



TALC Contract Negotiations
October 5, 2020
FY21 (2020-2021 school year)

Agenda

- Check-In
- Approval of Minutes
- Article 6 (Working Conditions)
- Article 7 (Work Schedule)
- Check-Out

Check-In

Time constraints:

Need to step out at 5pm for 15-20 minutes

Need to step out at 5:45 for 30 minutes

Elephants: none

Missing:

Sheena Torres-Nunez

Mike Gatewood

Ami Desamours

Christina Sterrett (*attending virtually*)

Christine Carberry (*attending virtually*)

Expectations: Make more progress*****

Approval of Minutes: Time was given for both teams to review the minutes from September 21, 2020

- Page 8: 9th bullet implies 15 days. Change to "10 sick days, 5 of which can be used for personal leave"
- Page 6: 6th bullet - "to reach"
- Page 5: 4th line - "reflects poorly upon ~~an~~"
- Page 8: 8th bullet: Change "cost" to "funding"
- Page 8: 8th bullet: Add an apostrophe to "teachers"
- Page 8, 11th bullet: Last sentence "asking for"
- Minutes approved as amended



Article 6 (Working Conditions) - Story

- Donna Mutzenard, facilitator, reviewed the snapshot for Article 6 (Working Conditions)
- Some of what we discussed in March has changed; some discussion around Article 6.01(3) (Safe and Secure Conditions) was handled in COVID bargaining sessions; don't know if there's more to add here or not
- TALC added Article 6.01(1) (Facilities Planning) on the snapshot; TALC's question was what involvement do teachers have with new construction?
- TALC wanted to discuss how Article 6.02(1) (Student Discipline) affects working conditions
- TALC asked for data around the number of physical and verbal assaults on staff; the District is still working on a number of data requests from TALC
- For Workers Compensation purposes, data is not recorded in terms of "assaults", it's about the injury to the employee so there's no data available there
- TALC believes that an increase in student discipline issues is impacting working conditions
- There is a difference between what legally constitutes an assault and what people commonly refer to as assault
- The legal definition of assault is when someone says or does something that puts another person in fear of significant bodily injury or death; the legal definition of battery is an unwanted touching
- Sometimes people say one but mean the other, sometimes they say one but what they're describing doesn't mean either of those
- The legal definitions are in Florida Statute or you can look at the standard jury instructions for either crime, because in convicting someone instructions are given to the jury to help them determine if based on the evidence either of those has occurred
- The TALC office has gotten a number of calls around "safe and secure conditions" in relation to student discipline. If there is some sort of student misconduct, doesn't an employee have the right to use the language in this article to address these behaviors?
- If a classroom is being destroyed, a student may not need to leave school, but they may need to leave the classroom in order for the teacher to regain control
- It's frustrating on the teacher's part when the classroom starts to get destroyed, they're repeatedly documenting, and no action is being taken
- Florida Statute addresses teachers' authority regarding the removal of students



- If a student is making the classroom unsafe, the teacher is looking for more about what protections they have
- Putting language in the TALC Contract could be “Step A”, before invoking Florida Statute
- The District would like more story or clarification here, are we discussing Exceptional Student Education (ESE) classrooms or General Education (Gen. Ed.) classrooms?
- This would apply to both ESE and Gen Ed; the language that we have for Student Discipline currently is vague
- As a teacher, if a student throws a chair and you get injured, you want to know the steps to take when this happens
- We don’t have language that does that because we’re trying to do so many different things; it would be helpful to have a very clear, detailed hierarchy of responses
- An immediate response should be, what is in the student’s Individualized Education Plan (IEP)? From an administrator’s standpoint, what could be put into contract language that wouldn’t violate the rights of the student and would protect the teacher?
- It’s not always students with an IEP; sometimes the student is new to the District and teachers are told to track data for sixteen (16) weeks and to try to help identify the student’s need
- In order to get the student to an IEP there’s a lot of data collection
- If you have a student who is hurting others and throwing furniture, sixteen (16) weeks is a long time; often you’re the only teacher in the room and they might not be the only student you’re tracking data on
- It’s becomes a balancing act of who gets the attention: the one student causing the disruption or the seventeen (17) other students in the class?
- Can you provide an example of a scenario that would potentially address this situation; what contract language would assist here?
- The whole purpose of this dialogue is to figure out what contract language would assist. That’s where TALC wants us to go with this
- That’s something that teachers and administrators struggle with together
- If there is an incident that involves a student in crisis, we have the Individuals with Disabilities Education Act (IDEA) requirements that need to be followed; there’s things we legally have to do to comply with that federal law and often the steps taken to ensure the student has due process have not been followed yet
- What kind of contract language could we use that wouldn’t violate IDEA or interfere with the due process rights of students?
- Student behaviors escalate, it is difficult to establish contract language to cover all situations and events that might lead up to a student’s removal from a classroom



