



*THE SCHOOL DISTRICT OF LEE COUNTY and  
THE TEACHERS ASSOCIATION OF LEE COUNTY*

**TALC Bargaining Committee**  
**Monday, July 16, 2018**  
**Agenda**

**Items**

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1. Check-In
2. Minutes
3. Article 6
4. Article 7
5. Check-Out

Mission: To ensure that each student achieves his/her highest personal potential  
Vision: To be a world-class school system

TALC Bargaining Committee  
FY19 (2018-2019 School Year)



**THE SCHOOL DISTRICT OF LEE COUNTY  
and  
THE TEACHERS ASSOCIATION OF LEE COUNTY**

**TALC Contract Negotiations**

**FY19 (2018-2019 school year)**

**July 16, 2018**

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**Agenda**

Check In

Minutes

Article 6

Article 7

Check Out

**Check-In**

**Time Constraints:** None

**Missing:** Bonnie McFarland, Jill Castellano, Sheena Torres-Nunez, Heidi Brennan, ~~Christina Sterrett~~

**Elephants:** None

**Minutes**

- Correction to:
  - Page 4, last bullet, last line - add “see” after the first “to”
  - Page 5, second sentence - change “frustrations” to “frustration”
  - Page 6, next to last bullet - change “andit” to “and it”
  - Page 8, 5th bullet - remove period at beginning of bullet
  - Page 8, last bullet, change “schedule” to “schedules” and “student” to “students”
  - Page 9, 6th bullet from top - change “necessary” to “necessarily”
  - Page 9, last bullet, 3rd line from bottom - change “an” to “a”
  - Page 9, remove blank bullet above option
- Approved as modified

**Story - Article 6** (continued)

- Concern that statute covers a lot of topics and not comfortable with one sentence interjected into contract when the statute covers so much.
- Compared statute with contract language. What’s in statute is already covered in 6.01 and 6.02. Lots of parallel information regarding process for referrals.
- Table until we come up with how we want language to read. Words are tripping us up. Wasn’t discussed in last week’s Labor/Management because of more pressing issues.

## Option - CONENSUS

### 1. Table for discussion by TALC Labor/Management Committee

#### Story – Article 6

- It's important to mention that there have been recent changes to Florida Statutes that address school safety
- Many of the issues that might arise have already been addressed, are being addressed, or can be addressed by the TALC Labor/Management Committee or school and district-based safety and security committees
- We would just like to highlight a few of the things mentioned in the new statutory language
- There was the creation of the school guardian program where schools can partner with the sheriff's office to train school guardians, our District and LCSO decided not to implement this program
- There is now a requirement that an SRO be present on every campus; we've partnered with LSCO and CCPD already to meet this need and will continue to work with local law enforcement agencies
- There are also some changes coming to student services and they are working on a plan to ensure that we have a process in place to provide appropriate referrals for services offered by SalusCare and other mental health providers
- Do the new school safety laws change how instructional staff should complete student discipline referrals? We're not aware of any changes in terms of how to report student discipline infractions
- Regarding student discipline referral items that have stars next to them, as teachers we've been told not to mark items with stars next to them; is there a reason for this?
- If there is a star or a number sign next to an item on the student discipline referral, then it means there is a legal definition for that term and as a District we must ensure that the behavior described meets that legal definition
- It's sometimes difficult to that everyone on campus has an appropriate understanding of the legal definitions of different offenses, so yes, it's possible that some administrators have asked their staff to refrain from checking those boxes and to instead complete the rest of the student discipline referral form, including the comment section
- What is the process for school-based administrators to change the offense marked on the student discipline referral? Teachers do not feel supported when administrators make a change to the student discipline referral
- If it's being submitted on paper, then changes are noted on the student discipline referral form and the teacher receives a copy with the changes
- Are administrators required to consult with a teacher before they make a change to a student discipline referral? We've been told that at larger schools, teachers sometimes only get a phone call telling them that it's been changed
- Florida Statute 1003.32(3) states that a teacher "may recommend an appropriate consequence" and if the principal determines that a lesser consequence is appropriate, then "the principal should consult with the teacher prior to taking disciplinary action"; it doesn't say that they must, but it's encouraged

