



PERB Received  
05/04/21 08:43 AM

STATE OF CALIFORNIA  
PUBLIC EMPLOYMENT RELATIONS BOARD

# UNFAIR PRACTICE CHARGE

DO NOT WRITE IN THIS SPACE: Case No:

Date Filed: 05/04/2021

**INSTRUCTIONS:** File the original and one copy of this charge form in the appropriate PERB regional office (see PERB Regulation 32075), with proof of service attached to each copy. Proper filing includes concurrent service and proof of service of the charge as required by PERB Regulation 32615(c). All forms are available from the regional offices or PERB's website at www.perb.ca.gov. If more space is needed for any item on this form, attach additional sheets and number items.

IS THIS AN AMENDED CHARGE? YES  If so, Case No \_\_\_\_\_ NO

1. CHARGING PARTY: EMPLOYEE  EMPLOYEE ORGANIZATION  EMPLOYER  PUBLIC<sup>1</sup>

- a. Full name: High Tech Education Collective, CTA/NEA
- b. Mailing Address: c/o CTA Legal Department, 11745 E. Telegraph Road, Santa Fe Springs, CA 90670
- c. Telephone number: (562) 478-1378
- d. Name and title of agent to contact: Jean Shin, Esq.; Cheryl Coney, CTA Staff Attorney; CTA Organizer  
E-mail Address: jshin@cta.org; cconey@cta.org  
Telephone number: \_\_\_\_\_ Fax No.: \_\_\_\_\_
- e. Bargaining Unit(s) involved: Certificated Employees

2. CHARGE FILED AGAINST: (mark one only) EMPLOYEE ORGANIZATION  EMPLOYER

- a. Full name: High Tech High
- b. Mailing Address: 2861 Womble Rd. San Diego, CA 92106
- c. Telephone number: (619) 243-5000
- d. Name and title of agent to contact: Rasheed Hakim Meadows, CEO  
E-mail Address: rmeadows@hightechhigh.org  
Telephone number: \_\_\_\_\_ Fax No.: \_\_\_\_\_

3. NAME OF EMPLOYER (Complete this section only if the charge is filed against an employee organization.)

- a. Full name:
- b. Mailing address:

4. APPOINTING POWER: (Complete this section only if the employer is the State of California. See Gov. Code, § 18524.)

- a. Full name:
- b. Mailing Address:
- c. Agent:

## 5. GRIEVANCE PROCEDURE

<sup>1</sup>An affected member of the public may only file a charge relating to an alleged public notice violation, pursuant to Government Code section 3523, 3547, 3547.5, or 3595, or Public Utilities Code section 99569  
PERB-61 (4/3/2020)

Are the parties covered by an agreement containing a grievance procedure which ends in binding arbitration?

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Yes  No  Unknown

**6. STATEMENT OF CHARGE**

a. The charging party hereby alleges that the above-named respondent is under the jurisdiction of: (check one)

- Educational Employment Relations Act (EERA) (Gov. Code, § 3540 et seq.)
- Ralph C. Dills Act (Gov. Code, § 3512 et seq.)
- Higher Education Employer-Employee Relations Act (HEERA) (Gov. Code, § 3560 et seq.)
- Meyers-Milias-Brown Act (MMBA) (Gov. Code, § 3500 et seq.)
- Los Angeles County Metropolitan Transportation Authority Transit Employer-Employee Relations Act (TEERA) (Pub. Utilities Code, § 99560 et seq.)
- Trial Court Employment Protection and Governance Act (Trial Court Act) (Article 3; Gov. Code, § 71630 – 71639.5)
- Trial Court Interpreter Employment and Labor Relations Act (Court Interpreter Act) (Gov. Code, § 71800 et seq.)

b. The specific Government or Public Utilities Code section(s), or PERB regulation section(s) alleged to have been violated is/are:  
Gov. Code §§ 3543(a); 3543.1(a); 3543.5(a) & (b); 3550

c. For MMBA, Trial Court Act and Court Interpreter Act cases, if applicable, the specific local rule(s) alleged to have been violated is/are (***a copy of the applicable local rule(s) MUST be attached to the charge:***)

d. Provide a clear and concise statement of the conduct alleged to constitute an unfair practice including, where known, the time and place of each instance of respondent’s conduct, and the name and capacity of each person involved. This must be a statement of the facts that support your claim and *not conclusions of law*. A statement of the remedy sought must also be provided. (*Use and attach additional sheets of paper if necessary.*)

