

Yvette Felarca Grievance

I. Introduction

I am asking the BFT Grievance Committee to file a grievance on my behalf to make the District rescind their action against me delineated in a letter dated June 30, 2016, entitled “Notice of Unprofessional Conduct and Unsatisfactory Performance.” *See* EXHIBIT A, “NUC NUP letter”. I am also asking the union to grieve the District's unlawful garnishment of my August and September paychecks and pay me for the 25.17 days of pay they took from me. The District's garnishment/recoupment of wages they already paid me resulted in my receiving no pay at all for the month of August (see EXHIBIT B, bank statement with reversal), and will result in a significantly lower check for the month of September.

My grievances rely on several articles in our contract and on state and federal statutory and Constitutional law (see EXHIBIT C, contract sections). Our Union must not allow the District's arbitrary, capricious and unlawful disciplinary actions against me to set a precedent that would give the District the right to conduct political witch-hunts against teachers who challenge the racist, xenophobic politics of Donald Trump and his ilk. Management's disciplines against me are based overwhelmingly on my off-duty political activities and my political affiliation with the national civil rights and immigrant rights organization BAMN. We cannot allow the District to dictate what teachers do on their own time. The 25.17 days of pay the District is docking me is for my using my benefit time for illnesses or personal leave time.

The most important reason for the union to grieve the NUC NUP letter of June 30, 2016 and my loss of pay is because these actions are the District's political witch-hunt of me, and, if successful, will send a message to the Latina/o, Asian, Arab and other immigrant students and to black, Muslim and other minority students and the many anti-racist white students I reach every day, that the teachers who actively defend their rights and interests and tell the plain truth about racism and the new Jim Crow are not welcome and will be driven out of BUSD. The poor and working-class students, Latina/o, black, and immigrant students in my ELD classes, and others throughout the District must not fear demanding equality, freedom and the right to live without fear of being assaulted by the police or right-wing thugs and demagogues. These students and their families have given me nothing but support, love and gratitude for how I conduct myself in and out of the classroom and for being their voice in our District. Undocumented students in BUSD should know that our District will never condemn or punish them or those that support their legal and increasingly physical struggles to live, work, and a receive the public education they are entitled to.

On February 28, 2016, a group of Nazis rallied in Anaheim. They stabbed four Latino youth and clubbed and beat several others who challenged their right to rally at, take over, and prohibit Latino and black families from using a city park in Anaheim. The Orange County police have charged seven unarmed Latino and black youth with assault, but have brought no charges against

the armed and dangerous Nazis who came to Anaheim looking to attack or fight anyone who opposed their actions.

Most recently, the two disciplinary actions taken against me by the District are the direct result of my attendance and participation in an anti-Nazi rally that took place in Sacramento, CA on June 26, 2016. The Nazis who came to Anaheim and others emboldened by the success of the Nazi rampage came to Sacramento, where they attempted to hold a rally without a permit on the steps of the Capitol.

The initial media coverage of the Sacramento rally made it seem like the anti-Nazi protesters were the ones relying on violence to assert their political positions. In fact, the Nazis stabbed, bludgeoned, and used a variety of weapons against the people who turned out to oppose them. Nine anti-fascist protesters required extensive and intensive medical care, including hospitalization, from the attacks perpetrated by the Nazis. I am one of the nine anti-racist and anti-fascist protesters who was stabbed and had my head cracked open on that day. I am proud to have stood up to the Nazis who came to Sacramento to express their politics through both words and actions. No one has been charged with any crimes arising out of the Sacramento protest, not even the Nazi who stabbed and beat me.

After the protest, Nazis, Trump supporters, and other anonymous right-wing thugs threatened me and the students at Martin Luther King Middle School. Obviously, the main people who were being targeted apart from myself were the tiny number of black students at King, the immigrant students, and the other students who were not white. Instead of declaring their uncompromising determination to protect and defend me and the students at King that are the targets of both Donald Trump's relentless demagogic racist and xenophobic attacks and Nazi violence, the District administration issued a public statement guaranteeing the racists that they would act against me. Of course, this response emboldened the racists. I received countless threats after the District's public statement was issued to appease the racists and others in Berkeley who apparently believe that Nazi youth should be allowed to rally, march, and attack Latina/o, black, and other minority youth in the parks, streets, or wherever else they choose to congregate in California's majority minority cities.

