



WAKE ACTION

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November 2011

NEA Celebrates the 90th American Education Week

November 13 - 19, 2011

Distressed that 25 percent of the country's World War I draftees were illiterate and 9 percent were physically unfit, representatives of the National Education Association and the America Legion met in 1919 to seek ways to generate public support for education.



Resolutions of support for a national effort to raise public awareness of the importance of education were subsequently adopted by the conventions of both organizations. The 1921 NEA Representative Assembly in Des Moines, Iowa called for designation of one week each year to spotlight education. The NEA resolution called for "an educational week... observed in all communities annually for the purpose of informing the public of the accomplishments and needs of the public schools and to

secure the cooperation and support of the public in meeting those need."

Monday, November 14: Kick Off Day

Tuesday, November 15: Parent Day Invite parents into the classroom to experience firsthand what a school day is like for their child.

Wednesday, November 16: Education Support Professional Day focuses on the importance of these school employees, who take care of students every day, making sure they have the tools they need to succeed in school. Education Support Professionals (ESP) Day was first celebrated in 1987, after NEA's Representative Assembly called for the creation of a way to honor the contributions of school support staff.

Thursday, November 17: Educator for a Day allows individuals from the

community to serve as an educator to get a glimpse of a day in the life of a school employee.

Friday, November 18: Substitute Educators Day focuses on the importance of substitute school employees. They are the educational bridges when regular classroom educators are absent.

Be sure to use the NEA American Education Week Online Toolkit when planning your events. The online toolkit is an excellent resource for activity ideas, background information/fact sheets, and downloadable resources, templates and promotional materials. Go to www.nea.org/aew for additional information.



NCAE Human and Civil Rights Multicultural Arts Contest

Theme: Multiculturalism At Its Best

Competition is open to all K-12 public school students and NCAE members.

Complete information can be found at www.ncae.org

(Click on Key Information - Awards, Contests and Scholarships)

Entries must be delivered to the Wake NCAE office, 3900 Merton Drive by Wednesday, November 30, 2011

Students and members are encouraged to participate.

NCAE and NEA Convention Delegates Election

Forms will be available during the December RA for any members interested in being elected as a delegate to the NCAE Convention and/or NEA Representative Assembly.

The NCAE Convention will be held March 22-23, 2012 in Winston-Salem, NC.

The NEA Representative Assembly will be held June 30-July 5, 2012 in Washington, DC.

IN THIS ISSUE

From The President	Page 2	Wake NCAE's Historic Win in	
Important Membership Information	Page 3	2011 School Board Elections	Page 5
Brad Miller Visits with Wake NCAE	Page 3	Wake County Election Results	Page 5
Rick Glazier Stops by Wake NCAE	Page 3	Dates to Remember	Page 6
NCAE Is on Call	Page 3	Trick or Vote	Page 6
Know Your Rights, Part 2 (LIFT)	Page 4		

From the President...

RIF Policy Changes

During the October 4th WCPSS School Board meeting, changes were proposed and approved to Board Policy 3430 Reduction In Force: Certified Employees. It is important to understand the changes in order to know the procedure that will be followed for a RIF.

Prior to the changes the policy read as follows:

The school system will consider the following factors in determining which positions will shall be subject to a reduction in force:

- a. *Structural considerations, such as identifying positions, departments, courses, programs, operations, and other areas where there are (i) less essential, duplicative, or excess personnel; (ii) job responsibility and/or position inefficiencies; (iii) opportunities for combined work functions; and/or (iv) decreased student or other demands for curriculum, programs, operations, or other services.*
- b. *Organizational considerations such as anticipated organizational needs of the school system and program/ school enrollment.*

If the Board authorizes a reduction in the number of certified positions, the following steps shall be taken to determine which employees are to be dismissed or demoted:

- a. Normal attrition (resignations, retirements, non-renewals) shall be considered prior to any reduction in staff.
- b. *Next, probationary employees in the affected employee group (see section A5 of this policy) shall be dismissed or demoted according to the method set forth below for reducing career employees.*
- c. Next, career employees in the affected employee group shall be dismissed or demoted in accordance with the best interest of the school system, with consideration of the following factors:
 - i. *Length of service, with higher priority given to service in the Wake County Schools;*
 - ii. *Work performance;*
 - ii. Service in extra duty positions and ability to fill such positions;
 - iv. Other beneficial services provided to the school system;



- v. Program enrollment; and
- vi. Recommendations and advice from the Superintendent or designee.

NOTE: Among these factors, primary consideration will be given to work performance. In assessing an employee's work performance for purposes of this policy, the school system may consider performance evaluations, improvement plans, past disciplinary actions, and other relevant factors as determined by the Superintendent.

