

THE

VOICE

**A Communication
for Professional
Educators in the
Cherry Creek
School District**

FEBRUARY 28, 2017

FROM THE PRESIDENT

Sheryl Cunningham

Greeting CCEA Members:

I apologize for the gap in providing you with a communication. In this issue you will find information on:

- ◆ Retirement Pay Deadline Information p. 2
- ◆ How to provide feedback on Colorado Academic Standards p. 2
- ◆ Legislative Update p. 3
- ◆ Calendar of Upcoming Events p. 3
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CCEA Nominations and Election

Nominations for the office of President and Vice-President, four Area Director positions, and 2 seats on the CCEA Steering Committee officially opened at our AR Council meeting on Thursday, February 9. Nominations were taken from the floor at that meeting. Scot Kaye was nominated for the office of president, Kasey Ellis was nominated for the office of Vice-President, and Corey Kesler and Dan Lopez were nominated for the two seats on the Steering Committee. Nominations will remain open until the AR Council meeting on March 16. Once nominations close candidates will have the opportunity to address the AR Council and/or answer questions.

Members can self-nominate or nominate someone else by going to the CCEA website: www.cceanow.org. Candidates must download a nomination sheet and collect 25 signatures prior to the close of nominations on March 16. It is also strongly recommended that each candidate submit a campaign statement (of not more than 100 words) to the website. Nomination forms can also be mailed or faxed to the CCEA office by the close of business on March 16. The mailing address for CCEA is 2851 South Parker Rd., Suite 1000, Aurora, CO 80014. The fax number is (303) 696-0104.

The election will open on Monday, March 20 and will run through the close of business on Monday, April 10. Election results will then be reported to the membership.

I strongly encourage any member with a desire to be a more integral part of the Association leadership, and is willing to devote time to the work involved, to consider running for one of these positions.

If you have any questions you can contact President, Sheryl Cunningham (303-696-6265) or Elections Chairperson, Tammy Harden (720-747-2629).



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The Representative Organization Working to Improve Conditions for Successful Educators in Cherry Creek

RETIRING?? IMPORTANT REMINDER!

If you are a teacher or mental health team member who has nineteen (19) or more years of service in CCSD and are planning to retire at the end of this school year, you must apply no later than March 15 in order to have your years of service be the basis for determining your retirement/service bonus payment under Policy 4119. Applications received after the deadline will be considered in the order they were received only if funds remain after paying all applicants who submitted by the deadline.

SURVEY ON COLORADO ACADEMIC STANDARDS

Have your voice heard!

Public Comment wanted on the Colorado Academic Standards Review and Revision

The review and revision process is required by Senate Bill 08-212, known as Colorado's Achievement Plan for Kids (CAP4K). The law requires a review and revision of the Colorado Academic Standards on or before July 1, 2018 and every six years thereafter.

More information about the standards review and revision process and the online standards feedback system can be found at:

<http://www.cde.state.co.us/standardsandinstruction/casreview>

Go directly to the online standards feedback system:

<https://www.cde.state.co.us/apps/costandardsreview/login>

DID YOU KNOW IT'S EASY TO BE IN THE KNOW?

The Cherry Creek Education Association is on Facebook.

One way to stay informed on what is going on in your association is to join our closed group on Facebook. Two hundred and thirty two members have already joined our group.

If you would like to join our group and get updates on events, collective action on issues, and much more, it is easy. Go to "**The Cherry Creek Education Association**" on Facebook and make a request to join the group. Once your membership in the Association is confirmed, you're in. If you have any questions contact President, Sheryl Cunningham (scunningham@coloradoea.org) or Secretary, Jennie Campbell (fsupecas21@yahoo.com)

Another way to get up to the minute information on important events and information is to be part of our text messaging group. This messaging system allows us to organize and mobilize our members quickly.

We only send out text blasts when it is important. If you are not already a part of this text messaging system but want to be, it is simple to sign up. Just text the message: **@cceamem** to the text number **81010**.

These are two important ways in which you can stay "in the know" when it comes to your Association and the things in which we are involved.

UPDATES ON THE 2017 LEGISLATIVE SESSION

We are now about six weeks in to the 2017 Legislative session. There have been some good bills introduced and passed, some good bills introduced and defeated, and some bills that have not been decided one way or the other. And, of course, there are bills yet to come that could go either way.