- How do you legislate something that makes sure everyone is dotting their i's, crossing t's and following legal due process for the students? It's a real challenge
- As a point of clarification, Article 6.01(4) (Reporting Unsafe Conditions) says that "the supervisor shall investigate and initiate whatever corrective action he/she deems appropriate with consultation and notice given to the department responsible for safety and security"; what department is that?
- The Safety & Security Department is not the department that would be responding to the scenarios that we've just discussed
- What you're talking about is someone filling out a safety deficiency form; i.e., uneven sidewalk, exposed electrical wires
- Safety & Security is part of the Threat Assessment Team, which addresses problematic behaviors whether it's a student, staff member, or parent, but they're not responsible for academic programming or student discipline in the ways mentioned
- There's a lot of overlap here, because everyone is responsible for student safety in different ways
- A reference was made earlier to the Florida Statute that addresses teacher authority; in the past school year we only had one case where a teacher invoked that process; it was in March 2020
- The Placement Review Committee convened and supported a different assignment for the student in question
- In assisting everyone with that situation, the TALC Labor/Management Committee began working on process documents for schools that outlines the steps they need to take
- For background, over the past couple years the situations that have been brought to HR's attention have all been elementary schools and all of the cases have involved ESE students or students in the Multi-Tiered System of Support (MTSS) process
- If a student that has an IEP is being referred for ESE services and that student doesn't have supports in place and every teacher at that grade level decides that they want the student out of their class, that's discrimination; this is where due process comes in
- As a school counselor, most of us are on the team that responds to any type of behavior or crisis call
- Once you're called to respond to a classroom, the teacher is already pretty frustrated; there is confusion around when it is appropriate to call and not to call, so providing an outline of some sort would be helpful
- Usually the teacher is worried about the safety of the other students and obviously, we can't discuss what's happening with a student to another student's parent, but



parents call when they hear about an issue from their child and it feels like our hands are tied

- What language would be legally compliant and not hamstringing us when it comes to due process and student privacy? Are you able to provide what you're looking for?
- Maybe the first step is finishing up the process documents and seeing where those get us, then revisit this if necessary
- Since we last met, the TALC Labor/Management Committee reviewed the Student Code of Conduct and there have been several changes to this document as well; it's much easier to read now; perhaps we haven't given enough time for things to be successful
- Also, the Career Ladder Committee has already noticed that instructional staff were having difficulty filling the "buckets" for technology and classroom management
- As a result, Professional Development (PD) looked at the available options for classroom management training and many were dated or not relevant; they've since expanded their offerings and made things much more relevant
- PD offers a ton of online resources and book studies for teachers looking to add to their own toolkits; many of these PD opportunities are self-paced and available on demand
- The District has employees who can assist in these situations such as Behavior Specialists, MTSS Specialists, Child Find Specialists, and ISS Specialists
- These students should be on someone's radar and data should be collected; having a working knowledge of these specialists and how they can support is helpful
- Sometimes we have cases where we can and do jump over the time barrier; we have Behavior Specialists that can help with that and we're trying to get more
- There are supports in place for these types of interventions and they can be hashed out in the process document
- The contract language says, "When in the judgement of the teacher a student requires the attention of principal or other school or District staff specialist, the teacher shall so inform the principal or his/her designee on the appropriate school form"; is the "form" a referral or something in Castle?
- The contract also says that "the teacher shall receive a written statement of the specific action taken within five days"; where do teachers receive these notices?
- How does a teacher go about requesting assistance from other supports in the District?
- There is not consistency from MTSS Specialist to MTSS Specialist; how do teachers get resources from the District office?
- We have Behavior Specialists at schools, and they come in and model interventions or when students are acting out to provide a break for the teacher; the problem is we don't have enough of these specialists; typically, that one person is a resource



