

C.A.R.E.
COALITION FOR ACCOUNTABILITY, RESPECT AND EXCELLENCE

May 11, 2018

TUSD Governing Board:

President Mark Stegeman,

Clerk Kristel Foster,

Members Adelita Grijalva, Michael Hicks, Rachael Sedgwick,

TUSD Superintendent, Dr. Gabriel Trujillo

1010 E. Tenth St.

Tucson, Arizona 85719

Dear Governing Board Members and Superintendent:

As you are aware, we are a group of concerned stakeholders in the public education system comprised of parents, teachers, substitutes, workers and taxpayers. We watch carefully what goes on in TUSD in the interest of promoting transparency, respect and improved achievement around the district.

We are dismayed at the way the district has handled the ESI contract which in 2015 outsourced nearly 800 substitute teachers who worked for TUSD. When the contract was approved on June 9, 2015, the actual contract was apparently not posted among the agenda items; given what transpired, apparently the Board did not actually read the contract before authorizing it, either. Consequently, we believe safeguards to prevent similar breakdowns in contract negotiations should be enforced.

In 2015, ESI President Phil Tavasci came to Governing Board meetings and told board members his company would offer substitute teachers who worked enough hours affordable health care. He also said he would be offering substitute teachers 401K's with a 4 percent match at no extra charge to TUSD. The board voted 3-2 to approve the contract with ESI, ***yet the written contract itself had no language about 401Ks, nor did it have language binding the company to its promise of offering affordable health care to qualifying substitute teachers.***

After its initial approval in 2015, the contract was re-approved in 2016 and 2017. In 2016, the Board re-approved the contract on the consent agenda, so there was no public review of how well ESI was serving the school district or if it upheld the verbal promises of providing affordable health care or retirement benefits. In 2017 the company president and Superintendent Trujillo announced that the company would lower the number of hours/days a sub had to work to qualify for an offer of health insurance; but the insurance ESI then offered to qualifying substitute teachers did not meet the ACA

definition of affordable. ***Again, the re-approved contract did not obligate ESI to provide affordable health care to TUSD's qualifying substitute teachers. Retirement accounts were also left out of the contract.***

As a watchdog organization, we question how often vendors are allowed to make claims before the board and the public that they then are not obligated to follow because the claims are not placed in the signed contract. Was it the responsibility of board members to write proposed contract language as they sat on the dais? Again, the full contract did not appear during the meeting. Was it the responsibility of the Board president to read the contract before signing it, and refuse to sign the contract upon realizing it did not bind ESI to the statements its president verbally made to the board? Should an administrator have been stepping in to modify the contract? Should there have been a practice in place to prevent the controversial contract from being renewed on the consent agenda without a review?

We call on the Board and TUSD administrators as part of their fiduciary responsibility to reopen this matter and to thoroughly reexamine this situation. A contract was authorized apparently without fully understanding its intended contractual rights and obligations. If it was understood before its execution, Board members disregarded that they had received a deceptive verbal commitment. In either case, the Board was more than negligent in carrying out its duties. It seems absurd to have to put it into Board policy that contracts are read before they are signed, but perhaps that will assure that such a thing will not happen in the future. Whatever the method, we expect that the Board be more mindful of the contracting process, and put in place safeguards to prevent something similar from happening again.

The fact that these promises of retirement accounts and affordable health care have not been kept not only hurts the employees who serve our district; ***it mars the district's reputation as a respectful and honest employer.***

Further, we call on TUSD to cancel the ESI contract as it relates to substitute teachers. ESI has now had three years to keep its promise of providing affordable health care and 401Ks with matching funds to substitute teachers. It has not done so. It should be clear to the Board and TUSD administrators that the only way this contract "saves" the district any money is by denying a group of full-time employees basic benefits that almost every other employee serving TUSD full-time receives. Just as public institutions had to accept increases in the minimum wage, it is time for TUSD to accept that the Affordable Care Act was legislatively enacted precisely to compel large employers to provide basic coverages to all full-time employees--including those full-time employees who have traditionally been overlooked--like substitute teachers. Employers have traditionally seen the value of providing benefits: it makes them more competitive in the market. For TUSD to continue denying the substitute teacher pool the possibility of benefits to save a few dollars is bad public education policy.

We believe TUSD can and must do better for its employees, for its students, and for the public. We understand that everyone would prefer a certified teacher to be instructing students. But the teacher shortage, teacher illnesses, and daytime professional development necessitate the employ of substitute teachers. It is important that even substitute teachers be treated with respect. TUSD Board, we call on you to READ contracts before you sign them, CANCEL the ESI contract as it relates to substitute teachers, and TAKE STEPS to improve the contracting process.

Sincerely,

Coalition for Accountability, Respect, and Excellence

CC: Auditor Demetrius Lee

