



# The JCEA Insight



## Briefly Noted

a summary of news items of interest to our members

### Salary, workload again at top of negotiations

As bargaining begins this week, Negotiations Chair Mike Jagel and his team are ready with clear direction from the membership. Teachers expect to be compensated for their increased workload and their success in increasing CSAP scores. Read details in related stories on pages 1 and 2.

### Focus groups mixed on SB 98 Incentive Pay

Last year's legislative session passed SB 98, the Teacher Incentive Pay Program, to help schools with the greatest need. As 16 JPS schools qualify for the allocated money, about \$66.50 per student for four years, JCEA and the district agreed to hold a series of focus groups to ask teachers in these schools how the money should be allocated. Story on page 2.

### Little progress made in Welcoming Environment

Results of a survey at the February Council show that JPS schools are making little progress in creating Welcoming Environments (W.E.) in schools. A special training for Association Representatives and PTA Presidents (co-sponsored by JCEA and Jeffco PTA) was held in October in an effort to help schools assess their W.E. and then write accountability goals for the next year. Providing a W.E. in schools is called for in A-6 of the Strategic Plan. See story on page 2.

### JCEA President says time to reward teachers

JCEA President Dale Gatz's editorial this month tells the district that teachers have worked hard and raised CSAP scores, and now it's time to reward them with a significant pay raise. Read his editorial comments on page 2.

### Supreme Court hears public school issues

The U.S. Supreme Court has recently been involved with two controversial public school issues—one deals with the privacy rights involved with students grading other students' papers and calling out the grades; the other is a voucher case involving the Cleveland private school tuition plan.

Read about these controversies in "A JCEA focus" piece on page 6.

## Negotiations begin—expectations high

And so it begins yet again. Teams representing JCEA and JPS have begun the important task of bargaining.

This year, the third year of the four-year agreement, talks will center around salary and workload issues as identified in JCEA surveys and conversations.

JCEA Negotiations Team chair Mike Jagel said, "You have made it very clear to me and our team that you expect to be compensated for your increased workload and your success in increasing CSAP scores. And you have also told us it is time—actually, past time—to make up for years of inadequate salary increases that did not keep up with the cost-of-living."

Jagel added that while negotiations the last two years did provide COLA increases, these were not sufficient to provide compensation for previous losses in teachers' buying-power.

"It's a different ball game now," says JCEA President Dale Gatz. "We worked very hard to pass both the Performance Promise mill levy and Amendment 23. As a result, JPS is enjoying significant increases in revenues at the same time as losing money through declining enrollment."

In the last few years, Gatz explained, JCEA has been very cooperative in working with JPS to improve staffing and to do what was necessary to ensure the success of the Performance Promise.

"We have honored both the letter and spirit of our commitments," he said. "But this year it is our turn. In all our communications with the district we have made it abundantly clear that teachers—their salaries and working conditions—must be the priority."

During bargaining sessions scheduled for the weeks of March 4 and 11, JCEA negotiators will make the case that Jeffco teachers have earned a COLA plus 1% (the amount allocated from Amendment 23) and an additional amount coming from unrestricted state categorical program spending and Performance Promise funding.

"We believe the resources are there to meet expectations, Gatz said. "Declining enrollment means fewer dollars are coming in from the state. Not as many teachers retired this year as expected, meaning less dollars are being freed up for negotiation. We believe the resources are there, though, to reach an appropriate settlement."

As the *Insight* goes to press, the JCEA negotiations team is putting final touches on its workload proposals. Almost certainly, they will advocate for providing teachers more flex-time in dealing with the

demands of testing and required paper work.

Jagel also notes that large class sizes contribute to increased workload. He said, "JCEA and the district, through the staffing task force recommendations, have worked very hard to reduce class sizes by providing additional FTEs at all three levels. We are making significant progress in this area and hope that while improving instruction, it also improves working conditions."

Jagel acknowledged that JCEA surveys also reported incidents of increased stress from unwanted intrusions into teacher-directed preparation periods and duty-free lunches, both issues already adequately addressed in the contract (story, page 2).

"The contract gives you the right to say "no," but it cannot give you the backbone to do so," Jagel said. "We need to enforce the current contract before we look at adding more language."

## The 2002 JCEA Negotiations Team



Left to right:  
**Mike Jagel** (Chair, West Jefferson),  
**Robb Grove** (Standley Lake H.S.),  
**Dale Gatz** (JCEA President),  
**Nancy Henderson** (Ralston Valley H.S.),  
**Corrie Hitchens** (Evergreen M.S.),  
**Jim Hodges** (JCEA Executive Director),  
**Ike Nelson** (Shaffer).

## Council to consider three staffing MOUs

The March JCEA Council is expected to consider three proposed Memorandums of Understanding concerning staffing levels for next year. Because staffing ratios are an important part of the JCEA/JPS contract, any change in staffing must be mutually agreed to by both JCEA and JPS.

The Elementary MOU allocates \$450,000 from Class Size Relief funding for primary grades and \$1.6 million more for grades 3-6 to achieve the following target averages: kindergarten: 24, grades 1-3: 20, grade 4: 24, and grades 5-6: 28. Combination classes will be staffed at the most advantageous target levels.

In order to maintain the parties' commitments to support art, music and PE programs, as identified by the Specials task force (1998), the MOU removes Specials teachers from the regular school staffing ratio and creates a different ratio based on student enrollment.

The district agrees to allocate a total of \$1.1 million for additional staffing, \$600,000 of that coming from the Class

Size Relief fund.

Specials classes will not be allowed to exceed 30, and teachers will be able to apply for aide time based on the number of sections exceeding 27 students.

The MOU also makes changes in the Elementary Class Size Relief Guidelines.

For kindergarten the average class size will be 24. However, with the 25th student, teachers will receive 1.5 hours of additional aide time. When enrollment reaches 27, there will be a total of 3 hours of aide time; when reaching 29, the class will be adjusted.

For grades 1-3, the average class size will be 20. When the enrollment reaches 23, an additional 1.5 hours of aide time will be provided. When it reaches 25, a total of 3 hours of aide time will be provided. If the class reaches 27, it will be adjusted, if space is available.

The average class size for grade 4 will be 24, with the 26th student requiring an additional 1.5 hours of aide time. A total of three hours of aide time will be provided when the enrollment reaches 28. Should the class reach 30, it will be adjusted, if space is available.