3. When a career teacher is dismissed under this policy, his/her name shall be placed on the list of available teachers to be maintained by the Board. A career teacher who is dismissed under this policy, and who is subsequently re-hired, will be eligible for career status after one year.

D. Limitations

- 1. *Upon the recommendation of the Superintendent, the Board may exempt employees from the reduction in force requirements if their displacement:*
 - a. *Results in the cancellation of the course(s) because no other staff member is trained to teach the course(s);*
 - b. *Results in a significant impairment in providing services or programs because of insufficiency of training and/or experience of other staff members;*
 - c. *Results in any other special or exceptional circumstances as recommended by the Superintendent and approved by the Board of Education.*
- 2. *The Board, upon recommendation of the Superintendent, may refuse to*

(continued on page 6)

Wake NCAE An Affiliate of NCAE and NEA

Officers & Board of Directors

- Tama Bouncer President (2010-12)
- Larry Nilles Vice President (2011-13)
- Michele Hicks Secretary (2011-13)
- Richard Suggs, III Treasurer (2010-12)
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Website: www.wakencae.org
Blog: www.ncaeconnections.com
Twitter: @WakeNCAE
Facebook Search: Wake Ncae

NCAE Advocacy Center

Monday-Friday 9:00 am to 5:00 pm 24-Hour assistance request

Telephone: 1-855-ASKNCAE (1-855-275-6223)
www.askncae.org

WAKE ACTION

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Education is simply the soul of a society as it passes from one generation to another.
- Gilbert K. Chesterton

Important Membership Information

Membership makes it possible for our lobbyists to get bills through the General Assembly, for our UniServ Directors to work so productively with WCPSS HR, and for NCAE staff to train and support educators in Wake County. If you are brand-new to our association or if you have been a member for years, we thank you for joining us in our efforts to ensure a great public education for all students. Keep an eye on the *Wake Action* for ways to become an active member of your Association.

Payroll deductions began with the October 31 payday (please check your paystub to be sure your membership dues are being deducted) but it's never too late to join. Educators wishing to join Wake NCAE can begin payroll deductions in December by submitting

a membership enrollment form and a check for the first two deductions. Please contact your Association Representative or the Wake NCAE office at wakeoffice@bellsouth.net for more information.

Because of our financial obligations to NCAE and NEA—we pay out more than 80% of the money we collect—the annual deadline for cancellation requests is 5:00 pm on September 15. (You can always find this information in the “Membership” page of our website, www.wakencae.org.)

Please contact Larry Nilles if you have questions about your membership status.

Don't forget to take advantage of the discounts available to you because of your membership: not only do you save money when you do, but you also make it easier for NCAE to attract business partners.

SHARE THE GREAT REASONS WHY YOU JOINED WAKE NCAE.



NCAE is on Call.

Call 1-855-ASKNCAE (1-855-275-6223),
Monday through Friday,
9:00 am - 5:00 pm

for answers to your employment-related questions or visit us anytime at

www.askncae.org

Brad Miller Visits with Wake NCAE



On October 20th, United States Congressman Brad Miller dropped by our school board phone bank to bring cupcakes and thank Wake NCAE for all of our hard work during the school board election. Congressman Miller spoke about the importance of winning the runoff election in District 3. He also took time to answer questions about redistricting and the reauthorization of the No Child Left Behind Act. After speaking he joined the phone bank and called a few of our members asking them to get involved.

Rick Glazier Stops by Wake NCAE



Cary High School Teacher Alan Trogdon shows Rep Glazier pictures from our Trick or Vote Canvass.

On November 1st, North Carolina House Member Rick Glazier participated in our District 3 runoff phone bank. Representative Glazier, whose wife is a middle school art teacher and NCAE member, told the members making calls that not only is the state of North Carolina watching the Wake School Board Election, but so is the entire country. After enjoying a few slices of pizza with some Wake NCAE members, Glazier made a few calls reminding educators to get out and vote.

Know Your Rights Part II

LIFT

(Law Institute for Teachers)



Employee First Amendment and Free Speech Rights

“Congress shall make no law... abridging the freedom of speech...”

Speech made pursuant to job duties is not protected even if it relates to a matter of public concern.

There are three categories of speech by public employees:

- ➔ Speech as an employee — not protected under the First Amendment
- ➔ Speech on matters that are not of public concern — not protected
- ➔ Speech as a citizen on matters of public concern — sometimes protected and sometimes not

Examples of “Matters of Public Concern”

- ➔ Racially discriminatory treatment of students
- ➔ Financial irregularities
- ➔ Abandoning school programs

Examples of “Matters Not of Public Concern”

- ➔ Personal employment grievance
- ➔ Complaint about inadequate student discipline following a teacher referral

There is no academic freedom for K-12 teachers in North Carolina. The curriculum is controlled by the Board of Education and administrators, not teachers.