- TALC has received reports that student discipline referrals are being deleted, is that true?
- No, since switching to CASTLE we've received emails about this concern, but CASTLE does not allow you to delete a student discipline referral; the student discipline referral might not be visible to everyone, but it's still somewhere in the system
- CASTLE provides an email response from the principal, not a copy of the student discipline referral; we can mention this to Brian Curls and our Information Systems Division; once a student discipline referral processed it is no longer visible, only open student discipline referral are visible in CASTLE

#### **Story - 6.04 (Alcohol, Tobacco, and Drug-Free Workplace)**

- TALC believes it's important to discuss this language in light of recent changes in state law regarding the use of medical marijuana; federal and state laws now conflict and the state is allowing the use of medical marijuana; Board policy and reasonable suspicion testing need to be discussed, so that everyone is clear on what's allowed
- The District receives federal funds and federal law prohibits marijuana, so we're not going to do anything that would conflict with federal law and jeopardize our federal funding
- The federal law that's being referred to is the Controlled Substance Act (CSA); there is federal preemption, which means that despite what state laws say, marijuana is illegal in all 50 states; recent administrations have decided not to pursue criminal cases for marijuana related offenses, but they could change their mind at any time
- According to the CSA, Marijuana is considered a Schedule I drug, which means that it has no recognized medical purpose
- In regards to reasonable suspicion drug testing, would the District subject an employee who is in possession of a medical marijuana card to drug testing on the basis of their being in possession of that card from the state saying they can use marijuana
- Reasonable suspicion testing requires that the employee be impairment to the point that it prevents them from doing their work
- For reasonable suspicion testing, the District follows the standards set by the US Department of Transportation (DOT); the DOT requires a four-hour training course to help the assessor recognize the signs of impairment or that an individual is under the influence of drugs and/or alcohol
- It's important to note that having a prescription for an opioid doesn't mean you will be automatically subjected to a reasonable suspicion testing; there must be contemporaneous signs of impairment
- When it comes to reasonable suspicion testing, is there an exemption for prescription drugs? No, because people can and do abuse prescription drugs
- As mentioned earlier, marijuana has no recognized medical purpose, which means it cannot be a prescription drug; the US Food and Drug Administration (FDA) is responsible for determining what can and cannot be a prescription drug; state issued cards are no prescriptions
- Since the District receives federal funding, we will not jeopardize that funding by allowing the use of marijuana; we would all be in a world of hurt if we did
- TALC believes that this is another reason why an increase in state funding to the District would be beneficial, so that we would not have to rely so much on federal funds

### Story – Article 6.02 (Protection of Person)

- The next item we would like to discuss is the #MeToo Movement and sexual harassment in the workplace; some of the story for this goes hand in hand with earlier conversations about student discipline referrals
- Is “sexual harassment” offense something that only administrators can check on the student discipline referral form? If so, how should teachers report sexual harassment by a student? Sexual harassment is a more serious offense than disruptive behavior, which is often how sexual harassment by a student is characterized on student discipline referrals
- There is a legal definition for sexual harassment and to ensure that we’re giving students appropriate due process, that legal definition must be met; we understand that this might not be a popular answer, but it’s what’s required to make sure that we’re respecting the rights of both students and staff
- School Board Policy 5.32 (Complaint Procedures for Sexual Harassment and Discrimination by Employees) details the process for employees to report suspected sexual harassment, including statements made by students towards teachers
- The Florida Department of Education (FL DOE) has the basic legal definitions for all of the offenses listed on student discipline referrals posted on their website; in order for a student’s conduct to be labelled as sexual harassment it must be “severe and pervasive”; this might seem like a simple and straightforward definition, but there’s case law that clarifies what exactly qualifies as “severe and pervasive”
- If a teacher reports suspected sexual harassment to an administrator, would that complaint result in an investigation? Yes, according to Board Policy all complaints must be investigated and the complainant is entitled to notification about the outcome of the investigation, which doesn’t always mean what was done to the offender, but is more along the lines of whether there were findings of sexual harassment or not
- What is the process for filing a complaint? Does a student discipline referral qualify? In most cases, a student discipline referral would qualify, but you can also report via email or you can contact Professional Standards & Equity, they have an anonymous hotline
- It’s important that you use behaviorally specific language when completing a referral or submitting a complaint, since that information will assist the school or district-based administrator; often complaints are vague or do not describe the actual behavior involved
- If a teacher is not satisfied with the outcome of a student discipline referral, they should talk to the administrator. If after talking to the administrator they are still not satisfied, they can talk to their school Equity Coordinator, Professional Standards & Equity, or our new Director of Diversity & Inclusion
- If the situation involves two adults, for instance a co-worker or a parent, then a student discipline referral is obviously not appropriate and an email would be more appropriate

