

Chariho School Committee Certified Staff Negotiation Subcommittee Mediation  
Executive Session Minutes - November 15, 2012  
**Minutes to remain sealed until an agreement is reached.**

Subcommittee Members Present: Chair Robert Cardozo, Georgia Ure and Alternate Gregory Kenney (As of Election Day, Deb Carney is no longer a member of the School Committee). Absent: Alternate Amanda Blau.

Administrator Present: Superintendent Barry Ricci and Human Resources Administrator Susan Rogers. Also in attendance: Attorney for the School Committee Jon Anderson (arrived at 6:30 PM), School Committee Clerk Donna Sieczkiewicz, Mediator Bruce Kogan and Assistants Jessica Hayward and Erica Janton.

NEA Certified Union Representatives Present: Jeanette Woolley, Robert Mayne and Vin Levcowich with other members remaining in another room.

IV. Approval of Executive Session Minutes

1. Robert Cardozo made a motion, seconded by Gregory Kenney and it was VOTED: To approve the executive session minutes of November 7, 2012. In favor: Unanimous.

2. Robert Cardozo made a motion, seconded by Gregory Kenney and it was VOTED: To approve the executive session minutes of November 8, 2012. In favor: Cardozo and Kenney. Opposed: Ure. The motion carried by a vote of 2 in favor with 1 opposed.

Chair Cardozo reviewed what was left. NEA has not yet responded to counter proposals on Articles 19 and 28. Priority issues in Article 8 were discussed. Bruce came in at 5:15 PM. He stated that he will check on the teachers and two from each group will meet to first discuss where they are at and then move on to agreement on the remaining articles. Bruce left at 5:16 PM. Bob questioned the status of Article 28. Barry noted that they do not have an agreement on 28(e). They want language on what they will and won't do on early release days. This is not within their scope. Bob moved to Article 19. Barry stated that this was given as part of the package which they refused. We did discuss going with current language. Bob added that they still need to talk about TE@CH and questioned how far apart were they on Article 13. Barry replied that this is all about academic fellowships and professional development. Bruce returned at 5:34 PM. Bob and Barry left at 5:35 PM to meet with the Mediator and NEA. Georgia expressed her displeasure with the fact that only two people were asked to join the Mediator. She was elected to the School Committee and the Subcommittee and she feels she should be part of the discussion.

Bob and Barry returned at 7:02 PM. Barry explained the discussion the group had on performance-based compensation. They are proposing three components: 1) individual award – will only go to teachers who are rated highly effective; 2) group plan - which will be based on RIDE's ratings of schools (only the top two would receive this award - commended and leading), and 3) group grants – which will be based on a yearly theme such as interdisciplinary instruction or technology. The theme will be decided collaboratively by a group (makeup of the group has not yet been determined). If the project is fulfilled, they will get the monetary award to complete the project by disseminating the work to others (share with others). The group will have to decide up front how they want to use the monetary award which goes back to the building. Maybe teachers could administer this one (with the Superintendent having the final say) and the District would administer the other two. Georgia noted her concern with time; she doesn't want teachers to lose teaching time. She wants to make sure this fits in with the curriculum. Bob noted that the first two have nothing to do with time; they are based on evaluations by the District and/or RIDE. The third component is a great vehicle to get people to move in the right direction. This component could be called District Improvement or Instructional Improvement Grants and must be based on a connection to the curriculum. Sue stated that from the

