



Cincinnati Federation of Teachers

NEWSLINER

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Kelly Singleton, Editor

Federal Court: CPS Can No Longer Consider Staff Racial Balance When Surplussing Teachers

In a decision issued in April, Judge Susan Dlott of the U.S. District Court for the Southern District of Ohio found that the CPS may no longer consider the racial balance of school staff when making teacher assignments.

For many years, our contract has allowed CPS to consider "racial balance" when "surplussing" staff or making transfer decisions. (See Section 250, pg. 42). The clause was inserted years ago, when the school district was under the *Bronson* desegregation order. In the 1990's CFT went to court to challenge the provision after race was used to make transfer decisions at North Avondale Montessori School. A fed-

eral court ruled in 1992 that the racial balance policy was constitutional because of the pending *Bronson* desegregation order.

In May of 2008 the *Bronson* case was terminated, and the orders involved in that case no longer remain in effect. As Judge Dlott concluded, *Bronson* "is no longer in effect, at least as it governs staff racial balancing within the CPS school district."

In 2008, CFT member Paul Perrea was given notice that he would be surplussed for the 2008-2009 school year, with racial balance as one of the factors. He brought suit claiming that the consideration of staff racial balance violated his

equal protection rights.

Judge Dlott found that with the *Bronson* decision no longer in effect, CPS may not consider the race of any teacher in making teacher assignments.

CFT has argued in the past that race should not be considered with respect to teacher assignments. As CPS and CFT negotiate a new collective bargaining agreement, the first since the end of the *Bronson* era, the "staff racial balance" clause can no longer be utilized by CPS, and will be removed from the contract.

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UNION MEETING



★★★★★★★★★★★★★★★★★★★★
★ The next regular CFT/ACPSOP membership meeting will be held on **May 12, 2010 @ 5:30 p.m.** at the Thom Moore Building (Laborer's Hall) located at:
★ 3457 Montgomery Rd.
★ BR briefing is held before the membership meeting.
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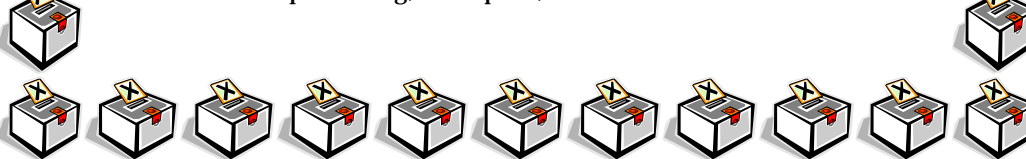


ACPSOP Officers Election – 2010



ACPSOP Ballots will be mailed to members' homes on **Friday, May 7, 2010**; to be returned no later than 3:00 p.m., **Tuesday, May 18, 2010**. Every ACPSOP member in good standing as of **MAY 6, 2010** will receive a ballot and instructions in the U.S. Mail.

Ballots will be counted on **Wednesday, May 19, 5:00 p.m.**, CFT/ACPSOP offices. Results will be announced at the **May 20, 2010 ACPSOP Membership Meeting, 5:00 p.m.**, CFT/ACPSOP offices.





In the last Newsliner I referred the membership to section 400 of the CBA and reviewed the stipulations governing the removal of disruptive students. For this edition, I would like to continue in the same section.

The CFT Leadership has recently received the data concerning the implementation of "Local School Behavior Plan's". Many schools, even at this time of the year have failed to provide a plan which governs all discipline decisions in the school. Along with the ineffective "Positive School Culture" program, failure to produce a behavior plan compounds the problems teachers have with classroom discipline.

A recent review of "Local School Behavior Plans" (LSBP), indicates that many schools have not adopted viable plans and that often when they do, administration is not supporting them. Some plans even stipulate that teachers can't send students to the office at all, "they are to call the office

and an administrator will come to your room. Of course all bets are off at lunch time! Those types of plans are in direct violation of Board policies and the CBA. Section 400(d) states that *"The Superintendent shall require that each school adopt and follow a local school discipline policy to supplement Board policies. It shall include rules for student conduct, consequences of violating such rules, responsibilities of parents, teachers, administrators and other staff. It shall address class cutting and truancy, including a plan for prompt communication with parents when students have cut class or are absent without a valid explanation. It shall include pre-suspension options and make us of alternate placement options provided by the Board"*.

Lines 40-42 further stipulates that, *"The local school behavior plan shall be developed by the ILT and aligned with the current district strategies. Student representatives,*

where appropriate, shall be added. The plan shall be reviewed and approved annually, with or without revisions, by the ILT".

Finally, lines 43-44 indicate that *"This shall be reduced to writing for the school and distributed to faculty on the first teacher workday of the school year and to students and parents by first day of the second week of the school year"*.