Bills that CEA has worked to defeat:

- ◆ **HB 1036** - Concealed Carry in Public Schools
- ◆ **HB 1089** - Creating Choice Accounts (neo-vouchers) in Low Performing Districts

Bills opposed by CEA that we are working to defeat:

- ◆ **SB 39** - tax credits for non-public education (sitting in Senate Appropriations)
- ◆ **SB 55** - anti-union bill (assigned to House State of Affairs Committee)
- ◆ **SB 61** - charter school mill levy mandate (sent to Senate Appropriations) **There is a call to action** on this bill from CEA.

Please contact your senator and urge him/her to VOTE NO on this bill. If passed it could mean more money being siphoned away from our traditional public schools that serve all students and have requirements for transparency in expenditures to charters - public ones that may or may not have private management with little or no financial transparency as well as for-profit ones with almost no transparency regarding the use to taxpayer money.

- ◆ PERA bills: **HB 1114, SB 113, and SB 158**

CEA has reported that their bill tracker site should be up and running in a day or too. If you wish to stay connected to what is happening at the Capitol, sign up for text blasts from CEA by texting CEA to 64336.

CCEA will also keep you up to date on the happenings at the Capitol and any actions that you can be taking to reach out to your elected lawmakers to share your opinions on various bills and to advocate for public education throughout the session.

CALENDAR

March 6	4:15—6 p.m. Sick Leave Bank Board @ Office, Suite 1000
March 8	4-8 p.m. CCEA/CCSD Bargaining, 2851 S. Parker Rd., Lower Level Conference Room
March 9	9:30– 3:30 CCEA/CCSD Bargaining, 2851 S. Parker Rd., Lower Level Conference Room
	4:30—6:30 p.m. CCEA Exec. Bd. @ Office, Suite 1000
March 16	4:15—6 p.m. CCEA AR meeting, SHHS
March 22	4-8 p.m. CCEA/CCSD Bargaining, ISF Room 102
April 3	4:15—6 p.m. Sick Leave Bank Board @ Office, Suite 1000
April 6	4:30—6:30 p.m. CCEA Exec. Bd. @ Office, Suite 1000
April 10	8 –4, AR training & meeting, ISF
April 19	4-8 p.m. CCEA/CCSD Bargaining, SARC 301 & 302
April 25	9:30– 3:30 CCEA/CCSD Bargaining, 2851 S. Parker Rd., Lower Level Conference Room

UPDATE ON BARGAINING FOR SY 2017-2018

Bargaining has begun. The District and CCEA have again agreed to utilize an interest-based bargaining process with Dennis Carlson, UniServ Director from San Luis UniServ Unit, and former Douglas County HR Director Doug Hartman. The teams have already met on:

November 18 from 12:30 – 4:30 to identify issues, as well as set norms and future meeting dates, **December 15** from 9:30 – 3:30 with more issue identification, brief explanations of their nature, and beginning to process some of them; **January 13** from 9:30 – 3:30; **February 7** from 9:30 – 3:30 final issue identification and processing primarily the issue of clarifying mental health team status.

Upcoming dates, times, and locations for sessions are:

March 8	4:00 – 8:00 p.m.	2851 South Parker Road, Lower Level Conference Room
March 9	9:30 – 3:30 p.m.	2851 South Parker Road, Lower Level Conference Room
March 22	4:00 – 8:00 p.m.	ISF, Room 102
April 19	4:00 – 8:00 p.m.	SARC Rooms 301 & 302
April 25	9:30 – 3:30 p.m.	2851 South Parker Road, Lower Level Conference Room
May 15	4:00 – 8:00 p.m.	ESC Room 147

REMEMBER: All sessions are open to the public – including members of our bargaining unit (teachers, mental health team members, and nurses).

Please come to a session to observe the process.

A brief summary of the general issues that have been identified are: *Clarification of Mental Health Team Status* – A [CCEA identified] (at impasse); *Teacher Evaluation Year One Appeal* – D [District identified]; *Professional Growth – Clarity on PLCs qualifying for credit* -D; *Evaluation Language* (licensed teachers, SSPs, Nurses, and MH) – A; *MOU Review* – J [jointly identified]; *Dates in Negotiated Agreement That May Need to be “Tweaked”* – D; *Current Career and Tech Ed. (CTE) placement/movement on salary schedule* – D; *Salary* – J; *Benefits* – J; *Language for Site-based Partnerships in regard to Innovation*—D; *Planning Time* – A.

The issue of clarifying the status of mental health status reached an impasse when the district team announced at the meeting on February 7 that they would not consider any options that provided mental health team members with ongoing or continuing employment rights.