### Caucus

**TALC Report Out:** We’re still struggling to find the balance, because there are some things that are best if you put them in the contract and there are some that are not. We’re still trying to get down to what the actual issue is and we believe it has to do with how to report inappropriate behavior. We’re aware that there are many different avenues for reporting and it’s not just the contract, which creates some challenges and puts a spotlight on the need for additional training.

We've discussed the importance of writing what was actually said in the comment section and how this impacts the way administrators interpret whether the legal definition for a starred item has been met. We may need to discuss changing the referral form to add "sexual comments" as an offense. Providing teachers with a copy of referrals would be nice, so that they're not just getting an email. Teachers still believe that comments are being changed or that entire referrals are being deleted, so maybe this is something that the Student Code of Conduct Committee could look into for us.

**Story – Article 6.02 (Protection of Person)** (continued)

- Sexual harassment is a starred item on the student discipline referral and there are other sex related offenses, which again are all listed on the FL DOE website along with a basic legal definition
- If a teacher is being sexually harassed by a student we understand that the teacher should talk with administrator, because it may take some time to establish that it is "severe and pervasive", but what if the principal has talked to student and ten more referrals have been written? How long of a paper trail must there be in order for administration to act?
- It's difficult to create contract language that would fit every situation; administration must meet with the student and meet with the parents in order to make sure that the student receives appropriate due process
- There are often a number of competing interests and checkpoints that must be met to ensure that everyone's rights are being respected, most teachers are aware of this, so it's hard to determine where the problem or how you'd like us to address it?
- This seems to be more of an implementation problem and adding language to the contract will not fix the problem; it seems like the real concern is the worst case scenario where someone has an issue and they have a principal who isn't effectively handling it
- At what point can a teacher mark sexual harassment on the referral?
- If a teacher feels that their principal isn't ineffectively handling a situation, TALC can always bring it to the attention of the TALC Labor/Management Committee and/or reach out to Human Resources
- If a student uses the f-word, then the referral shouldn't say "the f-word", it should say the actual word that the student used; people are often confused about that, but these are legal documents and they should be an accurate portrayal of what occurred
- As a principal I would agree with that and I can tell you that it's not always comfortable to sit with a parent and tell them exactly what their child said at school, but it's necessary; parents are sometimes in shock at the things that come out of their kids mouth, but they need to understand that kids sometimes use inappropriate language and it's not okay
- When does it stop being a school discipline issue and start becoming a legal issue that requires law enforcement intervention? You're saying that sexual harassment has a legal definition, so at what point should there be a criminal complaint made?
- There was something said earlier about there being too many different places to report sexual harassment and how this creates confusion; there are several different ways in which you can report sexual harassment and there are several different people who are trained to respond to these complaints; this is not an issue, this is actually to the benefit of those who have been sexually harassed, because it puts them in the driver's seat and allows them to report sexual harassment however they feel most comfortable