- shared by the whole school; is there any discussion around schools with a higher need getting more than one specialist?
- That's a lot of questions rolled into one: the MTSS process, data collection, consequences for student behavior, how is a student removed, and Behavior Specialists' allocations
 - We have programs in place for schools that have a need; it's not just determined by that though, if you alert your principal that there is a need for District support it is the responsibility of administration reach out for those supports
 - Over the summer we trained over five hundred (500) teachers on restorative practices they can use in their classrooms
 - Teachers can access resources on their own to use in the classroom and there is an expectation that when the Behavior Specialist comes in to assist, that the teacher will take what is being modeled and apply it
 - In terms of MTSS, what is the specific need? The default plan is to turn to the Student Code of Conduct, which provides a range of strategies for addressing student behaviors
 - We ask administrators to use their best judgement when looking at all factors of a situation
 - If a teacher has an incident occur in their classroom, they put a referral into FOCUS, administration processes it, the teacher then has the opportunity to review the response from administration and if they have a question about how the referral was handled they should ask administration
 - When the reporting is done, after administration goes in, do teachers get a notification saying it has been updated or does the teacher need to remember to go in and check it? Not sure, teachers were just trained on this during the fall
 - The process invoked for the case in March involved a great deal of angst for everyone involved, including teachers, special instructional staff, and administration
 - In the end the process worked despite it being the first time many people had used this process; it is a process that will take time and may evolve
 - In the end, the student's placement was changed and the student was moved to a classroom where they can be more successful
 - TALC has confidence in what we saw happen based on just this one time. Hopefully everyone gets comfortable and this process is used only as needed
 - I've never heard of the time constraints for data tracking, but clearly there is a workaround for extreme situations that's been discussed tonight
 - It's an all hands-on-deck process to make sure things happen for every student to be successful; moving forward we can work to document the whole process and best practices



- If push notifications do not exist for referrals, is this something that would be beneficial?
- I haven't written referrals in FOCUS, but in CASTLE teachers would get a notification and all it said is "finalized"; it would be helpful to know what the outcome of a situation is
- There are some issues with the Family Education Right to Privacy Act (FERPA) since it's going through email; Jessica Duncan, Executive Director of Student Services, is going to do a little research to see what can be done in FOCUS; things may already be in place and if not, we can see what options are

OPTION

- Continue discussion in TALC Labor Management and continue updating process documents in relation to student discipline

Article 6 (Working Conditions) - Story (Continued)

- Article 6.01(1) (Facilities Planning), TALC wanted to have some discussion over what it means to have educators involved in the construction of new facilities
- There is an established, board approved process for this. Dr. Pruitt, CHRO, will find out more and report back
- In the Snapshot we discussed adding protections for victims of domestic violence and adding a line about Last Chance Agreements (LCAs) and the Employee Assistance Program (EAP); how much discussion needs to be had around this?
- In FY20 (2019-2020 school year), our District Threat Assessment Team has been made aware of domestic violence incidents that have caused safety issues on campus
- This is an incredibly sensitive issue for those involved and we try to make sure the person involved is safe in addition to securing the safety of the campus
- We started looking at different protections in place for victims of domestic violence to see what options exist to support these employees
- Florida Statute says employers can provide leave for victims of domestic violence or sexual violence; leave is provided for specific limited purposes
- For example: seeking an injunction, attending counseling, receiving services from victims' advocacy groups, finding alternative housing, and attending legal proceedings
- We don't have contract language that explicitly addresses domestic and sexual violence



