



# ADVOCATE

## Ontario-Montclair Teachers Association

February 2019

### IMPORTANT DATES

#### MARCH

11<sup>th</sup> OMTA EXECUTIVE BOARD MEETING

14<sup>th</sup> OMSD BOARD OF TRUSTEES MEETING

25<sup>th</sup> - 29<sup>th</sup> SPRING BREAK NO SCHOOL

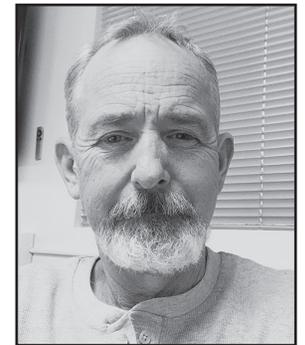
#### APRIL

1<sup>st</sup> OMTA REP COUNCIL MEETING

5<sup>th</sup> OMTA SPRING SOCIAL

## FROM THE PRESIDENT'S DESK

*This is an article from a Counselor. As mentioned previously, I wanted to publish a variety of articles that represent the variety of skilled positions that represents Ontario-Montclair Teachers Association. Again, this is not to say that any particular group works harder than another group, we all work hard to provide for our students and our communities. ~ John Egan*



Article by: Deana Shoultz

I knew at 17 years old as a high school senior, I wanted to become a school counselor. I met an amazing woman during my peer counseling program at Montclair High School that influenced my college and career path as she became my mentor and inspiration in life. Many in our district may remember her, Dr. Bonnie Mooney. As a senior at Montclair High School, I thought what a great job she had! She gets paid to play with kids! Little did I know what was waiting for me once I accepted my first school counselor position at Lehigh Elementary 21 years ago.

As one of the seven middle school counselors and the few elementary counselors that have made it through budget cuts and staff reduction over the years, we are the students support system for academic success, socio-emotional development and parent outreach. Many have the perception that we are just responsible for the developing the master schedule and scheduling students. That is just the tip of the iceberg of our responsibility. We provide Tier 1 and Tier 2 support for MTSS via small group counseling, individual counseling with students. We support students that struggle with academic success, friendship issues-- students that struggle to connect with others, anxiety, depression, self-harm, bullying and students questioning their sexuality.

We serve as the outreach person to connect students to services and resources offered through OMSD's Family Services and Collaboration Department. For students that are not responding to school counselor interventions, we connect families and students to outside counseling agencies through our counseling referrals. We also connect families that are struggling to meet basic needs to family case management, where case managers can assist families with resources for food, clothing and housing and monitor their progress.

As School Counselors we strive to identify students at-risk of experiencing truancy and school failure. We collaborate with teachers to help students experience success. We participate in parent-teacher meetings to provide support to teachers by offering our Tier I and II supports to parents as a resource. We collaborate with our attendance team in improving our school's attendance. We coordinate School Attendance Review Team meetings for chronic absentee students and move

*Continued on Back Page*

 Find us on Facebook

[www.myomta.org](http://www.myomta.org)

Affiliated with



# ABOUT SUSPENSION

This article is about suspension. By no means does this article encourage the suspension of students. Whenever possible, it is preferred that school sites keep and assist students through counseling and assertive mentorship who represent challenges to the public education setting, so that they may return to the classroom where they have trouble acclimating. There has been considerable discussion the past few years regarding the suspension of students. Teachers need to know and be reminded that their documentation has to be thorough in leading up to suspension, and that consistent management techniques have been attempted and failed leading up to the suspension. In my last piece of writing I emphasized teachers knowing their association's contract. Teachers also need to know their state's education code: <https://www.cde.ca.gov/re/lr/cl/>

We must be honest as well, in acknowledging there has been a noticeable change in students' behavior, not just locally, but statewide. We have seen an increase in students being more verbally combative with teachers; habitual profanity that is offensive to both teacher and students. We have also seen threatening behavior that interrupts and/or stops the flow of learning. This behavior may be interpreted as willful defiance.

Assembly Bill 420 recently amended the Section 49800 of the Education code by removing the term "willful defiance" in certain instances, as a reason *for administrators* to suspend or expel a student. It is important to know though, that willful defiance was not removed from the Education Code.

The amendment eliminated the ability of a principal to suspend a student in grades K-3 for disruptive behavior, or willful defiance. It also eliminated the ability of a principal to expel a student from school in any grade level for disruptive behavior or willful defiance. The key word here is expel, not suspend.

It is important to note that Section 48910, Section (k), (2), maintains the ability of a *teacher* to suspend a student in any grade level from class for disruptive behavior and willful defiance for the day of the suspension and the following day. Section (k), above, only pertains to students disrupting school activities and/or willful defiance. As stated in Section 48900.5, other means of corrections should be used for a first offense except when a student, including a special needs student, causes injury, possesses a dangerous object, possesses /uses a controlled substance, robbery or extortion, or presents a danger to other students. A student may be suspended for a first offense of the above actions.

