LVEA TODAY

STAFF DEVELOPMENT AND SPSA WORK DURING BANKING TIME AND STAFF MEETINGS

There has been confusion about whether Staff Development (SD) and/or SPSA work can take place during Banking Time and/or Staff Meetings. The district and LVEA are working to clarify this issue. On December 11, your Executive Board and Negotiating Team are meeting to formulate a potential solution that will best serve our members. Your input is encouraged!

Please forward any suggestions to your site rep or your Level Liaison:

- **Kathy Heukrodt, HS Liaison, LVEAhsvoice@gmail.com**
- **Mike LaFrenz, MS Liaison, LVEAmsvoice@gmail.com**
- **Jeremy Janton, Elem Liaison, LVEAelemvoice@gmail.com**

Your level directors have begun to collect information regarding this issue from your site reps, **but we'd like to hear from as many people as possible**. This is your last chance to provide valuable input before we meet with the district to clarify this issue.

Dr. Callaway, may I be excused? My brain is full."

LVEA Executive Board

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Your Weingarten Rights

You have a right to union representation during an investigatory interview. An investigatory interview occurs if: 1) management questions you to obtain information; and 2) you have a reasonable belief that your answers could be used as a basis for discipline or other adverse action.

You must ask for union representation either at the beginning of, or during, the interview. Management does not have to remind you of this right. If your request is refused and management continues asking questions, you may refuse to answer, but you must remain until management terminates the interview. Your employer may be guilty of an unfair labor practice and charges may be filed.

STUDENT SUSPENSION UPDATE

Last year, CA Assembly Bill 1729 was signed by the Governor. It made some changes to Education Code related to suspension of students. Many legislators were concerned about the high number of suspensions in schools, in particular, inner-city schools where a disproportionate number of minority students were being suspended for "willful defiance". The thought was that suspension was being used as the only means of discipline. The intent of the law was to have schools put systems in place to correct behaviors before students could be suspended.

County Offices of Education began informing school districts of the change to the law and some of them took a very interesting interpretation. They interpreted the law in a way that prohibited a school and/or teacher from suspending a student on a first offense unless it was listed in the Ed Code 48900 a-e. Further, in order to suspend for offenses listed in f-t7 (including making terrorist threats and committing sexual battery), an intervention must be done first. LVEA took exception to this idea and brought the concern to the LVUSD district office and did a little research.

We reached out to CTA Governmental Relations, who sought an answer from the CA Department of Education. Below is the response we received (CTA emphasis):

> **According to CDE "It has always been the decision of the administrator or superintendent to decide/determine each individual pupil's disciplinary action based on that individual situation. Of course, the teacher can recommend a specific action for discipline, but it still is and has always been the decision of the administrator or superintendent to decide the final outcome. AB 1729 does nothing to change that.**
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> **48900.5. "(a) Suspension, including supervised suspension as described in Section 48911.1, shall be imposed only when other means of correction fail to bring about proper conduct. A school district may document the other means of correction used and place that documentation in the pupil's record, which may be accessed pursuant to Section 49069. However, a pupil, including an individual with exceptional needs, as defined in Section 56026, may be suspended, subject to Section 1415 of Title 20 of the United States Code, for any of the reasons enumerated in Section 48900 upon a first offense, if the principal or superintendent of schools determines that the pupil violated subdivision (a), (b), (c), (d), or (e) of Section 48900 or that the pupil's presence causes a danger to persons."**
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> **The only real change that it amounts to, is to *encourage* suspension to only be imposed when other means of correction fail, but it still leaves the final decision to the administrator in which the administrator can suspend a pupil on a first offense for any violation of 48900. But, that in turn, does not change what has always been the law. It also is permissive when it comes to documentation, in which it says districts "may" document other means of correction, but by no means does it mandate that documentation. It only *encourages* it.**

The district did some research and agrees with LVEA's interpretation. They are supportive of your right to suspend a student from your classroom, and the school's right to suspend on a first offense for what is deemed worthy of suspension. If you are having any issues with student discipline, please let your administrator know right away. If you are getting pushback form your administration for disciplining students, let LVEA know.

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