- In each instance the District has been made aware of, people have been provided with information about EAP; people are not always aware that they have access to free counseling as a benefit of their employment
- Florida Statute says that there are public records exemptions in place for documents related to domestic violence to further support and protect victims
- We want to give people the ability to request a transfer or temporary reassignment and since this doesn't really fall under workplace civility, we need new contract language
- If someone needs to change their worksite temporarily, it's something we have accommodated, but the current contract language doesn't address it explicitly
- If we are considering adding this to working conditions, are there other districts that we might be able to borrow language from?
- Florida Statute 741.313 is the reference for anyone who was interested
- The TALC Labor/Management Committee can look at language other districts have in their contracts; we don't need to reinvent the wheel or come up with something tonight
- Dr. Fazzone, Island Coast FEA, will bring sample language from other counties to the TALC Labor/Management Committee
- Florida Statute mentions domestic violence or sexual violence and extends the protections available to situations involving family or household members who are experiencing the same situation

OPTION

- Continue this discussion in TALC Labor/Management

Article 6 (Working Conditions) - Story (Continued)

- Article 6.01(1) (Facilities Planning) language says such specifications may include climate control, should we take this out?
- There are certain building standards around public safety. We can look at tweaking this language in the TALC Labor/Management Committee
- Looking at Article 6.04 (Alcohol, Tobacco, and Drug-Free Workplace), we have some employees who have issues with abuse of alcohol, drugs, etc.; the District is interested in cleaning this language up so we can address options that are currently available; our overall goal is to have happy, healthy employees who come to work
- A number of people have been actively looking at the annual contracts they sign and there is language in there that states "the District reserves right to require a physical or mental evaluation" and employees are put off by this



- This relates to Fitness for Duty screening for things like Workers' Compensation, but employees are seeing this as something that can be invoked at any time; it doesn't spell out the rules around this if there are rules
- Every situation is unique, Fitness for Duty screenings for mental health issues primarily go to the CHRO for review and there must be indicators that the person is in crisis or otherwise impaired and cannot safely perform the duties of their job
- Are you looking for clarification in the contract about this?
- Article 6.04(3) addresses Reasonable Suspicion Testing
- On average, HR sees one or two employees per year, across all employee groups, where an immediate supervisor has a concern about an employee in crisis; we can come back to this later
- TALC members' Weingarten rights, they're to have representation, extend to cases where reasonable suspicion testing might occur

Article 7 (Work Schedule) - Story

- Donna Mutzenard, facilitator, reviewed the Snapshot
- TALC would like to begin by discussing Professional Learning Communities (PLCs)
- One issue has to do with PLC guidelines and certain aspects of the guidelines not always being followed
- Teachers are being told to use planning time for PLCs and PLCs are occurring daily or multiple times weekly; elementary schools were in a PLC 4-5 days a week for the entire period
- It becomes difficult to get other duties done when this occurs; for example, grading, calling parents; this goes beyond a PLC for a particular subject area or grade level
- If a school isn't doing what they're supposed to do, there's nothing that is enforceable, because they're just guidelines
- We've come a long way with PLCs and the last step should be codifying some of the language around what we expect based on best practices and lessons learned
- Last year, schools had to fill out a calendar indicating when PLCs would happen
- They also had to determine which one of the 4 essential questions they would be addressing in the PLC
- PLCs should meet once a week by grade level if departmentalized; we've heard that some PLCs are team based, if they're not departmentalized or by grade level, which means there's a PLC meeting every day
- The entire team is always meeting and always planning during that time every day



OPTION

The TALC Labor/Management Committee will bring back contract language that comes from PLC guidelines and insert into Article 7 where appropriate

Article 7 (Work Schedule) – Story (Continued)