The District administration never bothered to find out the truth of what had occurred; nor did they reach out to me to find out how my wounds were healing or how I was doing after the violent attack that I never expected to occur in broad daylight, in front of hundreds of police officers at our state's Capitol. Instead of concern, I received the disciplines. I am asking the union to grieve this.

I went to Sacramento and was part of the mobilization for the same reasons that I have attended and organized civil right and immigrant rights protests during my tenure with the District. It is so clear that now, more than ever, there is an urgent necessity to stop Trump's vision from being realized. Donald Trump's ten-point immigration plan includes the forced deportation of 11 million undocumented people living in America. It also includes provisions that would prevent Muslims from being able to enter the United States, would end Deferred Action for Childhood Arrivals (DACA), force cities like Berkeley to abandon their stand to be sanctuary cities for undocumented people, and build a wall across our border with Mexico. No one in their right mind could think that this program could be realized without massive use of force and violence directed

at immigrant communities in America. Trump, like Hitler before him who won as Chancellor of Germany in 1933, intends to use the full force of the state, including the national guard, and a variety of policing agencies to impose his racist and deadly program of massive repression on people who live in this nation. As was true for Hitler, Trump will need to unleash the gangs of racists and racist youth to attack the unions, community, and anti-racist and immigrant organizations that would dare to oppose him. We cannot allow the mistakes of the German left and liberals who urged their supporters to ignore Hitler and treated the Nazis as just another political party and so took no action against the racists when they were weak and vulnerable. Hitler came to power because no one tried to defeat his movement at its initial stage. I am determined to not repeat that deadly mistake again.

Donald Trump's supporters, including the fascist organizations which endorse him, know that there is no way to expel 11 million undocumented people without the employment of massive repression, violence, and an abandonment of all the democratic principles that this nation aspires to stand on and realize. The Nazis who are organizing public demonstrations are looking to recruit the shock troops that will be needed to realize Trump's vision for America, regardless of the outcome of November's election. It is vital for all of us who oppose immigrant bashing, racism, and massive organized violence against the Latina/o, Arab, Asian, other minority communities and black communities to not repeat the mistakes made in Germany in the formative years of the Nazi movement. I am committed to do everything in my power to prevent the actualization of Donald Trump's dangerous vision for America.¹

¹ In 1932, Adolf Hitler was treated by the German liberal media and political establishment as a politically marginal blowhard. His party received almost no votes in the elections conducted that year. The Nazis were a small and weak movement in 1932. The liberal leaders of German social institutions, most importantly, of the powerful German labor unions, urged their members to ignore Nazi rallies and to do nothing to oppose the physical attacks being carried out by Nazi street gangs against Jews, in order to "prevent the spread of violence." Germany's working class and oppressed were told by the leaders of the Social Democratic, Communist, and the other traditional liberal and moderate parties in Germany to be passive and pacifist, despite the rising popularity and clear dangers posed by the Nazi's.

In 1933, Hitler was elected Chancellor of Germany. His election gave him the power to use the German police, military, and other sections of the state apparatus to carry out his program of ridding Germany of Jews, lesbians and gay men, and other oppressed groups in Germany. The fascist street gangs and thugs that carried out extralegal attacks remained in force and were necessary to repress any opposition that might arise to protect Jews and other soon-to-be victims of Nazi genocide. Those who opposed the Nazis could have been easily rallied to stop the political catapulting to power of Hitler and the attacks of Nazi thugs in the streets in 1931 and 1932, but by 1933 they were too demoralized, dispersed, disillusioned, and, most importantly, lacked the leadership necessary to take on Hitler and the Nazis, despite the fact that they were still relatively weak compared to what they would become.

In the years following World War II, countless scholars wrote thousands of pages trying to explain how the Nazis came to power. Most historians portrayed the German people as weak, as conformist, as psychologically damaged, and looked to a host of other social and psychological explanations to account for the rise to power of Hitler and the Nazis and to explain the genocide that they carried out. The simplest and most obvious explanation for how the Nazis came to power – the unwillingness of liberal political

I do not think it is necessary for the union leadership or grievance committee to agree with my historical and current political analysis, to support the manner in which I express my political beliefs, or to support the political organizations that I affiliate with to defend me. However, it is vitally important for our union to defend my rights and the right of all others to take a political stand.

