

Collective Bargaining Implications

Selected Redesign Plan Elements (and federal School Turnaround Grant requirements)

1. Federal requirements for Educator Evaluation and Rewards (Transformation Model)

- Teacher and principal evaluations that use data on student growth “as significant factor”: *Describe how the school will use rigorous, transparent, and equitable evaluation systems for teachers and principals that – (1) Take into account data on student growth as a significant factor as well as other factors such as multiple observation-based assessments of performance and ongoing collections of professional practice reflective of student achievement and increased high school graduation rates (2) Are designed and developed with teacher and principal involvement”*
- “Rewards” for teachers, leaders, and other staff: *Describe how the district will identify and reward school leaders, teachers, and other staff who, in implementing this model, have increased student achievement and high school graduation rates (if applicable) and identify and remove those who, after ample opportunities have been provided for them to improve their professional practice, have not done so.”*

The Bargaining Challenge: ESE cannot approve a Fund Code 511 grant application that does not guarantee an evaluation system for 2010-11 that meets these requirements.

Key Question: How can you put forth a guarantee that allows ESE to award grants in 2010 only to districts in which these conditions will be met in 2011?

Some Options:

1. Complete negotiations this summer and submit negotiated agreement to ESE to confirm it conforms with federal requirement
2. Agree now to adopt the “default” model system which will be developed in accordance with the Educator Evaluation framework approved at the 5/25/10 BESE meeting (attached), containing these key features:
 - Annual evaluations (year 1 formative and year 2 summative)
 - At least 3 rating categories
 - Based on student growth as a significant factor with other measures of effectiveness
 - “Continuous improvement plan” for every educator with goals, links to PD, and intensive support for ineffective educators
 - Link evaluation system to key personnel decisions including professional teaching status, teacher leadership/career ladder, dismissal, demotion, and promotion
 - ESE-developed “default” model evaluation system by 3/1/11
3. Negotiate a process for negotiating next year with a May 2011 deadline and guarantee of resolution to meet requirement
 - Commit to use an arbitration process (such as a joint resolution committee consisting of a representation from the school committee, teacher union, and a third-party arbitrator) if no agreement by April OR
 - Agree to adopt “default” model if no agreement reached by May OR
 - Agree to submit a proposal to a commissioner-designated third party by April with a “fall back” to the default model if the third party reviewer does not meet criteria by April

Additional Considerations for rewards:

- Implications for other bargaining units
- Sustainability

2. Federal Requirements for expanded learning opportunities for adults and students

(Transformation & Turnaround models): *Describe how the school will establish schedules and strategies that provide increased learning time using a longer school day, week, or year schedule to significantly increase the total number of school hours (compared to a time prior to the start of the Model) to include additional time for (a) instruction in core academic subjects including English, reading or language arts, mathematics, science, foreign languages, civics and government, economics, arts, history, and geography and (b) instruction in other subjects and enrichment activities that contribute to a well-rounded education, including , for example physical education, service learning, and experiential and work-based learning opportunities that provided by partnering, as appropriate, with other organizations; and [(c) teachers to collaborate , plan, and engage in professional development within and across grades and subjects].*

The Bargaining Challenge: ESE cannot approve a Fund Code 511 grant application that does not guarantee expanded learning opportunities beginning in 2010-11 that meets these requirements.

Key Question: How can you put forth a guarantee that allows ESE to award grants in 2010 only to districts in which these conditions will be met in 2011?

- Year 1 (2010-2011) –strong investment in more time for adults; modest increase in time for students
- Years 2/3 (2011-2013) – strong investment in more time for students

Some options for adding more time than what is currently in place:

- ELT vs ELO
- Revised school schedule
- Staggered start/stop time
- Extended School Day
- Extended School Week (e.g., Saturday school/Saturday PD and planning)
- Extended School Year (e.g., vacation/summer school’ summer PD and planning)
- Altered class size, course load and/or student load parameters
- Other

Additional Considerations:

- Compensation
- Making effective use of community partners
- Volunteering vs. Requiring
- Impacts on other bargaining units, transportation, food services, etc.
- Sustainability

3. Federal Requirements for Principal/School operating flexibility and responsibility (Transformation & Turnaround Model):

Describe the operating flexibilities the school and principal will have (around staffing, calendars/time, and budgeting) to implement fully a comprehensive approach to substantially improve student achievement.

The Bargaining Challenge: ESE cannot approve a Fund Code 511 grant application that that does not guarantee operational flexibilities in 2010-2011 that meets these requirements

Key Question: How can you put forth a guarantee that allows ESE to award grants in 2010 only to districts in which these conditions will be met in 2011?

Some issues to consider:

- Reapplication to positions at school
- Staff Selection Criteria
- Staff Assignment
- Voluntary/Involuntary Transfer Out
- Forced Placements
 - Voluntary/Involuntary Transfer In
 - Reduction in Force
- Layoff Language
- PD Planning Time/Expectations
- Class Size, Course Load, Staff Load Parameters

Additional Consideration:

- Look at existing collective bargaining language and “past practice” to see if sufficient authority already exists

From Frequently Asked Questions for Local Educational Agencies on School Improvement Grants Under Section 1003(g) of the Elementary and Secondary Education Act of 1965 (<http://ed.gov/programs/sif/leafaq.doc>):

F-7. How can an LEA ensure that it is able to implement fully and effectively all required components of a selected school intervention model, given that some components may be affected by collective bargaining agreements or other contracts?

Some of the required components of the intervention models may be affected by collective bargaining agreements or other contracts. For example, a collective bargaining agreement may include provisions regarding systems that may be used to evaluate teachers, professional development requirements, or strategies that may be used to retain staff. Because such provisions may impact an LEA's ability to implement the intervention models, effective implementation is dependent on the close collaboration of LEA and school administrators, teachers, and other partners, as appropriate. The Department encourages such collaboration with respect to all model components. The Department also recognizes that, beyond collaboration, full and effective implementation of a selected model may require negotiation with teachers' unions. The Department encourages LEAs to involve teachers' unions early in the process of implementing the final requirements to ensure that the LEA can implement fully and effectively the selected intervention model in each Tier I and Tier II school it commits to serve.

In addition to collective bargaining agreements or teacher contracts, other types of agreements may impact an LEA's ability to implement fully and effectively one or more of the school intervention models. For example, if an LEA contracts with an outside provider to provide certain services that are necessary for full implementation of a model (*e.g.*, a contract to provide community-oriented services and supports as required for the turnaround model or a contract to provide ongoing mechanisms for family and community engagement as required by the transformation model), that contract will likely impact how the model is implemented. Although an LEA may outsource the implementation of some components of a selected intervention model in this manner, ultimately, the LEA is responsible for ensuring that the model is implemented fully and effectively. Accordingly, the LEA should include in any contracts with outside providers terms or provisions that will enable the LEA to ensure full and effective implementation of the model.