- This language could address how many PLCs there should be per week and whether it's appropriate to have rules around PLCs in the contract or not
- TALC would like to highlight singletons, like teachers for the fine or performing arts
- There are beneficial options in the guidelines; we would like some of these to be captured for those teachers in whatever contract language is brought back
- The bigger issue of the PLC frequency was in elementary mostly, but TALC could not give a clear percentage of schools in which this is happening
- Dr. Pruitt would like to do an informal survey of all principals before having a discussion in the TALC Labor/Management Committee
- It seems that the term PLC is being confused in some cases with common planning; it's not cut and dried and we want to put a roadmap out there for people that makes sense
- Article 7.01(1)(d) (Professional Learning Communities) says, "shall work collaboratively", in those cases described did that not happen or is it that teachers didn't want to say how they really felt?
- This language addresses the scheduling to allow for additional planning time; the issue is that the entire planning time is being used for PLCs
- A lot has been delegated to the TALC Labor/Management Committee today
- We probably need to talk about our bargaining calendar, so that people watching know when these items will be coming back for further discussion
- We want to reiterate that teachers own their planning time
- There has been discussion in Special Instructional Labor/Management Committee (SILM) around instructional coverage during planning and the use of Special Instructional positions for classroom coverage
- There is a convoluted formula for elementary schools that is difficult to manage and issues have arisen over payment for coverage that total less than \$7.00; this fits into the discussion of the planning time and compensation, but is worth mentioning
- We currently have a shortage of guest teachers; today we had 68 unfilled positions
- We did a big push last week, so we have 150+ people in the pipeline to be added to the guest teacher pool
- As a school-based administrator, it's tough because you must have options available to you to get those classes covered, sometimes that means pulling non-classroom instructional staff



- We've heard concerns from teachers who do specials and Special Instructional Staff that their planning time is being taken up to cover a class
- We may need time to revisit how these folks are chosen for classroom coverage and may need to establish an order of operations
- The TALC office is hearing that non-classroom instructional staff are being disproportionately affected by this; they are having their planning time taken away and being asked to be a "team player"
- Special Instructional Staff have the SILM and we've discussed this, but people don't know if there's an allotted planning time for Special Instructional Staff?
- They are entitled to what's in the contract; it's the same number of minutes per day and per week as classroom teachers; special instructional staff should work collaboratively with their administrators to determine if they will have planning time at the same time every day or not
- Article 7.01(1)(c)(4) says 330 minutes per week
- Article 7.01(1)(c) says that there's a minimum of 40 continuous minutes per day
- Article 7.01(1)(b) says there's 25 minutes per day for duty free lunch
- You can't walk away from an issue with a student if there is a safety implication, so scheduling and sticking to it is challenging, but that is what the contract language says
- Most special area teachers in elementary tend to have planning first thing in the morning; any time you're short a sub, you call upon whatever teachers you have available at that time to provide coverage
- There isn't an emphasis on "this is your schedule" for Special Instructional Staff; this relates to the idea that they should have a carved-out time
- Maybe they should submit a schedule that indicates when their planning time will be
- It's not entirely incumbent on the employees to remind administration that they get a planning time
- SILM might be able to come up with the rules of the road, understanding that we may need to be flexible, but it might address misunderstandings about no planning time
- The only caveat here is that it's not free time, it's planning time
- Teachers expressed concern about missing planning time, because you have students in your room, or you're covering for another teacher during that time
- TALC is feeling the "team-playerness", because of the lack of guest teachers, our planning time is spent doing IEP or MTSS meetings; this is unique to this year and happening now more than ever
- Taking things off the teachers' plates has been brought up for years; this year more than ever, planning time is essential, so whatever we can do to make it sacred