When enrollment in grades 5-6 exceeds 27, teachers may apply for assistance through Class Size Relief. The kind of assistance will be determined by Class Size Relief.

### Middle School MOU

In an effort to address equity issues at the middle level, the MOU provides an additional 18 FTE allocated on the basis of school size, the number of students on free lunch, school mobility, and CSAP scores.

As a result, the following schools will receive an additional .5 FTE in 2002: Deer Creek, Drake, Dunstan, Evergreen, Ken Caryl, Mandalay, Oberon, Summit Ridge, West Jefferson, Jeffco Open.

Bell, Carmody, Moore and North Arvada will receive 1 additional FTE.

Creighton and Everitt will receive 1.5 FTEs, while Arvada, O'Connell and Wheat Ridge will receive 2 FTEs.

### High School MOU

The MOU regarding high school staffing calls for 21 new FTEs, which will provide one additional instructional coach for every high school.

# Negotiations begin this week

by Mike Jagel, Negotiations Chair

It's that most wonderful time of year—negotiations season. Our JCEA Negotiations Team met February 20 with most of the district team to discuss norms and how we would work together to achieve a fair contract settlement. We all hope that the negotiations sessions will be positive, honest, and fruitful.



The JCEA Negotiations Committee has been meeting frequently to study the data you provided about compensation and workload issues.

Most Jeffco teachers feel that this year a fair compensation settlement means: 1) addressing past years when teachers gave up COLA and step raises because the district had a fiscal shortfall, and 2) rewarding our hard work to increase CSAP scores that in turn generated extra district income.

In spite of some departmental overspending, we feel that the district does have the funding to give teachers a fair raise. The projected COLA rate has been established and Amendment 23 monies the state gives the district are now a known factor.

When you add up all of the money going into the district, we feel that the district can treat teacher compensation as a priority and still do what is right for our students.

The information we have received about the increase in workload is mind boggling. We have reached a point where there is not enough time in a day to complete everything required. If you look at the instructional day model and factor in extra duties, IEPs, ALPs, tutoring, etc., there are not enough minutes in a day even if you donate your lunch and planning time. We have been looking at some concrete solutions to the workload issue and hope that we can work with the district to find ways to give you more time to accomplish what needs to be done.

We will start our negotiations sessions on March 5 and will meet four times before spring break.

As is our process, the JCEA Board of Directors has given us negotiations parameters that reflect what you told us. The Negotiations Team will operate within those parameters and come back to the Board for direction if we cannot achieve them.

Each of us needs to be prepared to stand up for what we believe is a fair settlement.

I hope soon to be able to report that we have had a fair and fruitful round of bargaining and have reached a settlement that we can all live with.

## 'Negotiation Notes: 2002'

As we did last year, to speed the flow of information to you, JCEA will publish "Negotiations' Notes: 2002" on the "contract" page of our website: [www.jcea-cea.org](http://www.jcea-cea.org). When there is important information to share, we will notify school ARs, who will notify you that the information is available on-line.

## Focus groups discuss allocation of Legislature's SB 98 Teacher Incentive Pay

During their last session, the Colorado legislature passed SB 98, the Teacher Pay Incentive Program, which was designed to help schools with the greatest need. In Jeffco, 16 schools qualify for the allocated money, about \$66.50 per student for four years.

As "incentive pay" is considered compensation and compensation is covered by the contract, JCEA and the district agreed to hold a series of focus groups to ask teachers in these schools how they felt the money should be allocated.

Kathy Bridges, JCEA's Director of Political Action said, "At first glance the incentive program sounds good, but upon closer inspection it does little to support schools or to provide incentives that are not divisive or harmful to the team approach. It allows for incentives in only very narrow categories and excludes many valuable members of the instructional team."

For example, the incentive applies only to teachers who spend a majority of their time "teaching" and therefore excludes social workers, psychologists, counselors and library media, unless these professionals can demonstrate they spend a majority of their time in the classroom. It also excludes all administrative and classified staff.

SB 98 says the incentive money can be used to "pay for bonuses or cost of other benefits associated with bonuses to teachers" for the purpose of: rewarding outstanding teacher performance (based on CSAP scores); offering recruitment or retention bonuses for teachers with a master's license (not a master's degree); offering recruitment or retention for math, science, special ed, and linguistically diverse teachers (only); and to defray housing and living expenses in communities with inadequate affordable housing (not applicable to metro-Denver area).

The law states the money can only go to "eligible" teachers and the award can not be less than \$1,000/teacher.

The elementary focus groups were held on February 11 and 12, while the middle school group met on February 19 and the high school group met on February 21.

Each school was supposed to collaboratively select representatives; however, in several schools principals did the selection.

Data gathered from the groups indicated an across the board concern that providing "incentive pay" to some, but not all, members of the instructional team would be counterproductive and divisive.

Every group expressed a strong belief

that teaching is a collegial profession and that teamwork is essential if schools are to succeed. In every group at least one participant remarked that the schools should just send the money back and just say "No thank you!"

They also repeatedly expressed frustration that there was little in this bill that would help improve school performance or provide true incentives for teachers.

Providing recruitment incentives for a few teachers, they said, could lead to "bidding" wars between districts and could result in teachers jumping from district to district to receive the annual recruitment bonuses. Other teachers in the group express the concern that retention bonuses might encourage people to stay, but would they be staying for the wrong reasons.

The groups did identify retention of quality teachers to be a very real problem. "It is impossible to create and maintain a quality educational program when there is a large turn over in staff every year," said one participant.

The findings of the focus groups will be presented to a special JCEA/JPS committee that will make a recommendation about the allocation of the funds. That group will meet on March 11.

## Welcoming Environment effort off to slow start

The survey says: Little progress is being made to create Welcoming Environments (W.E.) in our schools.

A-6 of the JPS Strategic Plan calls for every school to educate staffs about the powerful relationship between creating inviting schools and the resulting increase in parental involvement and improved student performance.

A-6 also spells out a process by which schools involve their communities to assess the Welcoming Environment—using four criteria—and then write accountability goal(s) for the following school year. The education and assessment phase was to be completed by the third quarter and the goals written during the fourth.

To promote the success of the effort, JCEA and the Jeffco PTA co-sponsored a special training for Association Representatives and PTA Presidents in November.

Unfortunately, according to a survey completed during the February Council, about half of the reporting schools have done little or nothing in this area, with about a third reporting some progress. PTA surveys show similar findings.