See attached Statement of Charge and declaration to Unfair Practice Charge

**DECLARATION**

I declare under penalty of perjury that I have read the above charge and that the statements herein are true and complete to the best of my knowledge and belief. (A Declaration will be included in the e-mail you receive from PERB once you have completed this screen. The person filing this Unfair Practice Charge is required to return a properly filled out and signed original Declaration to PERB pursuant to PERB Regulations 32140 and 32135.)

\_\_\_\_\_  
(Type or Print Name)

\_\_\_\_\_  
/s/  
(Signature)

\_\_\_\_\_  
05/04/2021  
Date

## Statement of Charges

[Attachment to Unfair Practice Charge dated May 4, 2021]

### Background

1. High Tech High, a network of sixteen public elementary and secondary charter schools, is a public school employer under Government Code § 3540.1(k).
2. High Tech Education Collective, CTA/NEA (the “Collective”) is an employee organization under Government Code § 3540.1(d). The Collective recently filed a petition to represent a unit of certificated educational personnel employed by High Tech High.
3. Prior to the events of this Charge, Jared Hutchins (“Hutchins”) was a certificated teacher employed by High Tech High. Hutchins has been employed by High Tech High since approximately 2016. He taught Government at the High Tech High North County site. Hutchins is a member of the Collective.

### Organizing Activity

4. Over the past year, High Tech High teachers formed the Collective and began organizing their co-workers. Since approximately January 2021, Hutchins has been a member of the Collective Organizing Committee, and has been very active in the Collective’s organizing efforts.
5. On or about April 15, 2021, the Collective began preparing to file an EERA Representation Petition with PERB. The Collective Organizing Committee commenced a public campaign to organize High Tech High teachers. As a member of the Collective Organizing Committee, Hutchins spoke to teachers at his school site about the union, and persuaded them to support the Collective. He also collected signatures from the teachers in order to show proof of support.
6. As a result of the efforts of Hutchins and other members of the Collective Organizing Committee, the Collective obtained signatures from a majority of certificated educational employees at High Tech High.
7. On April 20, 2021, members of the Collective Organizing Committee delivered a letter to the Directors at each school site at High Tech High, notifying High Tech High of their intention to unionize. The letter stated that “[i]n order to hold our organization accountable to its long-standing promises of equity and the vision for its future, we have decided to organize our union ... with the California Teachers Association.” A true and correct copy of this letter is attached hereto as **Exhibit A**.
8. The Director of the High Tech High North County site is Shani Leader (“Leader”). Hutchins and another Collective member, Mike Amarillas (“Amarillas”), delivered the letter to Leader in person.

9. Leader expressed displeasure at the letter. She told Hutchins and Amarillas that unionization would result in larger class sizes for teachers at High Tech High North County. She warned that as a consequence of unionization, some teachers would lose their jobs.
10. On April 23, 2021, the Collective filed its EERA Representation Petition, along with proof of majority support, with PERB.
11. On or about April 27, 2021, Hutchins was interviewed by the San Diego Community Newspaper Group, at sdnews.com, regarding the Collective's unionization efforts.
12. On the morning of April 29, 2021, the San Diego Community Newspaper Group published an article regarding High Tech High and the Collective's representation petition. The article described the success of the Organizing Committee, and noted that a "supermajority" of "[m]ore than 60 percent of HTH's approximately 400 teachers have signed the petition" for unionization. Hutchins was quoted in the article as saying: "It's a widely shared view that by forming a union across all of our campuses, we will for the first time have a real seat at the table." A true and correct copy of this article is attached hereto as **Exhibit B**.