How often does that happen? The CFT Leadership strongly encourages the ILT to begin work on this important part of the school environment. Creating a safe and orderly environment is everyone's responsibility. Make sure that your school has a plan that has been approved by the staff and insist that you have complete support of your administrator.

"With us, not to us"

Hey! Who's Overlooking My Shoulder? By Dan Neeley, First Vice President

This year, CPS staff was introduced to a new student information system to monitor student attendance and record grades. The new software is called PowerSchool. Despite a few rumbles and grumbles here and there, it appears that teachers have been moderately receptive of the new software.

The new software is web based and can be accessed from most internet ready devices and is more user friendly for staff, students, and parents. Most teachers presumably access PowerSchool from their classroom IMS computer to perform the daily routine of record keeping. It is important to note that the IMS computers provided for staff use can be monitored by central office personnel.

The district has an "Employee Acceptable Use Policy" governing employee use of the IMS computers and the internet. Please remember that teachers are public employees; therefore, employees should always use the IMS computers for professional correspondence, professional research, and always be professional when commu-

nicating via email. **REMEMBER: NO FILE, DOCUMENT, WEBSITE, or E-MAIL MESSAGE IS PRIVATE** and all electronic communication is subject to public access laws and may be requested by the media or a member of the public. There



have been cases where an employee's entire email correspondence has been requested and has been used for legal situations.

CPS has a screening mechanism in place to maintain system integrity and to ensure that staff members are using the IMS computers/internet/email responsibly. Also, please remember that your CPS email is not a personal file storage system and that staff members should save files elsewhere other than email. The district provides staff members a limited amount of storage space on the district server, however, it is also recommended that files are saved to a flash drive or other device other than the network storage drive. It is NOT recommended that

files are saved directly to the C: drive of your IMS computer. If your IMS computer were to fail, usually a new computer is delivered to you and the inoperable computer is removed; therefore, all of your files saved on the C: drive are now gone. For those staff members that are still in need of an alternative place to store files, it is recommended that an account be established with Google where almost an endless amount of storage space exists.

Furthermore, the sharing of confidential information on students and/or employees should be limited to communication that is recognized as part of your job. Finally, conducting union business via the CPS network is prohibited. Ultimately, it is imperative that staff members sign off from their IMS computers at the conclusion of the day in order to prevent unauthorized use. Central office can and does monitor IMS computer/network use and with a little bit of common sense, as well as, adhering to the established guidelines, staff members should welcome technology into their classroom without fearing that Big Brother is watching over your shoulder.

Ever since I had a “little work” done, I can pass for someone much younger. Not that I need to. But this helped me have some eye-opening adventures over the last few weeks.

You see, my assistant, Brittany has been passing me off as one of her two children and trying to enroll me in a few CPS elementary schools – as a 2nd grader! (Email me and I’ll let you in on who did that “little bit” of work on me.) As long as I remember to watch my mouth and not talk like Brittany no one questions whether I belong or not.

I enrolled at four different schools in the past two weeks. Brit & I went through all the application stuff, faked our addresses. But we withdrew from all four schools. Why? Because we couldn’t find a class with less than 19 students in it. Unless it’s an Oscars after-party, I don’t like being anywhere with that many young people.

According to my sources inside the Education Center, there are around 100 second grade classes in the district. Less than 30% of these have 18 or fewer students in them. So, Perez thought, maybe I should have become a first grader. But wait - of the 100 first grade classes in the district less than 30% of those have 18 or fewer in them as well.

My teachers out there – I mean my colleagues – are supposed to get paraprofessionals if the class size tops

18. The problem is that the district sees this as justification for letting class size grow to the max of 25. They figure it’s cheaper. But it’s not what the citizens of Cincinnati thought they were getting when they passed the levy. It’s like getting one of those gift bags from the Oscars and finding that it’s got a Timex instead of a Rolex. And then being told they are both five-letter words that end in “X.”

I read it in the *Inquisitor!* According to the administration, there is no class size problem. The district has remained true to the spirit of the levy passed many years ago. That levy was passed because the community was told that the district would use much of the proceeds to fund lower class size limits in the primary grades. These class sizes were incorporated in the contract. The class size limit was 18. I remember because that was my age and waist size at the time.

This is the language from the 2000 Contract:

Class Size Reduction

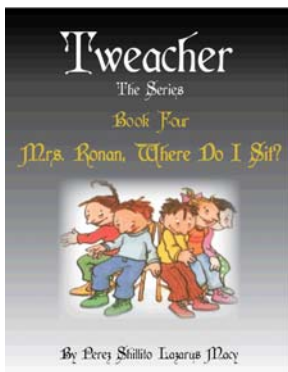
Reduce class size in academic classes in grades K-3 to 15-18 students, contingent on passage of the school levies

the Board has placed on the ballot March 7, 2000.