This apparent lack of progress was discussed at the recent Parents as Partners Committee meeting, which includes representatives of JPS administration, JCEA and PTA. JCEA Director of Communications Dexter Meyer represents JCEA on this committee.

He said, "We are discouraged by the

slow start of this project, but we understand we are talking about changing a well established culture which takes time."

Meyer said JCEA is committed to the Welcoming Environment concept because it improves working conditions for teachers, helps build positive connections with students, and improves parental involvement—one key indicator of increasing student success.

"JCEA will continue to work with the PTA and the district to see that the outcomes of A-6 are achieved," Meyer said.

Teachers and parents can access information about W.E. by visiting the JCEA website: [www.jcea-cea.org](http://www.jcea-cea.org). Look for the heading "Parents as Partners" on the "parenting" page.



## Contract News & Information:

### Contract guarantees prep, lunch times

Across JPS teachers are talking about unwelcome intrusions into their duty-free lunch and preparation periods. Both issues are adequately addressed in the contract.

All teachers are guaranteed a **duty free lunch period of no less than 30 minutes** in Article 9-4. This is exclusive of passing and inter-school travel time. That means your school schedule should provide enough time—at least 30 minutes—to get and eat your lunch.

It also says teachers may leave the building during this time, "provided such absence from the building does not interfere with their regular assignments. The principal's office must be notified prior to such absence from the building."

A teacher's right to uninterrupted planning is equally clear. Article 9-6 says: "Teachers will, in addition to their lunch period, have **individually directed planning time** consistent with school scheduling patterns, but **not less than two hundred twenty-five (225) minutes per week**. In no instance shall any time block of less than thirty (30) minutes be considered planning time. For teachers in grades K through 12, such planning time shall be scheduled within the student day, unless agreed to otherwise by the principal and the teachers. Planning periods which are during the student-teacher contact day shall be used for planning and preparation as determined by the teacher, grade level, department or team."

The key words here are "individually directed!" In Jeffco, teachers determine how to utilize their preparation time.

As professionals, teachers know that during their planning times they need to consult with team and/or department members, be open to discussions about CSAP, meet with SERS teams members, and do all of the other things expected of a professional teacher. But preparation time was included in the contract to insure that teachers have time to plan and get ready to teach.

Every Jeffco teacher has the right to say "no!" when asked—or told—to attend a meeting, be coached, or do staff development during these contract-protected times.

If teachers in your school are losing these times, the issue should be discussed in Liaison Committee. Try collaborating with the administration to reach a balance between district/school needs and teachers' needs.

If that effort fails, call the JCEA UniServ staff. The contract guarantees you these times during the day, but only you can choose to act assertively to enforce them.



## We did the work, now the reward

**Dale Gatz**  
JCEA President

Now is the time we have all been waiting for. It is nothing we haven't been thinking about since we last ended contract negotiations. It has been in conversations by just about every educator who gave up part of his/her summer vacation to take classes. It has crossed the minds of everyone when the test scores were made public. We have lost sleep, foregone family outings, and spent way too many extra hours working to the very best of our abilities.

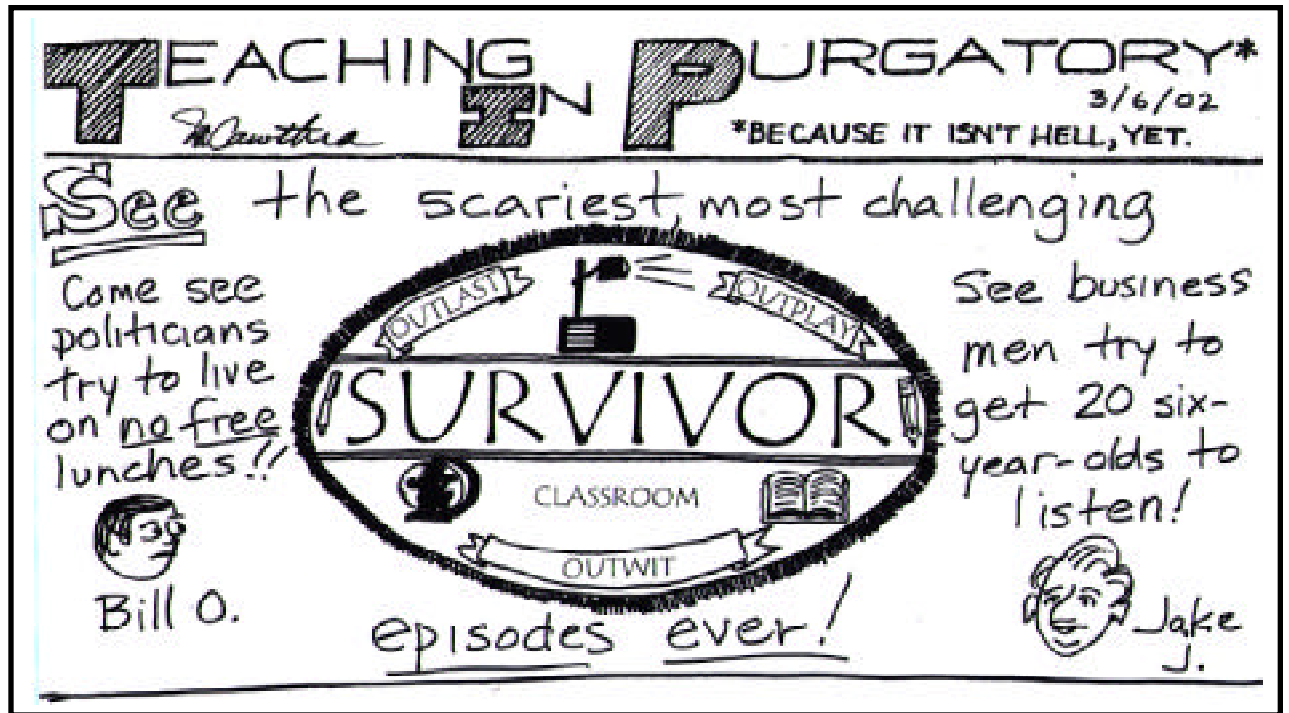
What have we all been waiting for? **The money in our paychecks!** That's right. Make no bones about it. We've worked darn hard. There isn't a business around that doesn't ask its employees at one time or another to put in some extra time and energy to put out the best product available. When all those widgets are sold and the money comes into the company coffers, the workers expect to reap their due.