#### Retaliation

13. On the afternoon of April 29, 2021, the Director of High Tech High North County, Shani Leader, came to Hutchins' classroom, along with Rasheed Meadows, the CEO of High Tech High.
14. Leader stated that High Tech High was terminating Hutchins, effective immediately. Meadows gave Hutchins his final paycheck, and ordered Hutchins to immediately turn over his computer and his classroom key.
15. Other teachers at High Tech High were shocked when they learned of Hutchins' termination, and expressed fear that High Tech High would terminate teachers who were active in their union.

#### Violation and Request for Remedy

1. High Tech High's actions violate the Educational Employment Relations Act, Government Code §§ 3540, *et seq.* ("EERA"), including Hutchins' right to form, join, and participate in the activities of an employee organization of his own choosing, pursuant to § 3543(a); and the Collective's right to represent its members in their employment relations with public school employers, pursuant to § 3543.1(a).
2. High Tech High's actions described above also violate § 3543.5(a), which prohibits threats, reprisals, discrimination, interference, restraint or coercion of employees because of their exercise of protected rights; and § 3543.5(b), which prohibits an employer from denying employee organizations the rights guaranteed under EERA.

3. High Tech High's actions described above further violate § 3550, which prohibits a public school employer from deterring or discouraging employees from union membership, or from organizing a union.
4. As a remedy, the Collective requests an order requiring High Tech High to:
  - Reinstatement Hutchins, with back pay and interest; and to make him whole for any losses suffered as a result of High Tech High's unlawful actions;
  - Cease and desist from threatening, restraining, or retaliating or discriminating against employees because of their exercise of protected rights;
  - Cease and desist from violating the Collective's right to represent its members;
  - Cease and desist from discouraging employees from union membership, or from organizing or participating in the Collective;
  - Post a notice regarding the above, and send a copy of the notice by mail and email to each High Tech High employee; and
  - Make any and all further remedial action as PERB deems appropriate.

# EXHIBIT A



April 20, 2021

To: Our Colleagues, the High Tech High Governing Boards, High Tech High Administration, and our school communities,

When High Tech High was founded in 2000 as a collaboration between progressive education and San Diego business leaders, it was done so on three design principles: personalization, adult-world connection, and a common intellectual mission. Later, collaborative design was added and equity replaced a common intellectual mission. Over the past two decades, HTH has grown from a small high school to a network of 16 K-12 schools. In the beginning, every staff member could fit into a single classroom for all-staff communications and collaboration. Now teachers and staff overflow outside the doors of the forum when we gather once a year for an all-schools address. HTH's growth is a testament to the power of the founding principles that demonstrate that this is a school that cares deeply about each one of its students, a school that acknowledges historical injustices and fights to rectify them, a school where authentic work is produced, and a school where teachers, students, and families' voices are heard.

In the spirit of HTH's founding principles, we, the teachers and staff of HTH's collective campuses, believe that all staff, students, and families should be equitable partners in shaping the future of our organization. We believe that equitable practices must be developed and implemented across all levels of our organization, especially those that aspire to transform the traditional educational system that has historically disenfranchised BIPOC communities, students and staff with disabilities, and others. We actively reject white supremacist culture within our organization and strive to make everyone feel heard, respected, and protected. We believe in the mission of HTH as both an equity project and as a transformative space for all members of our learning community. In order to hold our organization accountable to its long-standing promises of equity and the vision for its future, we have decided to organize our union, High Tech Education Collective (HTEC), at HTH with the California Teachers Association.

This past year's pandemic and the ongoing fight for racial justice have highlighted areas where our organization can grow. As we return to campus, it is clear that inequities remain. By forming a union across all of our schools, we will be able to collaborate and advocate through a structure that is uniquely ours, to protect and improve all the things we value about our HTH community. Through this unionizing effort, we hope to not only help our community survive this pandemic, but also to reimagine our organization even after the current crisis: We can truly be an equity project, where staff, families, and students all have a voice.

We will continue to collaborate with one another and the administration to serve our students with the equitable and inclusive education that they deserve.