- As is the case with many things, we have an open reporting system which encourages people to come forward; there's a low threshold for reporting because otherwise we might never heard from the people who have information to share with us
- Board Policy says that administrators can involve law enforcement, so when appropriate they do involve the School Resource Officer (SRO); it's no different that when a report of suspected abuse, abandonment, or neglect is made and administrators contact the Department of Children and Families (DCF)
- While we're on the topic, it's important to note that the standard is "suspected" and Florida Statute has changed so that all mandatory reports should be reporting peer on peer sexual abuse, it's no longer just caretaker to peer abuse
- If you're providing a behaviorally specific account of what occurred, then an Administrator should be able to figure out that misconduct occurred and what box should be checked.
- Again, the complainant is supposed to be made aware of results of the investigation and is entitled to some response; we obviously have to balance student rights under the Family Educational Rights and Privacy Act (FERPA), so you might not get a full account of what occurred, but you should at least be made aware of whether findings existed
- Florida Statute says that sexual harassment is a form of gender discrimination
- TALC is committed to training building representatives on the rights and responsibilities of instructional staff relative to Board Policy 5.32 (Complaint Procedures for Sexual Harassment and Discrimination by Employees); we do not believe that more contract language will fix the problems, but employees following the process will
- TALC will address these issues as they arise on a case-by-case basis
- It's probably worth mentioning that parents can make complaints about employees too, but the details of an investigation are not automatically shared with parent complainants; they're notified of an outcome and must make a public records request if they want more information

### **Story - Article 7.01(1)(b) (Lunch)**

- TALC brought this issue to the TALC Labor/Management Committee in FY18 (2017-2018 school year) and it pertains mostly to lunch for Pre-K ESE Teachers
- TALC has tried to address this on a school-by-school basis and in some cases, classes were combined to allow teachers a duty free lunch; in other cases, teachers didn't receive any duty free breaks or planning time and were told that they cannot allow paras to walk students to lunch on their own
- The TALC Contract reads that teachers are to have a duty-free lunch. Do we need to re-educate administrators, so that this language is followed?
- To be clear, this issue doesn't exist in high schools and middle schools, it is an only an elementary school issue
- If a teacher's lunch is 25 minutes long and the teacher must walk students to the cafeteria as part of that 25 minutes, the time they are walking students to the cafeteria is not duty-free and they are not receiving an appropriate amount of time for lunch

- At the elementary level, lunch is 45 minutes with 25 minutes of duty-free time after you've helped kids get acclimated to walking to the cafeteria and sitting down with their lunch, which usually they've figured out during first two weeks of school year
- Over the years, teachers have conditioned themselves to think that they only get 25 minutes for lunch, but that isn't the case; in rare cases we get more than 25 minutes for lunch and a good principal may do a lot with scheduling to give more than 25 minutes; sometimes this creates other scheduling issues for schools
- In the Pre-K ESE world, teachers do not walk their students to the cafeteria, they eat family style, so they often sit with students in the classroom while they eat; this is done so that they can teach students how to feed themselves independently and how to share and clean up after themselves
- TALC recently surveyed 16 Pre-K ESE teachers and six of those teachers said they get a duty-free lunch, six said they do not get a duty-free lunch, two said they get a duty-free lunch only if their students are asleep, and two didn't respond to the question
- In response to whether these 16 Pre-K ESE teachers receive duty-free planning time, six said yes, but only if kids slept through naps; bus ramp duty was also a concern
- The District has only been contacted about one of the Pre-K ESE teachers who had an issue with duty-free lunch and that issue was resolved by administration at the school
- One Pre-K ESE teacher said she got no duty-free lunch, no duty-free planning, and was assigned duties at arrival and dismissal
- If issues are not reported to District, then they cannot be addressed; will TALC please share the names of the schools where there is an issue, so that we can follow up with administrators at those schools
- Based on the conversations that TALC has had with these teachers, are options being presented to the teachers? It's our understanding that a number of teachers choose to eat lunch with their students and don't feel comfortable leaving their class
- I don't think giving a teacher an option is appropriate, if that option violates the contract
- Perhaps that needs to be stated more clearly, administrators should tell teachers that "this is your lunch time" and if teacher chooses to stay in classroom and eat with their students, then that's their choice
- It's important that teachers get a break and are able to be away from students
- If a schedule is provided and a teacher decides not to take lunch, then that's their choice
- Administrators should be sending out the lunch schedule at the beginning of the school year; if someone sees that their name is not on the lunch schedule, then that's a problem
- We don't want to end up in a situation where a principal asks a teacher, "Do you want your lunch?" There are some teachers who would say, "no" and give up their lunch, because they are trying to be team players
- A principal asking and a teacher deciding that they would prefer to stay with their students are two totally different things; if the teacher is making the choice on their own and can decide from day to day whether to take lunch, then they are voluntarily giving up their lunch break
- It didn't seem like the 16 Pre-K ESE teachers that TALC spoke with were voluntarily giving up their lunch break, but TALC can do more digging into this issue
- There should be more options for coverage by other teachers or paraprofessionals