It is no different in Jefferson County Public Schools. We've taken the raw products (our students) and turned them into something of great value. Jeffco's test scores didn't just go up. They ZOOMED! The scores were the envy of districts across the country. Our superintendent even received accolades and recognition for what we did in the classroom. Because of those wonderful scores, Jeffco received an extra \$10.6 million dollars for its budget.

Sure, we have been saying for a long time that we wanted to lower class sizes. With the new staffing passed by the school board last month we will accomplish that goal. But that certainly doesn't take up the whole \$10.6 million. Oh, I've already heard about all the wish lists that administrators turned in. But it's time to say, "To hell with their wishes coming first!" Yes, the line is being drawn in the proverbial sand. I don't care about the past custom of putting the budget together first and seeing what is left over for salaries. Now is the time to change the custom, and this time it is by us—the teachers.

And my thought on the subject is that our salaries come first this year. We deserve the reward. Remember another phrase "Recruit, retain, reward." We have recruited the best and the brightest. I've met many of those new teachers, and they are the most qualified, bar none. Yes, we are facing a declining enrollment which means less dollars from the state to start the budget. Fewer teachers retired this year which means fewer dollars to work with than planned. But money is there for the reward of those staying around for next year.

The message is clear, as far as I see it. How did all this money become available in the first place. We, the teachers, took **no raise** not long ago in order to receive the trust of the community. The community then passed the Performance Promise mill levy. In conversations with voters, their expectation was that if teachers raised the scores they deserved a healthy raise. I've heard that also from school board members. So now is the time to "put the money where the mouth is." This district has fantastic, dedicated teachers. It's time to show the teachers that they are truly honored in this district for their work. **Reward them.**



## Bargaining is promises, priorities, realities

**Jim Hodges, JCEA Executive Director**

By the time you are reading this, the JCEA and District Bargaining teams will have completed two days of bargaining. We also have two days scheduled for next week. This year's bargaining is about promises, priorities and realities.

The promises began with 1999 and the sacrifice each of you made to forego six months of a step raise so we could attempt to pass a mill election and avoid devastating cuts in programs. We all worked hard, and fortunately the mill levy—complete with performance promise—was passed. Then came the reduction in 3rd and 4th grade classes, the hiring of additional teachers and instructional coaches and the focus on CSAP testing.

This was the first shot at a portion of the additional \$20 million dollars of the performance promise. You met this challenge in a big way and we are now receiving an additional \$10.6 million dollars. You are continuing this year and next to work to receive the additional \$9.4 million dollars of the Performance Promise. We also worked to pass Amendment 23 during the 2000 election, resulting in a way to begin to recoup the lack of adequate school funding of the last ten plus years.

This year's bargaining is in part about honoring those promises. As always, there is not enough money to do everything that needs to be done. We continue to chase other districts that fund their educational system with up to an additional \$500 dollars per child. Much conversation goes on about the teacher shortage and the need to attract, retain, and reward teachers because you are the key to a high quality education for our students. The elimination of the probationary lanes the last two years and giving more years of service in high needs areas are major steps toward attracting quality teachers.

Now with the additional dollars comes the opportunity to keep the promise and start to reward the teachers who are making the performance promise a reality.

We must also make it a priority to let our citizens

know that we continue to lag behind the spending level of those districts we must compete with for employees as well as for the highest quality educational product. Since the passage of the 1999 mill election, we have allowed our electorate to once again believe equality in spending has been achieved. In our desire to show progress, we have not included the message of continuing to do more with less.

In this round of bargaining, there are also other realities that must be confronted. Next year's budget may have to face the decline of several hundred students and the corresponding loss of funding. Insurance costs and benefits increases continue to skyrocket at a 20% plus rate (\$5 million) and PERA contribution rates are also increasing (\$1.6 million), just to mention two.

Then, there is the overspending in the district's technology funds. As they struggle to resolve this through cuts and reductions in spending, this brings me back to my main point. **Promises that have been made must be kept.**

Just like each of you, the District must live within the resources they have. JPS continues to try to do more than their resources will allow. In this round of negotiations, JCEA's negotiators are going to be steadfast in making sure that promises made are kept.

Yes, we know there is give and take in the negotiation process. We hope to have a tentative agreement for your consideration in the near future, but we are committed to strive for this for as long as it takes. It is imperative for you to keep up with what is going on and be ready to support your negotiators. They may be asking for your assistance in the days ahead.

Now is the time to honor your work and keep the promises that have been made to you. In the last few years, the District and employee groups have made great strides working together. This year's negotiations are our next challenge. Hopefully, we can meet this challenge and further develop the positive relationship of working together.

## Association more than just bargaining

Lest anyone falsely believe that during the spring, all JCEA thinks about is bargaining, think again. We continue to reinforce our partnerships between Jeffco teachers and the community through our positive support for the annual Helping Kids Thrive parenting conferences and the Good News Coalition.

We are also preparing for the third Sustaining Success: Achieving the Performance Promise! conference on April 18.

The title of this year's final program is "How to raise a reader." It features Jim Trelease, one of America's most sought after educational speakers, who will propose that reading aloud to children is the "single most important activity" in raising a reader in the home

or classrooms. The conference will be held in the Pomona High School auditorium from 7-8:30 pm. (Visit the JCEA website for registration information.)

Sustaining Success is yet another example of JCEA's partnering to meet teacher needs. In this endeavor we are joined by Phi Delta Kappa, JCIRA, JPS and the Jeffco PTA.

Finally, we would be remiss if we did not recognize and thank Eddie Ellington, Little Elementary, for her unending energy and clear focus that have made this conference such a success. Eddie and the Sustaining Success conferences are helping JCEA achieve its mission: "...to promote professional ...practices to achieve educational excellence within a changing society."

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**The JCEA Mission Statement:**  
*The Jefferson County Education Association exists to empower educators to promote professional rights, responsibilities and practices to achieve educational excellence within a changing society.*

# U.S. Supreme Court resolves peer-grading issue; hears important voucher arguments

## Court overturns Falvo

A unanimous U.S. Supreme Court on February 19, 2002, overturned *Owasso S.D. v. Falvo* as originally heard in the Tenth Circuit Court of Appeals. That Denver-based court had previously ruled that teachers violated the Family Educational Right and Privacy Act (FERPA) when, without parent's consent, they had students grading other students' papers and reporting the grades to the teachers.

In a narrow ruling, the U.S. Supreme Court clarified that grades are not educational records—at least not until the teacher records them in the grade book.