Some school districts and their site administration have gone so far to make teachers believe that they are not allowed to suspend students for defiance or deliberately interrupting the delivery of instruction. In fact, nothing in the Education Code has changed in this regard. 48910 (a) still states: ***A teacher may suspend any pupil from class, for***

***any of the acts enumerated in Section 48910, for the day of the suspension and the day following. The teacher shall immediately report the suspension to the principal of the school and send the pupil to the principal or the designee of the principal for appropriate action. If that action requires the continued presence of the pupil at the school site, the pupil shall be under appropriate supervision (not the suspending teacher), as defined in policies and related regulations adopted by the governing board of the school district. As soon as possible, the teacher shall ask the parent or guardian of the pupil to attend a parent-teacher conference regarding the suspension.*** It is important to note that some site administrators read this last sentence of Education Code as "immediately", this is not the case. It just means to contact the parent as soon as you are physically able to do so. It goes on to state: ***A school administrator shall attend the conference if the teacher or the parent or guardian so requests. The pupil shall not be returned to the class from which he or she was suspended, during the period of suspension, without the concurrence of the teacher of the class and the principal.***

As stated again, other reasons for suspension (if other means of correction have not been successful) are sexual harassment, hate violence, and harassment. Section 48900.4 of the Education Code states that students in grades 4-12 may be suspended or recommended for expulsion if the principal or superintendent "***determines that that the pupil has intentionally engaged in harassment, threats, or intimidation, directed against school district personnel or pupils, that is sufficiently severe or pervasive to have the actual and reasonably expected effect of materially disrupting classwork, creating substantial disorder, and invading the rights of either school personnel or pupils by creating an intimidating or hostile work environment.***"

Bear in mind, many districts have misinterpreted Assembly Bill 420 and have made policy changes *greater than those required by law, by adding site specific paperwork to hinder suspension; making it virtually impossible to suspend under any circumstance. This should not be the case, remember that under section 48910 of the Education Code, teachers still have the right to suspend students for willful defiance for the day of the incident and the following day.* It is important for teachers to report to their local association any incident where a principal outright refuses to allow a teacher's classroom suspension.

Finally, it is important that teachers get more involved with their annual School Site Planning through their School Site Councils, Leadership Teams, and/or contributing to the Local Control Accountability Plan to ensure there is always a thorough re-examination of the school discipline plan, as well as increasing continued behavioral support for students who struggle within the public school environment. 🍏

# KNOW YOUR CONTRACT

## ARTICLE XIV - SAFETY CONDITIONS

- A. General: The District shall make a good faith effort to provide employment and a place of employment which is as safe as the nature of the employment and assigned duties reasonably permits. A unit member shall not be required to perform duties under conditions which pose an immediate and serious threat of serious bodily harm to the unit member. Whenever possible a unit member shall report safety concern(s) and, where appropriate, make a reasonable effort to remedy or avoid those conditions.
- B. Assaults: Unit members shall immediately report cases of assault, suffered by them in connection with their employment, to their principal or immediate supervisor. The incident shall also be promptly reported to the appropriate law enforcement authorities by involved parties or witnesses as prescribed by California Education Code. Such notification shall immediately be forwarded to the Superintendent or designee. The Superintendent or designee shall comply with any reasonable request from the unit member for information in the possession of the District relating to the incident or the persons involved, and shall act in appropriate ways as liaison between the unit member, police and courts.
- C. Defense: If an altercation, disturbance, or student discipline situation results in a lawsuit against a unit member by a student or parent, or results in a criminal complaint being lodged against a unit member by a student or parent, such member may request the District to furnish legal counsel at District expense to defend the action. If the Board declines the request, and the action then culminates with a final judgment on the merits after trial in favor of the unit member, then the Board shall reimburse the unit member for reasonable attorneys' fees actually incurred in defense of the action.
- D. Orientation: As part of the annual District orientation, a copy of any Board policies or administrative procedures then in effect regarding student discipline, corporal punishment and suspensions shall be furnished to each new unit member. Revisions shall be furnished to all unit members.
- E. Property: Reimbursement shall be made to any unit member for the loss, destruction, or damage by arson, burglary, vandalism, or student disturbance, of personal property used in the schools of the District for educational purposes, subject to the following restrictions: 1) Personal property such as automobiles, clothing, jewelry, glasses, watches and the like are not subject hereto. 2) Reimbursement shall be made only when approval, prior to loss, is obtained from the site administrator on a District-provided form. The value of the property shall be agreed upon in writing and prior to loss, between the unit member and the site administrator. 3) No reimbursement shall be made for mysterious disappearance, accidental damage, loss suffered because of lack of due care by the owner or any other cause not specified above. 4) The maximum recovery allowable hereunder for any occurrence is \$500. 5) Prior written approval of the immediate administrator is necessary for the personal instructional property to remain on District property over a weekend, on holidays or during vacation periods.
- F. Administrative Support: During the instructional day, an administrator or principal designee shall either be present on site, or available on short notice to go to the site, in order to deal with emergency situations. If a site administrator's absence is anticipated to be of an extended duration, the District shall provide a temporary replacement administrator. 🍏