These limits shall be phased in beginning with the 2000-2001 school year and completed no later than the beginning of the 2002-2003 school year, by allocating the proceeds of two mills of the 6.5 mill increase, along with any state or federal funds provided specifically for class size reduction. Priority for class size reduction shall be determined by the school’s status in the School Assistance and Re-design Plan, with the necessary funds being allocated first to schools which have been redesigned and to those in Intervention status.

This is also a reminder to Cincinnati. Besides making the city famous because I, Perez, live here, I am also part of a union (even though the big bosses are wary of any unconventional unions) that cares about the quality of education our children receive. We fought for smaller class sizes because research demonstrates that it helps. Everyone involved expected that class sizes would really be between 15-18. But for an overwhelming number of students and parents, they didn’t get what they – or we – bargained for.

Oh, by the way, I really developed quite a crush on that cute Ms. Bullock at that one school. But there was always this very big kid by her side. Oh well.



What’s in a Name? by Robert Sturdevant, Chief Labor Delegate

When President Sellers was elected last year, she promised to give all issues a fresh look and to try to implement policies that would benefit the membership. In the spirit of that promise, her administration has been planning the year-end picnic. In the past, the picnic served as a summer kickoff and a small gesture of gratitude to teachers and office employees for a job well done. That sentiment still prevails, but because we are in negotiations on CFT & ACPSOP Collective Bargaining Agreements, this year’s picnic offers an opportunity to help build solidarity.



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This year’s picnic is slated to be held at **Mt. Airy Forest on Thursday May 27th, Shelter Area 22.** Since the status of negotiations is up in the air (as of the printing of this Newsliner) negotiations may or may not be concluded. If they are not, CFT & ACPSOP members could take this opportunity to demonstrate their support of the bargaining teams and to bring greater awareness to our negotiations, and demonstrate our resolve to bring home an agreement. If, on the other hand, contracts have been settled, it will give CFT & ACPSOP members an opportunity to celebrate and to end the school year on a positive note of solidarity

and strength. So I think it would be a sound decision to refer to the year-end picnic as a **Solidarity Day Celebration.** I hope that a name change would also help to increase the number of members who would attend this fun outing. The Social Chair Kathy Gross always does a wonderful job, so I hope more members will come and celebrate with their families. To that end, I am hoping that everyone will take the time to mark their calendars and plan to attend the CFT/ACPSOP Solidarity Day Picnic on May 27th. Come and see some old friends and make some new ones. I hope to see you there.

Classifieds

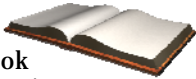
VACATION: CABO SAN LUCAS! Medano Beach Condo. Walk to downtown. 1BR/1BA condo. Sleeps 4. \$1200 per week (low season) \$1800 per week (high season). Contact: jjdemeryy@gmail.com



FOR RENT: Beautiful spacious condo for rent. Cathedral ceiling, 2BR/2BA, walk in closets, kitchen, dining room, fireplace, laundry room in condo, porch. Clubhouse w/ pool, tennis, basketball, sand volleyball. Close to highway. 12 mo/RA. Security deposit \$620. Utilities NOT included. Contact #513-846-6350.



The Art League is once again offering the award-winning book, *An Expression of the Community*, to all CFT members for a 15% discount of \$45.00. The book documents, in pictorial form, the stunning collection of art and architecture contained in Cincinnati Public Schools. The Art League began in 1903, and was re-instituted in 1995 to document, preserve, restore, and enhance CPS. It is a non-profit organization run solely by volunteers. You can order a book by contacting CFT member Joe Wilmers at 363-6306. Web-site information available at www.artleaguecinti.org



NEEDED: CONFIDENTIAL INFO about your school for a Newsliner column. Contact perez@cinci.rr.com. Sorry no money, just appreciation!



The College of Mount St. Joseph will offer an **Early Childhood Generalist Endorsement program for PK-3 licensed teachers**. Students completing the program may be qualified to teach 4th and 5th grade. Individuals participating may earn 9 Graduate credit hours in one month. The summer session will be held July 7- 28, 2010. Classes will be held at Mayerson Academy. For information, please contact Carla Good, Graduate Advisor at 513-244-3258 or carla_good@mail.msj.edu.



The the deadline for students in Council of the Great City School districts to apply for the new **ExxonMobil Bernard Harris Math and Science Scholarships** is May 14.

Named for the first African American to walk in space, former astronaut Bernard Harris is encouraging minority students to pursue college degrees and careers in STEM fields through a partnership with the Council. Four scholarships for two males and two females -- \$5,000 each -- will be awarded to two African American and two Hispanic students.

Here's the link to the scholarship program and the application: http://www.cgcs.org/Awards/Harris_Scholarship.pdf. Thank you.

-Michael Casserly
Council of the Great City Schools

Cincinnati Federation of Teachers Association of CPS Office Personnel

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