According to CEA Chief Legal Counsel Marti Houser, the facts of the case were as follows: A parent in Oklahoma challenged a teacher's use of peer grading, after which the teacher had the students call out the grades for each student. The result was that everyone in the class would know the grades of their peers. The challenge was brought under FERPA, a federal law which requires parental consent for school districts to release (with some limited exceptions) "education records" to anyone other than the parent and/or student.

The trial court ruled in favor of the school district, but the US Court of Appeals for the Tenth Circuit (which sits here in Denver and its rulings apply to Colorado) disagreed and found the peer grading/reporting practice to be a violation of FERPA, if done without parental consent. The school district appealed to the United States Supreme Court and the case was argued right after Thanksgiving. The court issued its decision less than three months later and was unanimous, although Justice Antonin Scalia wrote a concurring opinion rather than agreeing to everything the other Justices said.

Houser reported that the decision makes it clear that school records constitute "education records" only when they contain information directly related to a student and if and when they are "maintained" by the educational agency or institution or by a person acting for the agency or institution. The Court noted that records are not "maintained" until they are preserved, retained or kept in existence. The Court said that, whether or not the teacher's grade book is an education record, a score on a peer-graded assignment is not contained or preserved until the teacher records it.

Because the students handle the graded assignments only for a short period of time, the Court concluded that

they did not "maintain" the grades. The Court also concluded that student graders were not acting as agents for the school because, in large part, the practice of having students grade other students' papers is as much a part of the lesson as taking the test itself.

"So, although the Court declined to decide whether or not a teacher's grade book is an 'education record,'" said Houser, "it clearly and expressly found that peer grading and the recording of grades based on this practice did not violate FERPA. Those teachers who used this practice prior to the Tenth Circuit's decision are legally free to do so again."

Houser added that the Court's decision may or may not have directly answered other questions that have come up over the year or so we have been living under the Tenth Circuit decision.

"For example," she asked, "would the practice of posting student work in the hallways with the student's name and grade visible for all to see be legally permissible if the teacher had not yet recorded the student's grade in his/her grade book? The decision does not give us a definitive answer; however, it is quite likely that sensitivities around such practices will have been raised because of the Falvo decision and teachers should be encouraged to ask their districts and/or building principals to give them direction on this topic."

Another unresolved question concerns the use of student aides or citizen volunteers to grade student papers. "This practice arguably is covered by the decision, since there is no "education record" at least until the grade is recorded in the grade book. Only after it is recorded would a teacher need parental consent to disclose the record to a third party," Houser said.

JPS legal advisors warn: "While the Court's decision allows teachers to reintroduce the practice of peer grading, the Court expressly noted that it was not deciding whether grades on individual assignments are protected by FERPA once they are turned into teachers. Therefore, teachers should still observe standard protocols of confidentiality with respect to recorded student grades."

## Court hears voucher case

On February 20, 2002, United States Supreme Court heard oral argument on the Cleveland private school tuition plan. The Court will review the United States Court of Appeals for the Sixth Circuit's decision that the plan is unconstitutional. Its ruling is expected to reshape the terms of the debate and the character of voucher

**A  
JCEA FOCUS ON  
U.S. Supreme Court  
& public schools**

proposals for years to come.

"American teachers, parents, and others in the community will be looking closely at this debate," said Bob Chase, NEA president. "Will we, as a society, choose to enhance the quality of public schools—or will we choose to divert resources to a few private school students?"

"However the Court rules, we do not anticipate an expansion of voucher plans, given strong public opposition," Chase said.

Bob Chanin, general counsel of the NEA, is the lead attorney for the respondents in the case, Doris Simmons-Harris, et al.

In their brief before the Court, Simmons-Harris and other parents argue that "voucher programs are not a solution to the problems of urban education, but rather an impediment to the development and the funding of effective solutions to those problems."

Lost in the debate over vouchers is the fact that roughly 90 percent of American students are enrolled in public schools, NEA President Chase said, and the nation should focus on direct efforts to improve public schools. "Parents and educators would rather work together to reduce class size, enhance teacher quality, and ensure all children are held to high standards than continue this highly divisive and counterproductive effort to move a few students from one school to another."

Chase pointed out that vouchers have very little support among the general public. Since 1972, vouchers have been soundly defeated every time they have come before the voters, and over the past decade, legislatures in 37 states have rejected vouchers.

Chase said that NEA will continue its efforts to improve public schools, and he called on parents and others to join in building support for high standards for students, teachers, and schools, as well as the resources to help students be successful.

## Legislative Update—so many education issues

Colorado's 2002 legislative session is almost halfway through with CEA closely following over 50 of the more than 500 bills introduced. Technically no additional bills, except for the state budget bill, should now appear.

Most of the bills will be or have been debated by the full House or Senate and then voted on publicly by all members of the body. A number of bills will be or were killed on the floor of the House or Senate in the final week of debating. Those that survive will be sent to the other house where the process begins again.

Three bills provide some kind of tax credit for educational costs or contributions. Two were "postponed indefinitely" in committee and are through for this session. The third, HB 1309 sponsored by Rep. Nancy Spence (R) was approved by the House Finance Committee on a party line vote with all Republicans voting for and all Democrats against it.

This vote was also an example of power run amok when Colorado Speaker of the House Doug Dean, in a highly unusual move, removed Mark Cloer (R), who was thinking of voting

against the bill, from the House Finance committee before the vote. Cloer is a teacher and CEA member who has serious concerns about public dollars supporting private and religious schools. With Cloer gone from the committee, the measure passed on party line votes.

If this bill is approved, as CEA expects, public education supporters will be asked to work to kill it in the Senate.

HB 1332 concerns teaching patriotism in the public schools. SB 136, which when introduced required that a patriotism unit be taught at every grade level in

the public schools has been amended to encourage schools to teach about patriotism. CEA opposes SB 136 because the state constitution clearly gives local school boards the responsibility for determining curriculum. This bill will probably be changed back to the original form in the House.

Some bills attempt to bring charter schools more in line with other public schools, a move that CEA supports. HB 1273 deals with funding and helping meet capital construction needs of charter schools without diverting a huge part of Amendment 23 Education funds to them.

SB 51 changes the application deadline for charters and SB 124 requires the use of alternative dispute resolution for problems between charters and school districts.

Bills to change the Governor's 2000 reform bill include SB 80 which makes numerous changes in school report cards and HB 1122 dealing with longitudinal testing and student growth. CEA does not yet have a position on these bills.