Sincerely,

Alex Adams, High Tech Elementary, Teacher, 4 years  
Mike Amarillas, High Tech High North County, Teacher, 6 years  
Rachel Angeles, High Tech High Media Arts, Teacher, 6 years  
Candice Arancibia, High Tech Elementary Chula Vista, 3 years  
Avery Barnes, High Tech Elementary Chula Vista, 3 years  
Amanda Borow, High Tech Elementary Chula Vista, 6 years  
Carol Cabrera, High Tech High North County, Teacher, 8 years  
Paola Capó-García, High Tech High Media Arts, Teacher, 3 years  
Sam Carrick, High Tech High International, Teacher, 3 years  
Evan Coleman, High Tech High Media Arts, Teacher, 3 years  
Philip Estrada, High Tech High Media Arts, Teacher, 4 years  
Rebecca Frost, High Tech Explorer, Teacher, 19 years  
Diana González, High Tech High Media Arts, Teacher/EL & ELAC Coordinator, 1 year  
Hayden Gore, High Tech Middle Chula Vista, Teacher, 4 years  
Lisa Gore, High Tech Explorer, Teacher, 4 years  
Jared Hutchins, High Tech High North County, Teacher, 4 years  
Peter V. Jana, High Tech High, Teacher, 15 years  
Sara Kennedy, High Tech High International, EL & ELAC Coordinator, 3 years  
Mackenzie King, High Tech High Chula Vista, Teacher, 10 years  
Lucera Leon-Gallegos, High Tech High, Teacher, 4 years  
Stephen Logan, High Tech High International, Teacher, 3 years  
Ryan Luz, High Tech Middle, Teacher, 7 years  
Wendy Maples, High Tech Middle Chula Vista, Teacher, 10 years  
Blaine Mazzetti, High Tech Middle North County, Teacher, 4 years  
Riley Meehan, High Tech Elementary, Teacher, 6 years  
Christopher Millow, High Tech High Media Arts, Teacher, 7 years  
Ernesto Orozco Jr., High Tech High Media Arts, Teacher, 3 years  
Andres Perez, High Tech High Chula Vista, Teacher, 4 years  
Armando Perez Jr., High Tech Middle, Teacher, 1 year  
Jen Rivera, High Tech Elementary, Teacher, 3 years  
Jesse Wade Robinson, High Tech High, Teacher, 18 years  
Anya Rosenberg, High Tech Elementary North County, Teacher, 4 years  
Roxanne Sepehri, High Tech Elementary North County, Teacher, 3 years  
Colleen Stevenson, High Tech High Chula Vista, Teacher, 6 years  
Dan Thoene, High Tech High International, Teacher, 17 years  
María Elena Valenzuela, High Tech High Media Arts, Teacher, 4 years  
Dawn Wirts Pelayo, High Tech High International, Teacher, 16 years  
Micah Wullschleger, High Tech High Chula Vista, Teacher, 3 years

# EXHIBIT B

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## Educators at High Tech High's schools formed a union affiliated with the California Teachers Association

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04.29.21 - 08:45 am



This week, a supermajority of teachers and certificated staff at San Diego's [High Tech High](#) filed a petition with the California Public Employment Relations Board (PERB) for union recognition. HTH, with 16 schools spread over four campuses and an enrollment of more than 6,000 students in grades K-12, is the largest operator of charter schools in San Diego County.

More than 60 percent of HTH's approximately 400 teachers have signed the petition.

[In a letter](#) to the HTH community, the union-organizing committee stressed its support for "the mission" of HTH and explained that the primary reason for forming a union is to improve teachers' ability to "collaborate and advocate" on issues of equity.

"In order to hold our organization [HTH] accountable to long-standing promises of equity and the vision for its future, we have decided to organize our union High Tech Education Collective (HTEC) at HTH with the California Teachers Association," the organizing committee wrote.

The pandemic, combined with the ongoing national fight for racial justice, made it clear to many of HTH's faculty members that they had little input in school decision-making and that inequities faced by students weren't being adequately addressed by the charter management organization's three boards or school administrators.

"It's a widely shared view that by forming a union across all of our campuses, we will for the first time have a real seat at the table," said Jared Hutchins, a 12th-grade government/media literacy teacher at High Tech High North County. "This has been an ongoing discussion for the past year."

