education, Uniform Complaint Procedures.

Ed. Code §56046

C. Evaluation

Permits evaluation to occur once every 5 years by mutual agreement, if the teacher is permanent, deemed Highly Qualified under ESEA, and whose previous evaluation meets or exceeds standards.

Ed. Code §44664

YOUR RIGHT TO BE REPRESENTED



The Association is the exclusive representative for the teachers in your district and therefore the only employee organization authorized to represent individual teachers in certain situations.

What are those situations in which you may want or need representation?

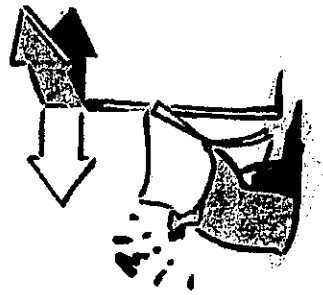
You have the right to be represented by the Association when:

1. An administrator calls a conference with you and you have reason to believe that you will be subject to reprimand or disciplinary action.
2. You receive a "does not meet standards" overall evaluation rating.
3. You have a grievance. You are entitled to Association representation at every step of the grievance process, including the informal conference. The earlier you get help the more effective it may be.
4. When there is a complaint against you.

IMPORTANT NOTE:

An employee always has the right to halt any conference already in progress with any administrator, if the conference becomes disciplinary in nature, and may demand postponement for a reasonable amount of time to obtain representation. If you need to be represented, contact your Association faculty representative or an Association grievance representative or call the Association office.

Teachers sometimes must make crucial decisions that could affect the rest of their careers and lives. These decisions may need to be made quickly without an opportunity to consult with chapter representatives. This pamphlet provides general information about your rights to assist you in critical situations. **It does not provide legal advice.**



Developed by the
Professional Rights & Responsibilities
Committee of the CTA State Council
2005-06

With the assistance of the
Legal Department
P.O. Box 921, Burlingame, California
650-552-5425



Teachers' Rights Mini-Guide



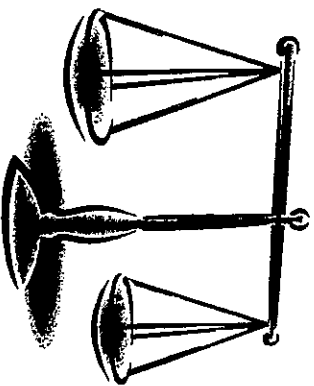
A quick reference
manual designed to
help teachers in crisis.

In the classroom teachers have the right to:

- Suspend students from class for two days.
EC 48910
- Be informed of students' violent, criminal, harassing, or threatening conduct.
EC 49079
- Make the final decision as to student grades.
EC 49066
- Be notified within a reasonable time before a parent visits your classroom.
EC 49091.10
- Keep accurate and on-going records of student discipline.



With administrators teachers have the right to:



- Ask what a meeting's purpose is before attending.
- Be represented in meetings that might lead to discipline.
- Request unusual directives in writing before complying.
- Give no explanations until after consulting with a staff representative.
- Refuse to submit a written statement until after consulting with a staff representative.
- Remain silent and consult a lawyer if accused of conduct that could lead to criminal prosecution.

Concerning parents:

- Parents are liable for willful misconduct of minor children that causes injury.
EC 48904
- A parent who disrupts a class or school activity is guilty of a misdemeanor.
EC 44811
- If a parent meeting becomes unpleasant, immediately stop and demand the attendance of a union representative or administrator.
- Teachers should keep a record of all parent and administrator meetings on file at home.
- Teachers have a right to know specific details including the identity of those who make complaints against them.