administration side of it, this is great as the first two are definites. The Subcommittee then discussed how they thought the money could be split. A set amount (like around \$500) could be earmarked for individual awards. They would then take the total of the first category and subtract this from what is budgeted with 75 percent of the remaining money going to the second component and 25 percent would be used for the third component. (I.e. if we have \$200,000 and use \$50,000 for the first category; we would have \$112,500 for the second and \$37,500 for the third). The only down side is that we can't tell them in advance what the allocations would be for the group plans as this is contingent on how many individuals qualify for the first component. Georgia stated that she did not feel there was enough teaching time now. We need to limit what they do so it doesn't take away from teaching time. She suggested they could limit professional development to non-teaching time. Neither Barry nor Bob thought this would be an issue. They were both pleased with the overall concept. Georgia asked if this could be done without taking away teaching time or costing the District more money. Bob replied that it won't cost any more money as the School Committee has set aside \$200,000 for this. Sue noted that for professional development they could include the cost of substitutes (taken out of the \$200,000). Barry stated that he cannot say professional development won't take away from teaching time. Sometimes professional development improves their teaching time. Greg felt that many of the teachers don't want to lose teaching time or take time away from their students to which the Superintendent commented that they can discuss this concern with NEA. He will have the final say so it will connect to curriculum. This will cover Georgia's concerns. Bob and Barry left at 7:33 PM.

The returned at 8:15 PM and noted that both groups are pretty much in agreement with this. NEA understood Georgia's concerns and the overall concept. Barry will work on the language. Jon reviewed the Subcommittee's proposal for Article 11-f. The Superintendent noted that the only piece he feels strongly about is that an ineffective teacher doesn't move on step. Jon felt the language should state the ineffective teacher's salary is frozen (similar to those who do not work 135 days a year). Bruce came in and asked the Subcommittee to join him. Georgia, Bob and Greg left at 9:20 PM and returned at 9:59 PM with a counter to Article 28. Jon commented on the counter. He does not know what they are trying to accomplish with 28(e) as this is a management right. Bob stated that it is his opinion the 90 minutes of early release time has to do with educating students. Jon noted that the District should be able to use this time for training on things like sexual harassment. With the addition of this language, you are taking directives away from the Superintendent You are giving away a management right. The Superintendent questioned what was discussed to which Greg reported that NEA did not like Administration telling them to score essays on an early release day. Barry stated that this was directly related to a district initiative. There is nothing currently in the contract that specifies what should occur during the early release times and that is the way it should stay. Bob felt the new added language would cover this to which Jon replied that this will result in more grievances. Greg asked if they could add language to include current practice to which Jon noted that won't work. Georgia told Jon to work the words and make some magic. Jon responded that he can't do that as the Subcommittee is giving away a management right. When they come to work and are told to grade a paper that is their job. They don't want to do that. They want to tell you what they want to do. This is illegal. Barry questioned why Bruce went with this Article (28) when we have Articles 11 and 12 ready to go? Bob brought Articles 11 and 12 to Bruce at 10:24 PM. Bob and Barry met with NEA to review the two counter proposals. Bob and Barry returned at 10:41 pm. It was noted that they are in agreement with Articles 11 and 12 and are bringing them back to their group to review. The Subcommittee then reviewed Article 28. It was noted that item 'D' is ok. Discussion ensued on language regarding early release days. NEA, at the last meeting, was supposed to consult with its attorney (John Decubellis) regarding whether or not this was a management right as Jon has informed them that it is. Jon does not feel the Subcommittee should compromise on what is a management right. The Subcommittee agreed this language should be removed. They noted their frustration with the fact that NEA did not share with them that there is an appeal pending from NEA on early release days. This should have been discussed with the Mediator while the groups were together. Barry prepared the counter proposal and the Subcommittee reviewed it. All were ok