II. The Contractual and Legal Bases for My Grievance

First, to dispense with the issue of the District deducting 25.17 days of my pay without my permission, and four days beginning in 2014 that they removed from my paycheck:

Articles 4.1 (Management Rights), 6.1 (Non-Discrimination) make clear that the BFT contract incorporates federal and state laws into the body of the contract. The union can therefore rely not only on the language in the contract, but what is provided in the way of legal protections to pursue my case, including but not limited to Sections 220-225 of the California Labor Code, legal cases barring management from taking "self-help" actions to recoup wages they have already paid to employees, and letters containing opinions of the enforcement branch of the Attorney General's office pertinent to these issues. *See* EXHIBIT D (sections of California Labor Code).

Labor Code Section 221 bars public and private employers from taking unauthorized deductions from an employee's check. This law is "declarative of a strong public policy against fraud and deceit in the employment relationship. Even where fraud is not involved, however, the Legislature has recognized the employee's dependence on wages for the necessities of life and has, consequently, disapproved of unanticipated or unpredictable deductions because they impose a special hardship on employees." *See* EXHIBIT E, *Hudgins v. Nieman Marcus Group Inc.* 34 Cal.App.4th 1109, 1118-19 (1995).²

Labor Code Section 224 and 225 (Exhibit D) allow prosecutors to take criminal and civil action against those who violate these laws and give the Labor Board the ability to recoup wages and damages for management's wrongdoing.

Management claims that it is carrying out its illegal deduction/garnishment of my wages because they reject the position of this union that personal leave days may be used for reasons beyond those listed in Article 12.6.2 (Personal Leave in the contract). This interpretation of the contract language is not supported by the union. *See* EXHIBIT H, 2014 letter from BFT.

organizations, unions, neighborhood councils, etc. to oppose the Nazi's when they could have been beaten – is what paved the way for their ascent to power.

² California's garnishment laws prohibit an employer from recovering money previously paid to an employee except in the narrowest of circumstances. The U.S. Supreme Court, like the courts in California, has held that deductions from wages that are not agreed upon between the employer and the employee, in effect, allow the employer a self-help remedy which is illegal. *See* EXHIBIT F, *Sniadach v Family Finance*, 395 US 337 (1969). Any deductions of employees' pay by management must directly benefit the employee and must not in any way benefit the employer directly or indirectly. *See* EXHIBIT G, opinions from the state Division of Labor Standards and Enforcement (DLSE).

Management claims that my attendance at political rallies and marches for immigrant rights, affirmative action, for the defense of public education, and the continuing fight for integrated, equal, educational opportunities for all, should be considered “recreational activities.” Nothing could be farther from the truth. The demonstrations I attend are directly related to laws and policies that affect the day-to-day lives of the students that I teach, especially the poorer and more oppressed Latina/o, black, and immigrant students. The demonstrations and political activity I have engaged in have helped lead to the creation of DACA and the admission of more black, Latina/o, and Native American students into UC Berkeley, UCLA and other UC’s, even though their admission into those universities was initially rejected -- this, despite the outlawing of affirmative action in California. Some of the students who directly benefited from these demonstrations include Berkeley High graduates such as Aillen Zazueta-Bella and Yesenia Canada. See EXHIBIT I, *Daily Californian* article. Additionally, our protests resulted in the granting of asylum or special immigration status to numerous immigrants who could not return to their countries of origin without facing persecution, torture, or death.

Letters from the Division of Labor Standard Enforcement (DLSE) make clear that the District cannot deduct money from my paycheck without my consent, and that an employer cannot make the massive deduction that the District made in my August 2016 paycheck without first pursuing a civil action to recover “any unpaid debt” from the employee. The DLSE prohibits management from taking back wages already paid to an employee. The attached case of *CSEA v State of California* makes clear that “the government cannot utilize self-help methods to recoup wages paid” See EXHIBIT J, *CSEA v. State of California*, 198 Cal.App.3d 374 (1988).

Article 12.2.1 of the contract grants each full-time teacher eleven days of sick leave each year “with pay, cumulative without limit.” As of June 30, 2016, I had not exhausted my sick leave bank, and still had 20.6 days of sick leave. See EXHIBIT K (pay stub). The District claims that they have the right to recoup wages already paid to me for Oct. 15, 2014, Nov. 20, 2014, Nov. 25, 2014, Dec. 9, 2014, Jan. 7, 2015, Jan. 20, 2015, March 16-17, 2015, and Oct. 29, 2015, because they believe that I was not sick. First, I did have doctor's notes for some of the dates listed. See EXHIBIT L (chart of absences with notations) and EXHIBIT M (absence certificates). Secondly, if they doubted the legitimacy of my use of sick time, under Articles 12.17.1 and 12.17.2 the principal must require a medical practitioner’s statement such that the medical examination “shall be timely so as to be relevant to the illness,” with the option of having the employee see one of the District’s medical doctors to determine whether or not I was legitimately sick. Article 12.17.3 further grants teachers the right to require that this request be justified in writing. On none of the occasions did the principal ask me for a doctor’s documentation.