### WHAT WONDERFUL THINGS ARE YOU DOING IN CLASS?

I want to thank those teachers that have invited me to their classes to see the gifts they, and you bring to our students on a daily basis. I'm still taking invites. If you are comfortable with a visitor and there is



something you are excited about that your class is doing, being academic or elective, I would enjoy seeing it! My goal is not to stay long and/or disrupt your teaching; it's simply to pass along the good word to others. If you're interested in having me as a visitor, drop me a line; give me a call with at least three dates & times. And most important, notify your administrator that I'm coming.

Thanks, John Egan  
president@myomta.org • 909-986-2414

P. S. I'll bring a little something for your students

*Message from President Continued from Page 1*

students to the SARB level at the district. We facilitate Student Study Team Meetings for academic and behavioral issues that are preventing students from being successful at school.

School counselors coordinate the transition process from elementary through high school. While each site varies in their delivery-style, we reach out to the elementary feeder sixth grade students as their first connection to middle school. We coordinate campus visits to share information about their upcoming middle school experience and distribute elective interest forms for upcoming scheduling. As our eight-grade students prepare to depart for high school, we collaborate with our feeder high schools to ensure our students successful transition. We schedule with the high school counselors visits to our

school sites so students can complete their elective forms, apply for honors courses and take the Spanish assessment to determine their proper placement. Additionally, we coordinate with the high school AVID Coordinator class-presentations to recruit students for the incoming Freshman classes and assist students with their high school AVID application.

As you can see, I learned quickly that Dr. Bonnie Mooney had far more on her plate as a school counselor. I am currently the school counselor at De Anza Middle School. There is a saying that some students come to learn and some students come to feel loved. I strive to make De Anza a place where students experience both. 🍏



## OMTA OFFICERS AND OPERATIONS

**President:** John Egan  
president@myomta.org

**1st Vice President:** Tracy Taylor

**2nd Vice President:** Daniel Salcido

**Secretary:** Tisha Curry

**Treasurer:** Erine Ames

### CTA State Council Representatives

Tracy Taylor, John Egan, MaryKay Scheid

### Service Center 1 Representatives

Shari Megaw, Vickie Harri, Trudy Cowan,  
Isabel Santos, Judy Westbrook

**Bargaining Chair:** Tracy Taylor

**Elections Chair:** Vince DeFabiis

**Office Manager:** Cindy Newey

officemanager@myomta.org

**Advocate Design:** Dorreen Petersen Davis

### OMTA Office

417 West "E" Street • Ontario, CA 91762

Tel: (909) 986-2414 • Fax: (909) 983-0585

## OMTA REPRESENTATIVES

**Arroyo:** Brenda Zola

**Berlyn:** Crystal Cook, Erik Kobulnick

**Bon View:** Abel De Casas, Debbie Roose Baker

**Buena Vista:** Michael Hatter

**Central:** Marina Garcia

**Corona:** Julie Rafeedie

**DeAnza:** Inaki Bizkarra

**Del Norte:** Natalie Cantos/Mary Braunstein

**Edison:** VACANT

**El Camino:** Susie Imrich/Sandi Missick

**Elderberry:** Kevin Dixon, Dennis Kelly

**Euclid:** Wendy Beltran, Kelly Duffy

**Hawthorne:** Monique Gray, Celina Marshall

**Haynes:** Robert Mariani, Cecil Malacarne

**Howard:** Kelly Pawley

**Kingsley:** Michelle Montes, Javier Sandoval

**Lehigh:** Robin Carr, Jennifer Barringer

**Lincoln:** Holly Baca, Denise Dryden

**Mariposa:** Sendai Parker,

Dionne Treadway Contreras

**Mission:** Debby Hilak, Vince DeFabiis

**Monte Vista:** Kay Hoover

**Montera:** Ana Zoque, Dawn Falkenberg

**Moreno:** John Ross

**Oaks:** Lora Dahms, Lisa Eckersley

**Ramona:** Kelly Albers, Lindsay Gallagher

**Serrano:** Ana Moreno, Curt Albers

**Sultana:** Terri Tucker, Elsa DeShazo

**Vernon:** I-Esha Scott, Rosa Whitton

**Vina Danks:** Lisa Ochoa, Glenn Wong

**Vineyard:** Nila Delise

**Vista Grande:** Monica Lite

**Wiltsey:** Kim Hunter, Brad Joplin

**Counselors/Orcs:** Deana Shoultz

**Early Ed/Pre-School:** Alison Guadalupe

**HFB/Hardy Center:** Laura Smart

**Health/Nurse:** Dana Smith

**Music:** Daniel Salcido

**PE/APE:** Daryl Durston

**Special Ed:** Aurora Mejico

**Speech:** Ulla Tang Larsen