The members of your CCEA Professional Negotiations Team (PNT) are:

Scot Kaye (Liberty M. S.)	Kasey Ellis (Fox Ridge M.S.)
Carlye Holladay (CCHS)	Jennie Campbell (Pine Ridge E.S.)
Sandy Culbertson (Homestead E.S.)	Mollie Martin (Mission Viejo E.S.)
Stephen White (Dakota Valley E.S.)	Sheryl Cunningham (CCEA President) and
Will Grant (UniServ Director)	

The members of the District Negotiations Team (DNT) are all members of the HR department:

Todd Fukai	Steve Colella	Brenda Smith
Tracey Grant	Amanda Waleski	

The next session will focus first on the district’s desire to implement a process for hearing teacher appeals regarding adverse evaluations in the first year of the two-year cycle that may lead to the loss of non-probationary status. This issue arose when the district refused to hear grievances filed on the matter of the first adverse evaluation under provision B in Policy 4134. That section labeled “Just Cause” covers various aspects of actions that could be taken against a teacher. In this instance, the pertinent part states that no teacher shall be **adversely evaluated** without just cause and due process. Litigation is currently pending on whether the district’s refusal to process grievances under this provision is a breach of contract. (Note: the same language appears in the nurse and mental health team agreements.)

Other bargaining issues will be addressed based on a priority list that the parties generate.

UPDATE ON PROTECTION OF YOUR RIGHTS

Sometimes, members disagree with actions taken by district administrators. That administrator could be a building supervisor like a principal or assistant principal or could be someone at the district level. The first step in the process of resolving such a disagreement is to speak first with the person at the lowest level. However, when that step does not result in a resolution that is agreeable to the parties, the member may choose to file a grievance under the provisions of Policy 4136 in the Negotiated Agreement. The process has three formal steps: Level 1 is with the supervisor to receive a written response; Level 2 is before a district appointed hearing officer; and Level 3 is an arbitration hearing before a neutral person from outside the school district. This last step is advisory but is generally followed by both parties. In order for CCEA members to know their rights, this publication has had a section titled "It Pays to Know Your Rights." Additionally, CCEA has offered sessions on the negotiated agreement and important provisions in it on a regular basis to ARs at the monthly meetings and the training days. In addition to efforts to educate members about the agreement, we also inform representatives and members about actions that members and CCEA are taking to protect rights under our negotiated agreement.

The following are the most recent actions of which we are aware:

Benefits in July: As has been previously reported, CCEA and the district have agreed upon the practice of providing benefits to bargaining unit members who were leaving the employ of the school district through their final pay check. In July 2016, the district ignored this agreed upon practice and denied benefits to hundreds of your colleagues who were retiring, had been non-renewed, or who had resigned. No other district in the metro area that we are aware of engages in this behavior. If unchallenged, the district has made clear that it will continue to end benefits the month (at least) before any of our bargaining unit members receive their final pay check from the district. Therefore, the impact is on all of our members.

At Level 2, the district argued that the payment of benefits was a "gift or gratuity" for all those years; therefore they could simply stop providing it. They offered no documentation or evidence to support the claim that such contribution had ever previously been referred to as either a gift or a gratuity. At one point in the informal discussions to resolve the matter and avoid filing a grievance, Steve Colella, Executive Director of Human Resources, stated that the district could do so because he could not find language prohibiting such a denial in the policy.

CCEA filed a grievance on behalf of our members. The grievance was denied at Level 1 by Steve Colella and at Level 2 by John Stanek, Internal Legal Counsel. CCEA has appealed and arbitration should be scheduled soon. (See Issue #2 for more information.)

Inequity in Planning Time: This grievance arose when a middle school teacher realized that he was receiving two hours less planning time than some of his colleagues. In addition, he was teaching six (6) classes compared to five (5) for other teachers which meant he had responsibility for grading, individualizing instruction, etc. for more than forty (40) students than his colleagues with more time. After speaking with his principal to resolve the discrepancy without success, he filed a grievance regarding the inequitable treatment as provided for in the grievance procedure.

This issue is not about depriving the grievant's colleagues of time they currently have; the solution is to provide everyone with the time that they need to be successful with all of their students. The teachers who receive more time did not set the schedule for their building and are as susceptible to being victims of inequitable treatment as someone who is being treated inequitably today.

The principal denied the grievance at Level 1, and Brenda Smith, HR director, denied it at Level 2. The primary basis at Level 2 appeared to be that it was not inequitable because he was receiving more planning time than the minimum requirement in Policy 4116. In some middle schools, all teachers receive roughly the same amount of planning time, so not all schedules in middle schools are inequitable. CCEA appealed the matter This issue is also in the process of being

scheduled for an arbitration hearing.