The District never pursued this course of action, nor did they question the validity of my use of sick days or dock me for being sick at the time that the illness occurred. Management took no action because my principal was not prepared to single me out for discriminatory treatment and because District administrators knew that their own doctors would have certified my absence due to illness because I was sick on the days I called in sick. Furthermore, my principal did not require or ask that I provide sick notes for any of the days that I called in.

III. Illegal Political Accusations

The “Notice of Unprofessional Conduct and Unsatisfactory Performance” dated June 30, 2016 is a classic red-baiting diatribe filled with attacks on my character and lies and demagoguery that become even more extreme as the document progresses. The District leaves no doubt that they are disciplining me and trying to bully me out of the District because they both disagree with the content of my political beliefs and political affiliations and because they reject my right to express my beliefs in my off-duty time.

I have taught in BUSD for the past 10 years. I have received good evaluations from my principal and support and praise from my teaching partner who is also the head of the English Language Development Department in my school. Article 15.2.1 of the contract makes clear that my evaluations are based on classroom observations and other factors, and my good evaluations warranted my ability to participate in the Alternative Evaluation process, as is my right under Article 15.3.5, for the past three evaluation cycles because of the confidence that school administrators and staff have in my teaching. Far from finding my performance as a teacher from being “unprofessional” and “unsatisfactory,” my evaluators have always given me high ratings on my performance as a teacher. See EXHIBIT N (2013 evaluation) and EXHIBIT O (2015 evaluation).

Since the District cannot use my actual evaluations as a basis to threaten, harass, discipline or terminate me, the District has embarked on a rogue mission to make up reasons to find me “unprofessional” and “unsatisfactory” that have nothing to do with what I do as a teacher or how my principal, peers, or students and their parents assess me. Management is hoping they can circumvent our contract and concoct a case that will allow them to use the Education Code to threaten, slander, and bully me to resign.

The District's political witch-hunts against me violate numerous sections of our contract, starting with Appendix 3 of our contract. See EXHIBIT C. Appendix 3 restates my constitutional and statutory legal rights to academic freedom and outlines a process for resolving disputes -- a procedure the District cannot honor or utilize since they have not received a single valid complaint against me in all my ten years of teaching in BUSD. The attacks against my politics and my political affiliation to BAMN mirror the attacks I receive on a regular basis from far right-wing fascists and racist organizations. The District relies on undocumented hearsay, information gleaned from right wing-racist websites and social media, and websites that provide tidbits of random gossip, unsubstantiated slander, and innuendo to make their case against me, again clearly in violation of my First and Fourteenth amendment rights, due process rights, and our contract provisions opposing discriminatory treatment and defending free speech. They rely on anonymous sources, random unverified websites, or social media to attempt to discipline me and build a case for terminating me through a twisted and distorted use and understanding of the state education code.

In the document, I am presented in classic red-baiting style as “an indoctrinator” and vicious plotter who uses my students as shells to advance some hidden, unspoken personal agenda. I am accused of wrongful conduct for taking my students on authorized field trips and for not taking them on ones that were not authorized. None of these reasons that make any sense because they unwarranted.

The District is unlawfully obsessed with my affiliation to BAMN and spends a great deal of the document describing their investigations of my off duty-activities with BAMN that had no point, served no legitimate or legal end, and were nothing more than attempts to muscle me out of the District. BAMN is mentioned 21 times in the body of the document (not counting their exhibits).

Several allegations made by the District are completely subjective, slanderous or false. I am accused of using personal days for family emergencies the District has decided did not occur. I do not feel comfortable sharing, and I know that the District has no right to demand, information about my family's health; however, I am providing documentation showing that I used my personal leave days to be with, support, and care for my sister who was hospitalized for attempting suicide. *See* EXHIBIT P (Declaration of Dr. Lourdes C. Felarca) and EXHIBIT Q (Michelle Felarca hospital record). I also am providing documentation to show that I followed the call-in procedures of the District. *See* EXHIBIT R (AESOP records) and EXHIBIT M (absence certificates).