- Years ago, we worked endlessly on an agreement about PLCs
- Recently we've had teachers who had to learn how to do Lee Home Connect (LHC) and now that we're into the 5th week of school, IEPs are happening and teachers are missing their planning time
- As a group we must come up with a plan that takes things off teachers' plates
- Sometimes those issues are more pronounced at certain schools; it seems like it's harder for people who work in the East Zone, but don't live there, because they can't leave for a quick doctor's appointment
- There is a difference between some of the situations being discussed; there are people who take turns on who takes Friday off and who gets to cover their class and make a little extra money
- People are not being mindful of the impact that their absence has on their colleagues
- Principals on the District team shared that they feel they've gone above and beyond to provide time this year and have not touched the planning time; the District agrees with what TALC is saying, that this needs to be a priority
- Page 24, line 26 in the TALC Contract talks about teaching during a planning period; the language is worded well and we've spoken at length about classroom coverage
- There is a difference between "friendly coverage" and when admin asks for coverage
- Line 27 the word "teach" is bothersome, you could be working through your planning and not teaching, but still doing a task related to your job in some way
- Is TALC referring to non-classroom instructional staff or classroom teachers?
- TALC is talking about anyone who is giving up their planning period; if they have their day extended they should be compensated
- We don't know how many districts are compensating for coverage around the state
- We understand the classroom teacher being concerned about the coverage piece
- If we tried to capture the whole issue of planning time, a lot of the job for Special Instructional Staff is planning
- If asking for a schedule, it might create some divisiveness if we establish designated planning time for a counselor
- Some teachers want to provide coverage every time they're asked because there's a financial incentive
- There are mechanisms that can be put in place to allow people who want to provide coverage to be offered the opportunity first, because they really want the money
- As principals, our biggest struggle is the fragility of our teachers; HR needs to know and deal with this individually
- TALC agrees there is a difference in friendly coverage versus an administrator asking a teacher to provide coverage



- TALC disagrees that most of counselors' day is planning time; the planning time we're talking about is the 40 uninterrupted minutes; that time should be protected for non-classroom instructional employees as well
- There are days where these staff members may have 1.5 to 2 hours of planning; there are some days where they may have to deal with student crises all day; there are days where they return calls or tend to other administrative tasks
- I would still challenge the idea that there's more of an opportunity for counselors to get planning time than elementary classroom teachers; I think locking in counselors' schedules will cause angst amongst classroom teachers who are already struggling
- This is primarily an elementary concern; maybe the job description should be different
- Non-classroom instructional staff are being pulled to cover specials or are teaching for 25-50% of day; doing this and completing documentation for their position is difficult
- Planning should be undisturbed time, but we're carrying radios all day
- No counselor will say no to a crisis situation and many counselors don't have a scheduled lunch time; we're the first to get pulled to do additional duties, first to respond to a behavior call
- We deserve time for to work on documentation too; there are days that are crazy and days that are not
- SILM has had discussions about what was just described and there is a certain amount of angst about being asked to step in and take on extra responsibilities
- We have Directors from Student Services and ESE who work with Special Instructional Staff and a member from each of those groups discussed this
- We've discussed what it looks like when Special Instructional Staff are performing at full capacity
- For example, what does cafeteria coverage look like when a counselor is really engaging with students the way they're supposed to in the cafe? It's not about them providing supervision, disciplining students, or standing on the wall
- People want to make sure they can provide input and their skills are used as intended
- Just as we referred some things to the TALC Labor/Management Committee, TALC wouldn't have a problem referring this to SILM
- The idea of counselors having a planning time is already in the contract, so every day that they're not receiving it is a potential grievance; the contract applies to them and people need to acknowledge and plan around this
- Can we pause on this topic and do calendar?



CALENDAR

- Regarding the upcoming schedule in general, Dr. Desamours won't be able to attend our next scheduled meeting on October 19, 2020
- We wouldn't be able to have any Compensation conversations without her here
- We need to have a Calendar Committee meeting for next year as soon as possible
- The District would like to trade October 19, 2020 for a Calendar Committee Meeting
- Payroll and Insurance and Benefits need the calendar board approved before we leave for winter break
- We want to have a joint session next Monday, October 12, 2020; it is a SPALC Bargaining night; we'd like to take the first hour to do a joint session on Benefits, then excuse TALC
- TALC will return on October 26, 2020 for Compensation; that date is a SPALC bargaining night but the District can work with SPALC to switch that out
- TALC expressed an interest in giving a time certain on TALC Labor/Management Committee priorities
- We would like to have these returned no later than November 2, 2020
- We need to have first substantive discussion on Compensation at the October 26, 2020 bargaining session

Check Out