with it. Bob and Barry went to meet with NEA on Articles 11 and 12 at 11:06 PM. They returned and informed the Subcommittee that NEA is still reviewing the counter proposals. They were given until 11:30 PM to return. Bruce came in at 11:39 PM. He noted that NEA had a question on Article 11 - the paragraph about an ineffective teacher being frozen on a step but is also in jeopardy of the just cause to terminate. There are double consequences for being ineffective. Suppose somebody is able to use the professional growth plan to improve their rating. Sue explained they would stay frozen the year they were ineffective and if they improve, they would move up a step that year. Bruce stated they wanted to know if they could skip a step if they are no longer ineffective to which Jon replied that would mean they would get double raises. He had an issue with an ineffective teacher being compensated double because they improved. Barry noted that the concept is the School Committee does not want to give raises to teachers who are ineffective. Bruce asked how the Subcommittee was doing with Article 28 to which Jon responded that they were still reviewing it. Bruce stated that the groups will not leave tonight until these are agreed to. Jon questioned why NEA was being allowed to bundle articles and the Subcommittee could not to which Bruce replied that he did not feel they were bundling. Discussion centered on the fact that NEA did not inform the group or the Mediator that they have an appeal sitting on the Superintendent's desk related to early release days. They want to be paid double for this time because they don't like what they were asked to do. Bruce stated he will go speak with NEA. He reiterated that the Subcommittee likes Article 11 as written and does not want to include language in Article 28 regarding early release days to which they noted that Bruce was correct. He left at 11:58 PM and returned at 12:17 AM. Bruce reported that NEA understands they need to get these resolved. They have agreed to eliminate the language in Article 28 (regarding what will occur on early release days) if the Superintendent will give them a letter stating what the original intent was. Jon asked if the letter would be negotiated and the Superintendent questioned why this is needed when they are in the process of negotiating a new contract. Discussion ensued on NEA's request for a letter and Article 11(f). Bruce noted that NEA would agree to 11(f) if the extra provision was put in. The teacher would have to become effective on their next rating and would move up to two steps. Georgia asked, "Aren't they lucky to even have a job?" They are ineffective and are working with kids. They shouldn't get a reward for doing their job. It was noted that the School Committee has removed a lot of the language from this article already. Bruce stated they could look at it this way - if a teacher is able to turn themselves around that would be a good thing to which Jon replied that this sends a terrible message. They would end up getting rewarded for bad performance. It is not about money. Georgia agreed; it is sending a bad message. Jon added that people who are ineffective should be terminated. Greg felt that if the School Committee was going to bump an ineffective teacher up two steps, this person needs to go up to a rating of highly effective. The Subcommittee, by a 2-1 consensus, did not want to go this route. Bob asked where was NEA on Article 12; can we get a signature this? Bruce replied, "No because he wants to get all three done tonight and will stay until we do." Barry asked if NEA understood the management piece. All agreed they should not do a letter. Bruce felt that someone moving up two ratings from ineffective to effective was sending a big message; they should be compensated. Greg suggested that if the person moves up to effective and they remain effective for five years; they would then move up the step they lost. Discussion centered on this concept. The Subcommittee agreed to offer the following language: a teacher remaining on the effective level for three consecutive years; the next year they move up two steps. Bruce left to talk with NEA at 12:42 AM and the Superintendent reworked the language for Article 11.

Bruce returned at 12:52 AM. He asked Bob, Georgia and Greg to join him with NEA. They returned at 1:10 AM. Bob reported that if the Subcommittee drops Article 11(f), NEA will give us Articles 12 and 28. Barry asked what was their objection to the new language in Article 11(f). Bob noted they did not want to go with three years because the contract is only a three year contract. Jon clarified that the language about what occurs on early release days comes out to which Greg replied 'yes'. The Subcommittee agreed to drop Article 11(f) and Barry prepared the articles for signatures. Jon suggested the Subcommittee include Article 19 (current language) for approval with these three articles.

Bob, Georgia and Greg left at 1:32 AM with the four proposals. Bob returned at 1:42 AM with Articles 11, 12, and 28 signed and he reported that Bob Mayne has taken Article 19 to the rest of his subcommittee for their approval. He rejoined Georgia and Greg and all returned at 1:48 AM with Article 19 signed.

The next meeting date was scheduled for Wednesday, November 28, 2012 at 5:00 PM at NEARI in Cranston.

Gregory Kenney made a motion, seconded by Robert Cardozo and it was VOTED: To return to open session at 1:50 AM. In favor: Unanimous.

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Donna J. Sieczkiewicz, Clerk