- The District is not comfortable with the idea of combining two classes with only one teacher present; another adult would need to be present
- Paraprofessionals should not be supervising students on their own while teachers take their lunch, certified educators are responsible for student supervision
- Each situation is different, in a K-5 general education situation one adult with two classrooms would probably be okay, but when it comes to ESE or Pre-K there needs to be another adult present in case something goes wrong

### **Option – CONSENSUS**

1. Lunchtime each day equivalent to the student lunchtime with a minimum of 25 minutes to be duty-free.

### **Story - Article 7.01(1)(b) (Lunch)** (continued)

- How does this new language apply to ESE teachers? ESE teachers would be covered too, because they're instructional staff and are covered by the TALC Contract
- There needs to be some thought put into scheduling duty-free lunch for teacher, especially in ESE; you don't get to say that there's an emergency every day
- If somethings happening and a teacher is consistently not getting lunch, there's a problem

### **Story – Article 7.03(3) (Non-Standard Work Year)**

- The TALC Labor/Management Committee recently discussed the need to clean up some of the language in this article
- For example, there are currently two JROTC instructors who are on a 226-day calendar, despite that calendar not being listed in the contract; they were grandfathered in a while ago and JROTC recently asked that this calendar be added, so that it covers these two employees
- These are two of our most senior JROTC instructors and they have been working on that calendar for the past 15 years
- Moving forward, we believe that there would be some benefit to having an Appendix with positions' titles and work years listed out to the side; we discussed doing something similar to what's in the SPALC Contract and it would align with what we've already discussed for Article 1

### **Options**

1. Include an Appendix with a list of positions and work year. Remove the list of Non-Standard Work Year from Pages 26-27 of the TALC Contract
2. Include JROTC instructors for 226-day calendar with hire date to include instructors who will be grandfathered on schedule.
3. Add 206-day position for school psychologists.

### **Story – Article 7.03(3) (Non-Standard Work Year)** (continued)

- To clarify, the intent is not to move all JROTC instructors to a 226-day calendar, just to memorialize that there are two JROTC instructors who are currently working a 226-day calendar? Yes, that's correct.
- When those two JROTC instructors retire, then 226-day calendar would disappear for JROTC instructors, correct? Yes, that's the plan.
- The District received a request from Psychological Services for a 206-day calendar to be added for School Psychologists, so that they have the option to use this extended calendar position in the future
- Psychological Services received approval from the TALC Labor/Management Committee to hire outside vendors to help meet student needs, due to staffing shortages
- Psychological Services believes that adding a 206-day calendar option would help reduce the need for outside vendors
- A survey of other school districts showed that most School Psychologists work more than a 196-day calendar and for the past several years Psychological Services has had to hire School Psychologist to work extra days using supplemental contracts
- Supplemental contract use has been consistent and currently all 27 School Psychologists are on a 196-day calendar, which is the same as a normal classroom teacher
- Should we remove the other calendar options from the list if we don't have any at 226-day or 255-day school psychologists? No, that's not necessary at this time
- School Psychologists work an average of 10 days per year on a supplemental contract in order to make up for the time need to do Pre-K screening or other assessments that are necessary for us to remain complaint
- Is the intent to move all 27 School Psychologists to a 206-day calendar? That would depend on the budget situation for next year and on student need; this additional language gives Psychological Services the flexibility to meet the needs of students
- If we didn't move all School Psychologists, we would have to advertise any new 206-day positions and it's likely that School Psychologists who are interested in the 206-day calendar would move into those positions
- Would this give us the ability to have School Psychologists on both a 196-day calendar and a 206-day calendar? Yes, this would provide us with many options
- Psychological Services does not anticipate using the 255-day position, because most people still like to have some time off in the summer and at spring break.