The purely subjective, unfounded and completely personalistic charges of the District against me accuse me of "smirking," "narcissism." They characterize my inability to recall the details of traumatic events as a showing of "dishonesty" rather than as psychological defense mechanism when faced with a hostile situation.

As the Grievance Committee knows, I have been a site rep for the last year, and in previous years. I ran unopposed for this year because of the successes I have had representing teachers at King. I also serve the Local as an elected delegate to the CFT and AFT. As a site rep, I have the protected right to talk to the teachers during breaks, lunches and before and after school. I have the duty to discuss adverse actions of the District, concerns they might have about the principal, and about the implementation of policies that I believe are a violation of the contract. The charges of "talking behind my principal's back" and "bad mouthing the District" simply reflect the District's attempts to curtail my union activity, including representing and organizing our members. The District's attempt to discipline me for my union activity is an unfair labor practice and a violation of several articles of our contract, including Union Representatives (Article 5.3) , Non-Discrimination (Articles 6.1 and 6.2), Academic Freedom (Appendix 3), and filing group grievances (Article 7.2.13), which gives union reps the right to talk to multiple members .

In their June 30 letter, the District spends a good deal of time discussing my off duty actions at an Oakland School Board meeting (paragraphs 82-88, 99, 101-111). Labor Code Sections 98.6 and 432.7 (EXHIBIT D) give the District the right to ask if I was arrested and to ask me questions about the circumstances surrounding the arrest if I am out on bail or on my own recognizance. They bar managements from pursuing discussions of arrest in criminal cases that have been settled or dropped, or in cases in which no charges were ever rendered. I was never charged with anything after my arrest at the Oakland School Board meeting. The District's prolonged and detailed questioning of me about this arrest not only violates the law and my privacy rights, but it also opens the way for the District to restrict teachers' off-duty political activities in violation of Article 6.1 of our contract. The District has no basis for investigating my actions at an Oakland School Board meeting, since my actions at that meeting have no relevance to anything related to Berkeley.

Paragraphs 111-114 discuss a personal day I took on November 9, 2015. As is clear from the affidavit from my lawyer, Shanta Driver, I both met with my attorney in preparation for a court

hearing the next day, and also participated in a rally at UC Berkeley that day. My lawyer has advised me repeatedly that I should not divulge any conversations that I had with her, because those conversations are protected under attorney-client privilege. *See* EXHIBIT S (Declaration of Shanta Driver). My lawyer would also testify to the other dates that I took personal leave days for meetings with her and appearances in court (Sept. 16, 2014, Sept. 26, 2014, Jan. 14, 2015, Feb. 4-5, 2015, Nov. 9, 2015, Jan. 5, 2016, Feb. 25, 2016, April 29, 2016).

Paragraph 114 is an endless rant about my request to my principal to take students to a pro-affirmative action rally held at UC Berkeley. I was denied the right to take my students on the field trip, and so no field trip occurred. The very fact of my asking permission to an affirmative action event is being presented as an attempt to “indoctrinate” my students. My positions in favor of increased black and Latina/o enrollment is being presented as a controversial debatable issue that might cause students who would not be going to “feel excluded or marginalized.” In my ten years of teaching, I have been granted the right to take students to field trips to political events, including large-scale student mobilizations in Sacramento in defense of public education and immigrant rights, and to events at the UC Berkeley campus. I have never received a single complaint from any parent claiming that their son or daughter who did not attend these field trips felt “excluded or marginalized.” I have never received a single complaint from a single parent or student for how I present political and social issues that are under debate in our society. I am allowed by law to express my own views on a variety of issues. In fact, I have heard from many parents and students over the course of my career teaching in Berkeley who have appreciated the fact that we address these very types of issues in my class. I have never been accused of “indoctrinating” students or “using them as pawns in your own personal cause.” I was told by the District that an alleged anonymous parent called them to complain about my performance as a teacher, however, I never received a copy of the complaint nor the name of the alleged complainer. It should have been dropped years ago.

III. Unenforceable and Illegal Directives

At the end of the District’s charges against me, management issues a set of directives. Directive 123 instructs me to use AESOP as soon as possible to communicate absences, to email lesson plans to substitute teachers who are covering my absences, and to complete absence certificates in accordance with District and school policies. This directive is easy to comply with, since I have followed the processes outlined in the directive from the day I was hired.