Religious Speech

- ➔ In general, religious freedom is a subset of freedom of speech.
- ➔ Free speech claims are generally stronger than the free exercise of religion claims.
- ➔ A school employee’s religious speech can be restricted if necessary to avoid an establishment of religion.

Right to Retain and Consult Counsel

The First Amendment protects the right of public employees to retain and consult legal counsel.

Statutory Speech Protections

- ➔ Non-retaliation provisions of Anti-Discrimination Statutes: race, disability, age, religion, sex discrimination
- ➔ North Carolina’s Whistleblower’s Act – G. S. 126-84 et seq
Prohibits retaliation for reporting:

- Violation of state or federal law, rule or regulation
- Fraud
- Misappropriation of state resources
- Substantial and specific danger to the public safety
- Gross mismanagement, gross waste of monies or gross abuse of authority
- Applies to public school employees – G. S. 126-5(c5)
- Retaliatory Employment Discrimination Act (REDA) – G. S. 95-241

Prohibits discrimination or retaliation against employees who file complaints or participate regarding:

Workers’ compensation

Wage and Hours Law

Occupational Safety and Health Act (OSHA)

Arbitrary and capricious standard

NC Educational Code

Dismissal or demotion of teachers – G. S. 115C-325

Dismissal or demotion must be based on certain statutory reasons, and after full due process rights

Retaliation for responsible speech would not be justified

Nonrenewal – G. S. 115C-325(m)(2)

Probationary teacher contract may not be renewed for a reason that is arbitrary, capricious, discriminatory, personal or political

Retaliation for responsible speech would be arbitrary and capricious

Appeal of administrative decision

Any final administrative decision may be appealed to the Board of Education and Superior Court for decisions involving:

Terms or conditions of employment or employment status

Alleged violation of specific law or policy

“Arbitrary and capricious” standard

The Board of Education policy might provide for academic freedom or other free speech rights beyond that provided by law.

Grievance policies typically prohibit retaliation for filing a grievance.

Wake NCAE's Historic Win in the 2011 School Board Elections

After many hours of hard work, NCAE members took the Wake County School Board back. We showed what we can do when we work together to achieve a goal. The successful Wake School Board candidates stopped by the Wake NCAE RA the day after the election at the NCAE Center to express appreciation for the work of NCAE educators in the election. Each of them spoke to the delegation stating they could not have done it without Wake NCAE.

In no particular order, a BIG thank you to Jessica Benton, Jasmine Hart, Bill O'Donnell, Tama Bouncer, Larry Nilles, Paulette Jones Leaven, Alan Trogdon, Kristy Prawdzik Rupright, Greta Lumsden, Chris Bridges, Patricia Burgess, Twanna Floyd, Ellen Healy, Joan Crain, Marguerite Rountree, Rhonda Riggins, Cindy Hoyt, Nanette Rhyne, Barbara Stephenson, Marcia Timmel, Jennifer Elmo, Michelle Hicks, Lyn Carter, James Shaw, Stacey Hill, Bonnie Barefoot, Angela Greenridge, Alma Roberts, Jennifer Ort Eacret,



Pictured left-to-right: Wake NCAE President Tama Bouncer, Uniserv Director Sean McKillop, School Board Member Kevin Hill, Member-elect Susan Evans, Member-elect Christine Kushner, Member-elect Jim Martin, Political Action Specialist Meighan Davis, & Wake NCAE VP Larry Nilles. School Board member Keith Sutton also attended the Wake NCAE meeting, but is not in this picture.

Kristin Beller, Annie Clark, Rodney Ellis, Cheryl Carter-Ellis, Chad Teres, Amy Harrison, Joni Amerson, Jennifer Reed, Jennifer Holcomb,

Michelle Robinson, Liz Nance, Yvonne Carter, Tia Shue, Caroline Verina, Margaret Peeples, Cynthia McCoy, Joyce Wilson, Angela Greenidge, Caroline Vernia, Cynthia McKoy, David Purvis, Gloria Merritt, Bert Cutchins, Betty Mann, Christi Ballard, Franklin Ballard, Donnie Greenidge, Danielle Greenidge, Claudia Cole Williams, Marie Evans, Keisha Wells, Brian Lewis, Sean McKillop, Joy Bradford, Rose Tirkvart, Ut Le, Meighan Davis, Scott Anderson, Jay Reiff, Judy Wiggins, Megan Runion, Geneviene Howe, Susan Falwell, Christi Broadway, Anna Madison, Susan Ward, Nancy Masteller, Jordan Hill, Bob Lanane, Jennifer Lanane, Del Greenidge, Jalen Greendige, Kirsten Oshinsky, Zora Felton, Sarah Davis Walker, Ophelia Noble, Julia Perkins, Monica