### **Straw Design – CONSENSUS**

- A. Options 1, 2, 3

### **Story – Article 7.03(3)(g) (Department of Juvenile Justice)**

- The District continues to experience challenges and issues surrounding teachers assigned to the DJJ on a 255-day calendar; this has been an on-going issue for the past few years
- FL DOE has been making a big push to improve teacher absenteeism rates; at recent conferences they have emphasized the impact that teacher absenteeism has on student

achievement; in terms of hours of missed instruction, a teacher being out has a far greater impact than a student being out, because the hours a teacher misses is multiplied by all the students in the class

- The District has three locations on the state's top ten list for teacher absenteeism and they are all DJJ locations
- Attendance-related initiatives have been included in the School Improvement Plan (SIP) for DJJ locations for the past few years
- In the week before July 4<sup>th</sup>, there were 17 leave requests at DJJ locations; there are only 12 instructional staff members at these locations
- Three of the five teachers at the Juvenile Detention Center were absent on the Monday after July 4<sup>th</sup>; vacation requests were made and were denied due to the disruption they would have caused for students at the detention center
- Instructional staff at DJJ locations average between 25 and 30 absences annually; for an employee on a 255-day calendar that amounts to more than 10% of their work year, some employees missed 15% of their work year
- For a teacher on a 196-day calendar that would be equivalent to missing somewhere between 19 and 29 days
- Burnout is a major concern for these employees due to the transfer of trauma and the challenging student populations they work with; a District representative toured the detention center in FY18 (2017-2018 school year) and administration, including the superintendent for the detention center, believe changes in juvenile delinquency laws are contributing factors
- Students are not being picked up for a weekend of partying and spending 2-3 days at the detention center; students at the detention center are there for longer stays and are there because of more serious offenses
- Administration for DJJ locations would like to consider allowing employees to have guaranteed time off, by shortening their scheduled work year, and allowing the remainder of the year to be staffed using supplemental contracts; staff at the school would not be required to work, but could still decide to if they wanted; vacancies would be available to other teachers district-wide similar to summer school programs
- What is the approval rate of vacation requests? TALC is concerned that a number of employees are in "use it or lose it" position with leave and believes that administration is denying requests
- Have any vacation requests been approved by administration? What happens to unused time? TALC has an issue with not being allowed into the detention center
- The District will find out what data is available and will return with that data
- Some data has been provided by administration at DJJ, but it has identifying information, so we're not prepared to share it today
- In the past year, there are numerous DJJ employees who have taken more than 20 days of vacation time, so requests for vacation time are being approved by administration
- Requests that would result in a disruption of the educational environment are being denied; the 12 teachers assigned to DJJ have taken a total of 65 days of vacation time and 233 days of overall leave; that's almost equivalent to one full time 255-day position
- Positions on a 255-day calendar come with certain added stress, because you don't get the same breaks at key times, like spring break and summer break

- TALC met with DJJ members last year about their vacation time and believes that administration is really good at denying leave; teachers who work a 255-day schedule are entitled to two consecutive weeks of vacation
- There is a teacher at a DJJ location who likes to go overseas for summer vacation and this request has been denied; he has requested to use the vacation time that he has accrued, some requests may have been for more than a two week period
- Burnout is a serious issue and sometimes extended breaks are needed; TALC has received reports that the working conditions are deplorable and there are first hand reports about filth at the detention center
- Are DJJ teachers on the same 255-day schedule as all other District employees on a 255-day schedule? Yes
- Do DJJ teachers accrue vacation time in the same manner as other 255-day employees
- Teachers at DJJ work a 7.6 hour day, in accordance with the TALC Contract, and accrue leave in accordance with Article 7.05; accrual rates are based on Florida Statute and take into account years of continuous services, you accrue more time the longer you've been with the District
- Vacation requests are denied when they impact the operation of the school, which is why the District believes that the 255-day calendar no longer works
- If there were planned breaks and substitute coverage was planned and advertised similar to summer school, these issues could be resolved
- It would be easier for administration to find certified instructional staff to fill in for DJJ teachers and these positions would be staffed by teachers from other schools; all sides would benefit
- Let's not forget about the impact that teacher absenteeism has on students; FL DOE reported that a teacher missing ten days or more increases the likelihood that a student will be a grade level or more behind; these are students that already have a number of challenges
- As the District representative that visited the detention center, I would like to say that the working conditions were not deplorable and I find it frustrating that one of the employees who reported concerns attempted to discredit my report to the TALC Labor/Management Committee immediately after my visit; without knowing what I would report, this employee informed TALC that I was not on site for long enough to observe anything of any value; I also feel like there has been an unfair characterization of administration
- Administration at DJJ is focused on student achievement and very aware of the employee morale issue; although they would have been well within their rights to do so, they did not write-up employees who were denied vacation and then called in sick on the Monday after July 4<sup>th</sup>; administration is not the problem, that's completely inaccurate
- TALC does not think there would be a whole lot of teachers wanting to spend their spring break or summer at DJJ; DJJ programs have to be staffed for year round instruction
- A lot of students come and go during the summer, because this is when the courts try to transition students back into a regular school environment or into more restrictive DJJ environments
- Do we know how many guest teachers service DJJ right now? It would be the same as any other location, but we can find out if DJJ has a preferred list or if there are certain guest teachers who are regulars at DJJ locations

