



Substitute Teachers Of California

“There is no substitute for a great substitute teacher”

TITLE: Establishing an Appeals Process for Black Listed Substitute or Guest Teachers;

PROBLEM: Unbeknown to the outside world and many Substitute or Guest Teachers (SGTs), School districts maintain a secret list of teachers that they don't like, or don't want teaching in their districts or at their schools. For whatever reason, SGTs are often placed on the list without notification or anyway to appeal and be removed from it.

Many times, SGTs are placed on it because of a negative interaction with an administrator or educator, thus making it as a 'whim', rather than a lack of doing the job. This interaction can be for just about anything and ranges literally from A to Z, and covers a variety of reasons, including but not limited to: they simply don't like you to political, social, economic, sexual, religious and racial differences.

To make matters worse, I have been in the lunchroom where educators bragged about putting SGTs on this list on as a joke.

What's sad about this, is this: being placed on this list leads to a lifetime ban from working at the location – a lifetime ban without notification, release of information or a hearing.

SGTs often find out they have been placed in this category when they notice that they have stopped receiving job offers from the location in question. What makes this horrible is threefold. First, once you are on the list, you are on it for life. Second, many have no idea as to why they are on the list (so theoretically you can be making the same mistake over and over again), and third, SGTs have nowhere to go to find out more information about why they are on the list, let alone challenge (appeal) being placed on it. In other words, the SGT is guilty until proven innocent and they have to live with it.

EXAMPLE:

As a SGT for over 15 years. I have wound up on this list several times, especially when I first started working in the field. What I find the most frustrating is this: if I even find out about being placed on the list, I am powerless to do anything. That means I am guilty, without a hearing, and have no way to get off the list. For example, I was last blacklisted 1 year ago. Why? Because I asked for a bathroom break.

What makes this worse is this: I can't learn from the mistakes that I might have made. Is that fair?

And how did I find out? At the end of my shift, I was told by the office administrator that I would be placed on it because she “didn't like me”.

SPECIFICS:

Example #1: Crazy as it sounds, here is what happened: I reported to my assignment, as required. Upon arriving, I was told that I had a prep period, and prepared for it. Upon a “whim”, I got a call from the office, and ordered me to report to another classroom during my prep period. In other words, they took away my break – without any type of compensation. I then mentioned that I needed an ‘adult bathroom break’, and tried to set something up in 45 minutes to 1 hour. The secretary on the other end made the following VERY clear: I had a break, and that I had to do my business during that time. I then politely reminded her that my prep period was taken away, and that I only had a 4 minute passing period. I added that I also had to report to a classroom on the other side of campus. She told me clearly that she didn’t care, and she told me that if I needed to use the facilities, that I needed to do that during my prep period. I again responded by saying that they were assigning me to a classroom during my prep period, and how was I to go to the restroom and make it across campus in 4 minutes? The secretary then sternly said: that is the only time you can go and hung up. I have not been invited back to the campus since then, which means that I am on the school’s blacklist.

Example #2: I was recently placed on a blacklist by a teacher who told me she was Palestinian. She had a disagreement with me over 2 things - Israel and my being Jewish. She made it VERY clear that she didn’t like me, and didn’t like Jews (her statements, which I found offensive, gave it away). The only way I can confirm this is as follows: I have not been invited back to the campus, and quite frankly, I have nowhere to go to find out information, let alone challenge it.

SOLUTION:

- Eliminate banning, suspensions and black lists without notification and a hearing;
- Establish a notification process, informing the educator that they are on the list;
- Establish process to appeal your placement on the list;
- Allow the ban to stand for only 1 year;
- Notification that you’ve been placed on the list, and how you can appeal the decision.

SUPPORT:

- Students
- Substitute or Guest Teachers
- Teachers
- School Districts

OPPOSITION:

- Schools
- Superintendents
- Educators

ARGUMENTS IN SUPPORT:

- Currently, SGTs are guilty until proven innocent, and this legislation will change that;
- This will help substitutes become better at their job, helping students in the long run;
- This legislation will help put more teachers in the classroom;
- This brings the issue of the black list and how its used, to the forefront.

ARGUMENTS IN OPPOSITION:

- It is the school's prerogative on whom to hire and whom not to;
- Guilt without proof is justified, as are lifetime bans;
- When it comes to students, you should be guilty until proven innocent;

PUBLICITY:

- This will be publicized in the 70,000+ Substitute Teacher community;
- Theme: Getting more teachers into the classroom;

HISTORY:

- Unknown if introduced before;

FISCAL EFFECT:

- Minor costs

CODE SECTION AFFECTED: As per Legislative Council

LANGUAGE ATTACHED Yes

LANGUAGE:

Section 1: Intent The California Legislature understands that:

1. School districts, schools and educators use blacklists to discipline Substitute or Guest Teachers; and
2. When they are blacklisted, Substitutes or Guest Teachers are not told, even though being placed on this list amounts to a lifetime ban on employment;
3. There is a shortage of substitute teachers in California and reforming this practice will put more teachers in the classroom;

Section 2: Provisions

- a) Schools can create black lists and place Substitute or Guest Teachers on it as long as:
 - a. The teacher is notified of the charges and what their rights are, by certified mail within 7 business days of being placed on the black list;
 - b. The SFT has the opportunity to confront the charges via an appeals process;
 - c. The appeals process must include a hearing within 30 to 90 days;
 - d. The SGT has the right to confront evidence and call witnesses, as well as enter evidence that supports their positions and refutes said claims;
 - e. Bans cannot last longer than 1 calendar school year;
 - f. If the ban is appealed, it does not go into effect until a decision is rendered;

Section 3: Penalty

- a) Failure to comply with these provisions is a civil penalty
- b) Violation by the district is \$500 per day, per violation

Section 4:

This act does not apply to Substitute Teachers who wound up on the list for the commission of felonious crimes.