(continued on page 3)

Wake County Election Results

DISTRICT 3

(Runoff election needed since no candidate received 50 percent)

Kevin L. Hill, 8,116, 49.69%
(Wake NCAE Endorsed Candidate)

Heather Losurdo, 6,514, 39.88%

Jennifer Mansfield, 1,331, 8.15%

Eric Wayne Squires, 352, 2.16%

DISTRICT 4

Venita Peyton, 2,004, 19.03%

Keith A. Sutton, 8,513, 80.85%
(Wake NCAE Endorsed Candidate)

DISTRICT 5

Jim Martin, 6,212, 67.34%
(Wake NCAE Endorsed Candidate)
Cynthia Chiklis Matson, 2,977,
32.27%

DISTRICT 6

Christine Kushner, 11,810, 59.38%
(Wake NCAE Endorsed Candidate)
George W. Morgan, 663, 3.33%
Mary Ann Weathers, 669, 3.36%
Donna Williams, 6,701, 33.69%

DISTRICT 8

Susan P. Evans, 7,129, 52.12%
(Wake NCAE Endorsed Candidate)
Ron Margiotta, 6,538, 47.80%

Historic Win *(continued from page 5)*

Keele Jones, Lasheena Washington, Nancy Levin, Sandylee Singletary, Robin Green, Darlene Frazier, Brad Miller, Tim Tyson, Gretchen Lampe, Marge Foreman, Linda Gunter, June Pearson, Lina Drinkard, Connie Parks, Linda Powell-Jones, Theresa Zeigler, Brenda Howell, all of our NCAE staff, our Wake Board Members, and all of our Wake ARs *who, prior to November 1st, dedicated time and energy to the Wake School Board election. Check the December Wake Action for the names of even more volunteers. If your name was mistakenly left off this list, please let us know; we will include your name in the December list.*

Wake NCAE also gives sincere appreciation to the following NCAE

locals that donated local NCAE funds to our successful Wake County School Board election efforts:

- Durham Association of Educators (Kristy Moore, President)
- Forsyth County Association of Educators (Ann Petitjean, President)
- Rowan-Salisbury Association of Educators (Brian Whitson, President)

Without these NCAE locals, and their leadership teams, willing to send precious resources over county lines, the Wake NCAE campaign to take back Wake County's public schools from anti-public education forces would not have been successful.

Trick or Vote!



On October 29th Wake NCAE celebrated Trick or Vote. Members dressed up and knocked on over 330 doors in District 3 reminding people to get out and vote. Pictured is Bill O'Donnell (above) wearing an apple and Larry Nilles (top) wearing a ballot box while knocking on doors.

DATES TO REMEMBER

- November 11 – Veterans Day
- November 14-18 – American Education Week
- November 24 – Thanksgiving (NCAE Offices closed November 24-25)
- December 7 – Wake NCAE Board of Directors
3900 Merton Drive, Suite 100
4:30 p.m.
- December 14 – Wake NCAE Representative Assembly
NCAE Center, 700 S. Salisbury Street,
- December 15 – Kay Trull Award Deadline

RIF Policy Changes

(continued from page 2)

renew the contract of a probationary employee or to reemploy any employee who is not under contract for any cause it deems sufficient in accordance with G.S. 115C-325(m)(2). In such cases, the procedures set forth in this policy shall not apply.

NOTE: A WCPSS probationary teacher who is non-renewed or resigns for budget-related reasons, and who is subsequently rehired within three years, may be eligible for credit toward career status for past years of service. However, to be considered for this benefit, the teacher must notify the Assistant Superintendent for Human Resources in writing no later than sixty (60) calendar days after the first day of re-employment with the school system.

E. Appeal Procedure

Any certified employee who has been dismissed or demoted due to reduction in force shall have the right to appeal as outlined by G.S. 115C-325.

After the changes were made, **b** was eliminated and the order of **c-i** and **c-ii** were reversed.

The revised section of the policy reads as follows:

If the Board authorizes a reduction in the number of certified positions, the following steps shall be taken to determine which employees are to be dismissed or demoted:

- a. Normal attrition shall be considered prior to any reduction in staff.
- b. Next, certified employees in the affected employee group (see section A.5 of this policy) shall be dismissed or demoted based on the following factors:
 - i. Work performance;
 - ii. Length of service in the Wake County Schools;
 - iii. Service in extra duty positions and ability to fill such positions;
 - iv. Other beneficial services provided to the school system;
 - v. Recommendations and advice from the Superintendent or designee.

With the changes to the RIF policy, it is important that you document any concerns that you may have and/or contact the Advocacy Call Center (www.askncae.org or 1-855-275-6223) when assistance is needed with evaluations.

- Tama