- Are there stricter requirements for teachers or guest teachers to work there? We do a pretty exhaustive background check for anyone to have access to students, but we can find out if DJJ has additional requirements
- The District representative who visited the detention center had to surrender all electronic devices and was accompanied throughout the facility; it's a secure facility, but it looks like any other school in terms of posters on the wall; biggest difference is the steel door and that you're not allowed to leave without permission
- Are DJJ teachers required to be ESE certified or to take some sort of special course to work in order to work there? We're required to provide the same services required under a student's IEP, we can find out if there's any special requirements
- Is the vacation request process being followed at DJJ or is the problem occurring after the vacation calendar is published?
- From the data immediately available, we don't know how many requests were submitted between April 1st and June 30<sup>th</sup>; it was mentioned in SPALC bargaining sessions last year that administrators typically do not enter denied requests into PeopleSoft
- Regarding the state's top ten list, did they look at number of days missed or percentage of total days missed? Decreasing the number of work days in the year might not help, if the state is looking at the percentage of total days missed
- Switching to a different work year would require teachers to get away, which may help us avoid burnout
- In response to the question about vacation days, there is an employee who missed 51 days due to vacation and another that missed 16 days due to vacation; that's more than the two weeks that the contract allows
- Is it true that DJJ had a rubric for scoring staff absences? For example, if five staff members are scheduled to work and one is out, none got credit for attendance that day.
- No, each individual employee's record is based on the days they worked or did not work; the state's focus is on hours of missed instruction; which is significant on a day like the Monday after July 4<sup>th</sup> when more than half of the instructional staff is absent
- How many teachers at DJJ have annual contract status? We don't know exact numbers right now, but if they're at the point where their vacation is "use it or lose it", then they're not annual contract teachers.

## Caucus

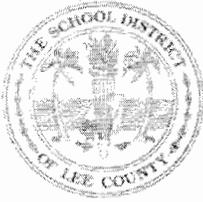
**TALC Report-out:** This is going to take a creative solution. We know something needs to be done but don't know what. We need to meet with members to determine how to proceed.

## Story – Article 7.03(3)(g) (Department of Juvenile Justice) (continued)

- Are there any additional data requests from TALC for the District?
- TALC would like to see the absenteeism data for DJJ; TALC's list only has seven members at DJJ locations; if there are 12 instructional staff members assigned to DJJ locations, then TALC will need to review their lists
- TALC would like to know how many people are on the substitute list or guest teacher list for DJJ locations