CEA supports SB 65, which provides professional development grants for teachers in low-performing schools; SB 94, which addresses how alternative schools are designed and when they should be exempted from school rankings; and SB 109, which provides for additional CSAP tests in Spanish.

## JCEA PAC files year-end financial report

JCEA-PAC, the Association's political action committee, reported income for 2001 of \$64,884 and expenses of \$22,839.98.

The major expense was the district's school board races. For the first time, JCEA's recommended candidate in the three-person race, Vince Chowdhury, was successfully elected. Because school board elections are at-large, candidates must campaign across the whole district/county. As a result, PAC spent approximately \$21,000 for a targeted countywide mailing.

PAC also spent \$1,545 for members to attend political party fundraisers and

other functions. Of these, three events were sponsored by the Republican Party and two were sponsored by the Democratic Party. All five events were Jefferson County events. PAC also sent members to the Colorado Women's Bar dinner, which is a nonpartisan event.

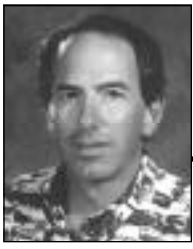
PAC wrote 16 Every Member Option (EMO) refund checks for the 2001 calendar year.

To comply with current election laws, PAC wrote new bylaws and standing rules to set themselves apart from JCEA. As a result, committee members are now elected by the JCEA Council instead of being appointed by the JCEA president

and approved by the JCEA Board of Directors.

Elections were held in May 2001. Elected to two-year terms (2001-2003) were Gail Knowles (Zerger-R), Eric Stout (Chatfield-D), Margene Stroup (Shaffer-D) and Janet Weisheit (Semper-D). Elected to one-year terms (2002-2002) were Barbara Greaves (Evergreen-D) and Linda Shaw (Belmar-R).

After her election Shaw retired from her district. In compliance with the bylaws, the PAC chairperson appointed Robin Rommerdahl (Edgewater-D) to fill the vacancy until the 2002 PAC elections.



## 'Just' an English Teacher

by Dan Weikle

### 'The one that got away' at Standley Lake

Nothing is as constant as change. The winds of change blew through the sails of the HMS Standley Lake a couple of weeks ago when our skipper called us all together and announced that he had opted for calmer waters. Our Ancient Mariner has given up the rhyme. So, for the past few days, a group of our best sailors have been casting our collective net into the sea, learning as Santiago discovered the hard way, the real struggle is not placing the bait or setting the hook. The trick is to avoid the shark.

For the past week, some of our more able-bodied fisherman have sailed into deep water in search of the blue marlin. For more than a fortnight they have toiled, perhaps the victims of the malady affecting The Old Man—rumored *salao*, a victim of the worst kind of luck. Like Santiago, our fishermen were late returning to the island. For those of us who waited, we began to think it was just as we expected. After three days, everything starts to stink.

The search for a captain does make a good fish story, but true to Coleridge and Hemingway, there's much more beneath the surface. It happens on the best of vessels.

I have never been a fisherman, never enjoyed the thrill of the fight and landing the big one. But Big Red has. She and her shipmates once thought they netted a prize catch, but it was only catch and release. They didn't know there was another line in the water. They realized too late they had swallowed another type of hook.

I swallowed the hook 16 years ago thinking that a ship's company I signed on with would be constituted along the lines of a certain "memo of understanding." A "captain's mast" kept me from being thrown back with the rest of the mackerel, and I learned before the ship ever left port that you can't always trust the admirals. It's their fleet. We just trim the sails and follow the compass. The fish have it lucky. They can always head

for deeper water and avoid the harpoon.

Eventually, an admiral addressed our ship's company. The quest would be honorable and righteous, our cause just, the skipper true. The quest for the new captain would begin with the help of our three able-bodied shipmates complementing seven others, who unfortunately, had never been to sea or taken a turn on the watch.

It wasn't until later, away from the prying eyes of the crew, when Ahab swore his sailors to secrecy. They kissed the harpoon and passed the grog. And off they sailed in search of the Great White Whale, a group of ten in an open boat, led by their own peg-legged captain—but this time without the ethical Starbuck at his side to remind him.

The nets were soon dull, but much of the catch was thrown back. Only three were kept to suffer methodical disembowelment, butchering, and the rendering of their blubber into precious

oil. Heavily laden with the hold full, the ship returned to port. The success of the voyage was to be determined not by the quality of the catch, but by the caprice of the admiralty. Quality is seldom determined by the collective opinion of those who sail the ship, but rather by those who set the course. Sometimes the big one gets away. Moby Dick still lives, having sunk the Peaquod, with Ahab's dead body lashed to his side and leaving only one survivor to tell the tale of a man who was punished for lying to his crew.

Unlike Melville and Hemingway, my story ends a bit differently. Our Santiagos have returned with a catch, but it's not the big fish they once hooked. There's a Herman Hemingway twist to this narrative. It's the universal ending to a fish story that all fishermen tell. You know, about the one that got away.

Dan Weikle is an English teacher at Standley Lake High School, whose opinions are his own and not necessarily those of JPS or JCEA.



## Personal Finance

nea Member Benefits

By Mary Rowland

### Changes in investing climate deserve attention

Last year (2001) didn't bring much in the way of good news for investors. But there were some changes in the investing climate that deserve our attention.

\* Most investors focus on the stock market. But last year bonds beat stocks. As of Sept. 30, 2001, bonds, as measured by the Salomon Broad Bond Index, had returned 13.1% for the year while the Standard & Poor's 500 index was down 13.34%, the Dow Jones Industrial Average was down 7.6% and the Nasdaq was off 18.98%. Bonds beat stocks for the past three years as well, up an average of 6.4% through Sept. 30 while the average domestic stock fund gained just 4.1% pre-tax and 2.16% after-tax. What this means, of course, is the investors should diversify their portfolios. All-stock portfolios took the biggest hit last year.

\* There was a big change in the bond market last year, too. The U.S. Treasury decided to discontinue the 30-year Treasury bond. The 30-year bonds will continue to trade in the market until the last of them matures. But the Treasury will issue nothing longer than a 10-year note.

This means we will have fewer options in the bond market. The longer the bond, the higher the interest rate. In a low-interest rate climate like we have now, many investors would like to go as long as possible to lock in the highest rates they can find. That will be more difficult without the 30-year treasury.

\* Assets in defined contribution plans like 401(k) plans and 403(b) plans declined for the first time in a decade. They decreased by 8% according to a survey of the Committee on the Investment of Employee Benefit Assets in Bethesda, Md. About 70% of assets in these plans are invested in the stock market and they went down with it.