The organizing effort has received support from the wider school community. "I've been a High Tech parent for more than 15 years straight, with four of our children having attended one or more schools in the network," said Lorena Gonzalez, assemblywoman for California's 80th District. "It is the teachers and staff who make this educational experience so incredibly special for our kids. They deserve a voice on the job, which will improve the opportunities for all of our children. Today's actions by these teachers will close the circle on the creation of a first-class school system."

The union-organizing effort began in 2020. HTH faculty members connected with each other primarily online through the video-meeting service Zoom, email messaging and texting to discuss issues and the need for representation.

"We love this school and we really want it to work," said Paola Capó-García, a 12th-grade English teacher at High Tech High Media Arts in Point Loma. "We want to make the school more sustainable. But, too often our students feel abandoned due to teacher retention issues. This needs to be addressed."

Health, safety, professional development and extra-curricular obligations are additional issues a union can help address, Capó-García said.

HTH's schools include seven authorized by San Diego Unified and nine authorized as Statewide Benefit Charters. HTH is well known in California and nationally for its project-based learning model.

Unusual for a charter management organization, HTH has been authorized by the California Commission on Teacher Credentialing to offer preliminary and professional credentials. In 2007, HTH opened a graduate school of education offering master's degrees in education in teacher leadership and school leadership to teachers in and outside the charter school network.

HTH has three governing boards. The High Tech High Board governs and controls the schools. It is chaired by Gary Jacobs. HTH Learning is a private nonprofit and oversees the facilities. The HTH Foundation is a private nonprofit primarily responsible for securing philanthropic support.

Across the state, charter schools enroll roughly 630,000 students – about 10 percent of California’s 6.2 million public school students – and are required to adhere to the state’s public-sector labor laws. Nearly 1,500 California charter-school teachers have petitioned to form unions since the pandemic began last March.

Once the HTEC petition filed this week is certified, The PERB will call on both the new union and HTH managers to sit down to discuss issues and begin bargaining a first contract. Representatives from the California Teachers Association will assist HTEC at the bargaining table.

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**DECLARATION TO HTEC'S UNFAIR PRACTICE CHARGE**

I, Cheryl Coney, state:

I am a CTA Organizer and authorized to act on behalf of the Charging Party High Tech Education Collective, CTA/NEA and am authorized to act on its behalf in regards to this Unfair Practice Charge.

I declare under penalty of perjury that I have read the Unfair Practice Charge and that the statements herein are true and complete to the best of my knowledge and belief and this Declaration was executed on May 3, 2021, at San Diego, California.

By: Cheryl Coney  
Cheryl Coney  
CTA Organizer

**PROOF OF SERVICE**

*STATE OF CALIFORNIA, COUNTY OF LOS ANGELES*

I am employed in the County of Los Angeles, State of California. I am over the age of 18 years and not a party to the within action; my business address is: 11745 East Telegraph Road, Santa Fe Springs, California 90670.

On **May 4, 2021**, I served the foregoing document described as **HIGH TECH EDUCATION COLLECTIVE'S UNFAIR PRACTICE CHARGE** on the interested parties in this action by:

causing the foregoing document(s) to be **ELECTRONICALLY FILED** using the specified e-court filing system or by electronic mail filing at:

**eperb-portal.ecourt.com**

**EMAIL:**

Rasheed Hakim Meadows, CEO  
Patrick Frost, Esq.  
High Tech High  
2861 Womble Rd.  
San Diego, CA 92106  
Email: [rmeadows@hightechhigh.org](mailto:rmeadows@hightechhigh.org)  
[pfrost@hightechhigh.org](mailto:pfrost@hightechhigh.org)

**E-FILED:**

Public Employment Relations Board  
425 West Broadway Avenue — Suite 400  
Glendale, CA 91204-1269

**(By Mail)** As follows: I am “readily familiar” with this offices’ practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid in the County of Los Angeles, California in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

**(By Email)** I transmitted said document(s) to the said e-mail address(es) indicated above. I complied with the applicable rules of court, pursuant to the applicable jurisdiction of the above agency/court’s rules. I caused the email to have a recorded transmission thereof.

**(State Court)** I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on **May 4, 2021** in the County of Los Angeles, California.

  
\_\_\_\_\_  
Frankie Medina