- TALC would like to know the annual vacation accrual rates for each employee at a DJJ location and if possible how many days of vacation they have accrued each year and how many they have lost due to “use it, or lose it”
- Not all of that data exists; we can provide rates of accrual and what they accrued, but we do not have a record of leave that was not accrued because an employee has maxed out
- How long have DJJ employees been on a 255-day calendar? It’s probably been 15 years or more, they used to be on a 196-day calendar and spring break and summer were paid by supplemental contract; there was not any difficulty in staffing the school at these times, there are plenty of teachers who are interested in earning a little extra money
- Why was the schedule changed to a 255-day work year? Because DJJ locations have a 240-day school year and there was a thought that a 255-day work year might work better
- What do classrooms look like at DJJ locations? Do they have established curriculum and are curriculum guides followed? How is the student year broken down? Do they have semesters and quarters the same as everyone else?
- Yes, classrooms look the same as they do anywhere else; during the trip out to DJJ it was obvious that learning looks the same no matter where it takes place and kids are kids
- Classrooms are split up male and female; there was a classroom where students were working on a work sheet, another where students were working independently on computers with headphones on, and another where students were sitting around watching a science documentary; teachers have a lounge area where there are desks and tables that they can use while working on lesson plans or for IEP meetings
- Are the teachers at DJJ teaching to the same standards? Yes, they are required to teach to the same standards and to provide students the same educational opportunities
- I’m not sure if anyone else has been to the detention center or one of the other DJJ locations, but the biggest difference is that there is a revolving door for students and many of them behind for their age or grade level
- Is a grade issued after a certain length of time, like after 45 days in the quarter? I’m not sure how grades are assigned, since students aren’t typically there for a full school year; we can find out, but it’s possible that students receive course completion credit similar to students at Lee Virtual Schools, in E2020 programs, or students in Hospital Homebound
- DJJ is not a long-term holding facility, students are typically there for 21 or 42 days
- TALC would like to know how many teachers have Annual Contract status and how many have Professional Services Contract status?
- Are teachers just supervising students? In most E2020 programs, teacher’s don’t actually teach, they more just supervise students and the coursework grades itself. What is the role of the teachers at DJJ?
- Teachers don’t handle student discipline; that’s handled by the guards, but teachers do lesson plans, grades, IEPs, and all the other essential functions listed on the classroom teacher job description; there’s no real difference in what their role is

### Check out



**THE SCHOOL DISTRICT OF LEE COUNTY and  
THE TEACHER'S ASSOCIATION OF LEE COUNTY**

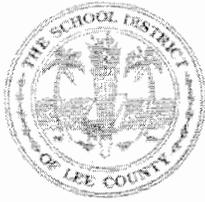
**TALC Bargaining Committee  
July 16, 2018  
Sign-In**

COMMITTEE MEMBERS		
Name	Position	Initials
Dr. Angela Pruitt, Chair	Chief Human Resources Officer	AP
William Rothenberg	Director, Compensation & Labor Relations	WR
TBD	Staff Attorney	
Mike Gatewood	Compensation & Labor Relations	MG
Ben Ausman	Principal (Bayshore Elementary)	BA
Greg Blurton	Business & Finance	GJB
Carl Burnside	Principal (Dunbar High)	CCB
Jessica Duncan	Director, ESE	JD
Rachel Gould	Principal (Mariner Middle)	RG
Kim Hutchins	Director, Payroll	KH
Bonnie McFarland	Insurance & Benefits	
Shannon Smith	Staffing & Talent Management	SS
Dr. Kerr Fazzone	Director, Island Coast FEA	KF
Kevin Daly	President, TALC	KE
Heidi Brennan	Curriculum & Staff Development	
Christine Carberry	Buckingham Exceptional Cener	CC
Jill Castellano	East Lee County High	JW
Samantha Hower	Mariner High	SH
Amy Johnson	<del>Orange River Elementary</del> mms	AJ
Christina Linder	Ray V. Pottorf	CL
Bob Scoppettuolo	Three Oaks Middle	B.S.
Christina Sterrett	Tortuga Preserve	CS
Sheena Torres-Nunez	Student Welfare	

Mission: To ensure that each student achieves his/her highest personal potential

Vision: To be a world-class school system

TALC Bargaining Committee  
FY19 (2018-2019 School Year)



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GUESTS		
Name	Position	Initials
Cynthia Whitten	Teacher	AW
Noel Shields	Teacher	NS
Ann Seeley	Teacher	AS
Mina Barbara Deering	Teacher	MD
Nora McDonald	Teacher	ND
Joan Downen	Teacher	JD

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