This is important because it touched so many Americans and fueled an investor pessimism that settled in over the last year. We must be careful not to overreact as investors and, instead, take

a patient, measured approach to the market. It will not stay down forever.

\* The exchange-traded funds, which are hybrid mutual funds that trade on the stock exchange like stocks, exploded, both in number and in popularity, from 30 at the end of 1999 to more than 100 at the end of 2001.

I think these funds will continue to play a more important role in investing because they offer a wide variety of indexes with very low expenses. So far, all the funds offered are stock funds but the first bond funds should come on board this year (2002).

\* The most popular of the exchange-traded funds, the Nasdaq 100 Trust (QQQ), was rebalanced at the end of the year so that it now has less telecommunications and more health care and biotech.

The Nasdaq 100 represents the 100 largest non-financial stocks on the over-the-counter market. Although it includes retail companies like Staples, Starbucks and Bed, Bath and Beyond, it has been used chiefly by investors who want a broad exposure to technology. Tech now represents about 65% of the index,

health care about 13%, and telecommunications, 12%. It still offers a good way to get broad exposure to these sectors.

But this year there will be a new exchange-traded fund that offers a much larger slice of the Nasdaq market. The Nasdaq announced plans to introduce its own ETF that will track the entire 4,000-stock composite index. The difference is a meaningful one because the composite index includes mid-cap and small-cap stocks, as well as the big-cap stocks in QQQ.

\* Tax-efficient mutual funds got a lot of attention last year, probably because investors were distressed at the end of 2000 to learn that their mutual fund lost money but they still owed tax. The average fund was down 2.1% in 2000, yet funds still paid out big capital gains. That meant investors had to both eat the loss and pay taxes on their investments.

The Securities and Exchange Commission got involved, too, putting in place some new disclosure rules on tax efficiency. Now, mutual funds must disclose after-tax returns in the prospectus and also in any ad where returns are cited. Anyone investing in a taxable

account should be paying attention to this.

\* Also on the tax front, income taxes and estate taxes have been lowered beginning in 2002. The limit goes up this year on contributions to 401(k) and 403(b) plans, from \$10,500 in 2001 to \$11,000 and to \$12,000 for anyone who will be at least 50 by year-end. Contribution maximums on IRAs increase, too, from \$2,000 to \$3,000.

And federal tax has been eliminated on withdrawals from 529 plans, which are the state plans designed for saving for college. These plans are clearly worth checking out now. You need not invest in your own state's plan although there may be tax advantages if you do. The plans differ greatly. To get a quick overview, check out [www.savingforcollege.com](http://www.savingforcollege.com)

Mary Rowland is a nationally known business and finance writer. Former personal finance columnist for the *New York Times* and former co-host of a nationally syndicated radio show, Rowland is the author of four investment books and speaks regularly to consumers and financial planners about investing and personal finance.

### State's PERA proposal 'horrifies' state employees

According to a March 1 *Denver Post* article, "Millions of dollars would be taken from the state's employee retirement program to help balance the budget under a plan to be considered by lawmakers."

The article by Trent Seibert explains that the idea, which horrifies state workers, was proposed by the state to show "...what tough times the state is facing."

State employees reacted strongly, indicating their willingness to fight what they call a "back door deal" they knew nothing about. Mike Coulter, a state auditor said, "This is what I would expect from Enron, not from the state of Colorado."

According to Governor Owens spokesperson, Dan Hopkins, the action is needed to balance the state budget. "This year it's tough, which is why this is being done," he is quoted as saying.

To be implemented, this plan would require legislation and at this time no bills have been introduced.

The PERA board was aware of the proposal and approved it on February 20. The plan calls for a cut in the state's monthly payments in half for four months. The money will be paid back-with interest-starting in January.

The article suggests this was a quid pro quo. Governor Owens gets

the extra money in return for his agreement to withdraw support for a proposal that would allow competition in the state employee retirement program, which would cost PERA dearly.

PERA spokesman Katie Kaufman says, "It does not impact our retirees or members. Our benefits are guaranteed. This is very different that what happened with Enron."

Editor's note: According to CEA, the only members impacted directly are those at the Colorado School for the Deaf and Blind and all those in higher education. Indirectly, all members could be impacted because less money will be going into PERA funds over three months (\$25 million).

# For Your Information

## Professional Growth Funds

Professional growth funds are a negotiated benefit for Jefferson County educators to provide funding for teachers to attend professional and instructional conferences in accordance with Article 15-2 of the Master Agreement.

Applicants must submit three (3) copies of Form #942, available from school secretaries, and a personal letter outlining the request. Registration forms and other conference information should also be included.

Application deadline for May/June conferences is April 5 with an appeals deadline of April 17. Deadline for June/July conferences is May 3, with an appeals deadline of May 15. **Faxed applications will not be accepted.**

Send completed applications to the following Professional Growth Funds Committee members: Elementary—LaVonne Angus, Shelton Elem.; Middle Schools—Cindy Stevens, Carmody, M.S.; Secondary—Mary Anderson, Wheat Ridge H.S.; and SERS/Special Education—Pam Owens, Jeffco Open School.

## You asked for It—Employee Recognition

According to an employee survey, employees want to be recognized for their excellent work and they feel undervalued. The Employee Recognition Committee, which includes JCAA, JCEA, CSEA and district representatives, conducted research on how employees want to be recognized and then developed the Values Awards and Longevity Awards programs.

Under the direction of Marilyn Saltzman, a web site has been created to help supervisors recognize their employees. Please check this web site to find out how to nominate employees from your school or department to be recognized at the Employee Recognition

Celebration at the Arvada Center on Wednesday, April 17, 2002, 4-6 pm. This website now makes it easier than ever to share your accomplishments or those of your peers.

## Help keep memories dancing—donate dresses

You can be the fairy godmother who helps a young Cinderella go to the ball—and at the same time, free up some of your closet space. Supporters of the Serving Kids program and members of the Alpha Phi Sorority are gathering beautiful, in-style dresses for girls attending Prom or other special events.



Simply drop off your used or new, but in-style, dress before **March 15** at these locations:

- Lakewood Civic Center, City Manager's Office, 480 S. Allison, 303-987-7050,
- Alameda High School, 1255 S. Wadsworth Blvd., 303-982-8160,
- Lakewood High School, 9700 West 8th Ave., 303-982-7135,
- Arvada High School, 7951 W. 65th Ave., 303-982-0162.