Directed Improvement Plan (DIP) Implemented without Proper Process: In December, a teacher was told, at a meeting called for a different purpose by the administrators, that they had concerns about her performance and would be putting her on a plan. The teacher had been rated highly effective on the previous year's evaluation and in the high range of effective the year before that. The administrators had conducted minimal, informal classroom visits to her classroom and not provided any written feedback supporting concerns prior to this meeting. They asserted that a conference to discuss SLO goals fulfilled the requirement to hold a mid-year conference if they had performance concerns even though other teachers were also in attendance and no specific were raised with anyone in the meeting.

In mid-January, the evaluator listed ten (10) professional practice elements as areas of concern even though they had not previously been discussed and no supporting information was shown on the document. The teacher felt compelled to sign the mid-year review before the January 15 deadline even though the form she was asked to sign stated that she had "reviewed with my evaluator the strengths of my performance and areas for growth based on the evidence available" and none of that happened. The teacher did provide a comment to that effect on the document.

Within a few days, the teacher was summoned to a meeting with the administrators and presented with a DIP. The plan restated the verbiage in the evaluation document as the concern and the steps for improvement. It only identified books and websites for resources. The DIP even took comments included in prior year evaluations out of context to support the implementation of the plan. The process in Policy 4170 clearly identifies that a teacher should be informed of concerns in a timely manner and be provided with actionable feedback.

The teacher believes that she has been adversely evaluated (using the term loosely) without just cause or due process and has filed a grievance. This matter is in the early steps of the process.

Non-compliance with 2014-2015 Negotiated Agreement on Pay: Readers may recall that the district and Association did not resolve the terms of the 2014-2015 negotiated agreement until after fact-finding in the spring of 2015. The tentative agreements approved by CCEA member and corresponding policies approved by the CCSD Board of Education reflected an effective date of **July 1, 2014**. This agreement was adopted by the Board in June of 2015. The district had already implemented a 2.8% salary increase to the salary schedule, but the agreement also increased curriculum pay rate, RF base, SAIP, MaxSal, and supplementary pay for both schedules. In early August 2016, some middle school coaches noticed that their pay was not based on the adopted salary schedule; instead, the district was using a schedule that was last in effect in the 2013-2014 school year. In the first step of the process – informally seeking a resolution – they contacted CCEA and the district HR office to see if the matter could be resolved. Approximately three months later on November 11, 2016, HR confirmed the error and committed to correct the problem for the 2015-2016 school year. However, they were unwilling to make a similar correction for the 2014-2015 school when the schedules were first changed.

CCEA President Sheryl Cunningham and UniServ Director Will Grant continued to discuss the matter with HR representatives. At one point, when asked if there were other pay elements from the 2014-2015 negotiated agreement that were not paid, Mr. Colella and Mr. Fukai said that they would have to check on it and get back with a response. Subsequently, Ms. Cunningham and Mr. Grant reported to the district that their own investigation with a sample of people potentially affected by the action showed that SAIP apparently was paid according to the new agreement in 2014-2015 but that other pay elements (including supplementary pay) appeared not to have been paid. Ultimately, the district reported that their information was the same.

The district representatives claimed that the parties had agreed that the changes in Policy 4141 (salary) and 4142 (supplementary pay) as well as the nurse and mental health team agreements

were not to be implemented retroactively for 2014-2015 even though they reflected an effective date of July 1, 2014. No documentation was offered that supported such an agreement or understanding by the two parties. They also claimed that employees had been incorrectly paid the SAIP increased amount but that the district did not choose to retract them when it was discovered even though no one was entitled to the increase. Although the district did not state when the error “was discovered,” it appears that it was not until December of 2016 when discussions were taking place.

The grievants (including CCEA on behalf of all its affected bargaining unit members) filed grievances at Level 1. Steve Colella wrote the response for the district and denied the relief requested in the grievance. In part, he denied that it was a timely grievance because it was not filed within thirty (30) working days of the violation. However, the timeline is based on when the grievant “knew or reasonably should have known of the grievable act or omission.” As soon as the grievants knew of the district’s omission of not paying bargaining unit members correctly, they filed the grievance. He also claimed that it was without merit.

CCEA has appealed to Level 2 and a hearing with John Stanek is scheduled for March 6.

We will keep members and ARs informed on these issues as new information arises.

Know your rights, contact your CCEA representative if you have a question, and act within the thirty (30) day timeline to protect your rights and those of your colleagues.