Directive 124 denies me the right to use personal leave time for any reason not listed in the bargaining agreement. The union, management knows, disagreed with their interpretation of the contract. They received a letter from BFT in 2014 objecting to the first and only set of prior objectives issued in 2013 (EXHIBIT H). Specifically, directive 124 bans me from taking leave for political activities. This directive violates my federal and state Constitutional guarantees of free speech and equal treatment under the law, California Statutes barring discrimination on the basis of political activities, and several provisions of our contract, including Article 6.1 Equal Opportunity, Appendix 3 Academic Freedom, and Article 4.1 Management Rights, which requires management to direct and control the District “to the full extent of the law.”

Directive 125 demands that I provide a doctor’s statement for every paid sick day. Management had no basis placing this costly and cumbersome demand on me, and is singling me

out because of my political affiliation to BAMN and defense of the rights of Latina/o, black, immigrant and other oppressed people in our society.

Directive 126 bars me from “using District resources to influence or manipulate or indoctrinate students.” This is completely vague and impermissible, and it interferes with and violates my academic freedom. It violates the Academic Freedom clause (Appendix 3), my right to my lesson plans in Article 15.9.4, and my right to academic freedom outlined in state law and the aforementioned federal and state statutes and Constitutional guarantees.

Directive 127 assumes that I have presented material to students in a biased and one-sided manner in order to influence and “indoctrinate” students into a particular way of thinking about any subject. This directive is based on the crazed red-baiting of the District, and not on fact. Like directive 126, the District has not one shred of evidence to back up the false allegations that are the basis for this directive, and it is vague, overbroad and an attempt to censor me.

Directive 128, like the two before it, is baseless. This directive, however, is especially dangerous because it is an attempt to place a gag order on me for my attempts to build up the confidence and inclusivity of the students I teach. Neither my students nor their parents have ever accused me of making disparaging statements or have treated my discussions about racism, immigrant bashing, social and economic inequality, privilege, and other similar subjects as being unbalanced or disparaging of students of any race. This directive assumes that any discussion of social inequality simply must be silenced in order to fall in line with Donald Trump’s demagogic claims that the truly discriminated, oppressed, and increasingly marginalized group in society are white people who must be treated as a protected classification in order not to be overwhelmed by the brown and black people.

Directive 129 demands that I politely submit to the District’s illegal investigations about my political affiliations, off-duty political activities, baseless arrests, and political beliefs. The District cannot ask me to give up my legal rights, nor can it ask me to cooperate with in its attempts to threaten, harass, and bully me out of the District.

Directive 130 attempts to impose restrictions on my use of computers and email systems which they cannot legally do. The NLRB ruled in *Purple Communications Inc.*, 361 NLRB No. 126 (2014), that employees have the right to use employer computer and email systems for personal business and for union organizing and other political activities. While NLRB decisions are not binding on public employers, it is not unusual for California’s Public Employment Relations Board (“PERB”), which does have jurisdiction over the public sector, to adopt NLRB rulings. This could be particularly true in instances in which PERB attempts to conform legal principles it develops to the realities of current technology.

The landmark Supreme Court decision, *Pickering v Board of Education*, 391 U.S. 563 (1968) [included as EXHIBIT T], was based on disciplinary action against a teacher for “statements about the board that unjustifiably impugn the motives, honesty, integrity, truthfulness, responsibility, and competence of both the board and the school administration. The board also charged that the false statements damaged the professional reputation of its members and of the school administrators, would be disruptive of faculty discipline, and would tend to foment controversy, conflict, and dissent among teachers, administrators, the board of education, and

the residents of the District.” The Board’s actions in this case are nearly identical to the facts of *Pickering*. The Court reversed the dismissal of the teacher, stating that his rights to freedom of speech were violated by the Board’s action. Directive 130, like so many of the other directives included, would not withstand judicial scrutiny.

While my statement on the District’s charges of unprofessional conduct and unsatisfactory performance does not address all of the false, illegal, and reprehensible claims of the District, I believe that what I have presented more than warrants the filing of a grievance specifically based on the Articles 4.1, 5.3, 6.1, 6.2, 12.2.1, 12.6.1, 12.6.2, 12.16.4, 12.17.1, 12.17.2, 12.17.3, 15.2.1, 15.3.5, and Appendix 3, and the previously cited and state and federal statutes and constitutional guarantees incorporated into the contract.

Sincerely,

Yvette Felarca