The Fifth Annual Prom Dress Exchange will be Sunday, March 24 from 11 am – 2:30 pm at Copper Fields Event Chateau, 4901 Marshall Street, Wheat Ridge.

A \$5 donation is appreciated from girls successful in finding a dress.

The Exchange is a project of the Serving Kids, cosponsored by JCEA, and the Alpha Phi Sorority.

## Jeffco Library to celebrate 50 years with publication

As part of its 50th anniversary celebration in 2002, Jefferson County Public Library will produce a commemorative publication and coordinating web site that include the best 50 stories from patrons and staff about their favorite library moments.

Submission forms are available at any Jeffco Public Library or stories can be submitted online at <http://info.jefferson.lib.co.us/50th/50stories.html>.

The library will choose the best 50 stories that tell about the history of the Jeffco Public Library and what libraries in general mean to patrons and American society.

Contact Kathy Harris, Public Information Coordinator, at 303-275-2212 or email at [kharris@jefferson.lib.co.us](mailto:kharris@jefferson.lib.co.us).

## Auction, dining out benefit Helping Hearts & Hands

Two Golden businesses—Spirits in the Wind Gallery and Hilltop Cafe—will be sponsoring benefits for Helping Hearts & Hands in March.

A silent auction of artwork by national and emerging artists, with a portion of proceeds donated to the Helping Hearts & Hands, will be held at Airs in the Wind Gallery, 1211 Washington Ave., Golden, March 7 and 8 from 10 am to 8 pm and March 9 from 10 am to 7:30 pm with final bidding and pickup March 9 from 7:30 - 9 pm.



Refreshments will be served March 9 from 7:30 - 9 pm and Helping Hearts & Hands representatives will be available.

Hilltop Cafe, 1518 Washington Ave., Golden, will donate 25% of the food bill to the Helping Hearts & Hands March 7-9. Reservations are required one week in advance, and postcards, available at Hilltop Cafe or Spirits in the Wind Gallery, must be returned to one of these businesses.

## JCEA election calendar

March 6 was the deadline for members to declare their candidacy for open JCEA elected positions. March 25 is the deadline for submitting photographs (to Dexter Meyer at JCEA) for the *Insight*.

Executive Committee and Board of Director candidates will give speeches to the April 3 Council and ballots will be distributed to ARs.

Voting will take place April 4-12 in the buildings with all ballots due at the JCEA office on April 12 by 5 pm.

Ballots will be counted on April 16 with candidates notified of results on April 17.

## Jefferson Foundaton offers student, faculty awards

The Jefferson Foundation is pleased to announce the Columbine Memorial Scholarship.

Sponsored by the *Denver Rocky Mountain News* and The Jefferson Foundation and administered by The Denver Foundation, this fund will award 14 scholarships to Jeffco students and two to Jeffco faculty.



The faculty awards—two \$1000 scholarships—will go to a Columbine faculty member and a Jeffco faculty member. Applications have been sent to every high school. Deadline is April 1.

This scholarship fund recognizes the 12 students and one teacher who were victims of the Columbine tragedy. "The fund carries on their legacy with scholarships awarded to those who best exemplify the qualities and characteristics of these fine individuals who will be forever remembered."

## Community celebrates 'Good News' April 9

"Inspiring Creativity through the Arts in Jefferson County" is the theme for the 12th Annual Good News Celebration Breakfast, Tuesday, April 9, from 6:59 - 8:29 am at the Jefferson County fairgrounds.

Purpose of the celebration is to further develop a sense of community, enhance and reaffirm spiritual values, and recognize the good things happening in Jefferson County. Individuals and organizations will be recognized for inspiring creativity through the arts in the community.

Mark Devine is the featured speaker and mistress of ceremonies is Kim Christiansen, KUSA-TV anchor.

For more information, call Tami at 303-697-6013, ext. 104.

## Register online for JCEA T<sup>2</sup>, tutor programs

JCEA's Instructional Advocacy committee offers members two unique professional opportunities.

The first is the T<sup>2</sup> program which links peer coaches with teachers who need assistance or who simply are seeking professional growth. To find out more about the program and/or to register as a mentor/coach, log on to [www.jcea-cea.org/t2.html](http://www.jcea-cea.org/t2.html).



The second is a tutor referral service for members of the community. Teachers must meet specific criteria and follow specific guidelines to be included in this program. To find out more about this unique program, log onto [www.jcea-cea.org/parenting.html](http://www.jcea-cea.org/parenting.html).

Members can register online at [www.jcea-cea.org/Documents/tutorform.pdf](http://www.jcea-cea.org/Documents/tutorform.pdf). Tutors are especially needed in the mountain areas.

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## Association welcomes 8 new members

Anita Burchett-Claussen  
Ronald Freehling  
Rachel Glendinning  
Eric Grossman  
Charity Guyot  
James Hoekstra  
Deawn Holt  
Peter Kailus



## Teacher exchange deadline June 1

Teachers who would like to teach in a different school or work in another geographical area can do so by utilizing the teacher exchange program, Article 34-11 of the Master Agreement.

This innovative program allows two non-probationary teachers to switch assignments for one year and even renew for a second year. After the second

year, if all parties agree, the exchange can become permanent.

For the 2002 school year, exchanges must be finalized by June 1. Teachers wishing to advertise for potential exchange positions in the April *Insight* should complete the form below and return it to the JCEA office by March 27.

### JCEA/JCSD Teacher Exchange Program

Name: \_\_\_\_\_ Voice mail # \_\_\_\_\_

School: \_\_\_\_\_ School phone \_\_\_\_\_

Grade level/subject area: \_\_\_\_\_

## Notice to SERS

The MOU "Regarding Special Education and Related Services" places all SERS personnel in one of three administrative clusters.

SERS may be reassigned within these clusters for "valid educational reasons."

Any SERS interested in seeking a reassignment must notify the cluster technician. When any continuing position becomes open, the request will be considered prior to that position being advertised.

## What's new on the JCEA web?



• **Homepage - Message Center:** New listing of national celebrations for March, and a link to Jeffco Wearables.

• **Contract:** Updated information about the 2002 Negotiations Team and process, and a new pamphlet-Maternity Leave: What to expect when you're expecting!

• **Insight:** February issue is added. The web site is updated regularly. If you have constructive suggestions, please log on and go to "Contact us."