

**Montgomery County Education Association  
Bargaining Proposal to Montgomery County Public Schools**

**November 17, 2022**

**Article 18: Staffing**

**A. Allocations**

1. ~~The Board will make a conscientious effort to:~~ **In order to safely and effectively organize students for the delivery of instruction by certificated unit members, the Board shall implement the student-to-teacher ratios below. If any class exceeds these numbers, the Board shall provide a paraeducator, or other additional staffing, for that teacher. Each school shall be staffed with or have available personnel to provide a comprehensive program of instruction in all areas of the curriculum.**

**Commented [BA[1]]:** Moved from a. below (with modifications) to expand language to include both elementary and secondary levels

- a) ~~Elementary—guarantee that no self-contained elementary class will exceed the number of students per classroom proposed in the current budget. If any class exceeds these numbers, every effort will be made to provide a paraeducator, or other additional staffing, for that teacher. Each elementary school should be staffed with or have available resource personnel in order to provide a comprehensive program of instruction in all areas of the curriculum.~~

	<u>K</u>	<u>1</u>	<u>2</u>	<u>3</u>	<u>4</u>	<u>5</u>
<b><u>Focus/Title 1 Classes with greater than 50% IEP, 504, EML students</u></b>	<u>16:1</u>	<u>16:1</u>	<u>18:1</u>	<u>20:1</u>	<u>22:1</u>	<u>24:1</u>
<b><u>Focus/Title 1 Classes with less than 50% IEP, 504, EML students</u></b>	<u>18:1</u>	<u>18:1</u>	<u>18:1</u>	<u>24:1</u>	<u>26:1</u>	<u>26:1</u>
<b><u>Classes with greater than 50% IEP, 504, EML students</u></b>	<u>20:1</u>	<u>20:1</u>	<u>22:1</u>	<u>22:1</u>	<u>24:1</u>	<u>26:1</u>
<b><u>Classes with less than 50% IEP, 504, EML students</u></b>	<u>24:1</u>	<u>25:1</u>	<u>25:1</u>	<u>26:1</u>	<u>28:1</u>	<u>28:1</u>

- b) **Middle School:**

<b><u>Focus/Title 1 Classes with greater than 33% IEP, 504, EML students</u></b>	<u>25:1</u>
<b><u>Focus/Title 1 Classes with less than 33% IEP, 504, EML students</u></b>	<u>27:1</u>
<b><u>Classes with greater than 33% IEP, 504, EML students</u></b>	<u>27:1</u>
<b><u>Classes with less than 33% IEP, 504, EML students</u></b>	<u>30:1</u>

- c) **High School, with the exception of PE and performing arts:**

<b><u>Classes with greater than 25% IEP, 504, EML students</u></b>	<u>27:1 with a maximum of 9 IEP, 504, and/or EML students</u>
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<u>Classes with less than 25% IEP, 504, EML students</u>	<u>30:1</u>
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d) In situations where these ratios must be exceeded, the affected unit member must be consulted prior to the ratio being exceeded.

b. ~~Secondary—reduce the number of classes that are above the desired maximum class size guidelines in the academic subjects as proposed in the current budget.~~

2. To ensure proper staffing allocations in order to address this issue:

a) MCPS will provide MCEA with the annual staffing guidelines for local schools, including, but not limited to, the elementary art, music, and physical education guidelines, **when they are first made available to principals and/or School Site Councils.**

b) MCPS shall inform MCEA of oversized classes **exceeding the guidelines defined above** and the allocation steps taken to reduce the number. MCEA will keep MCPS informed of what it learns of the conditions and impacts in specific classrooms.

c) **The School Site Council shall be the body that makes recommendations regarding staffing at the local school level. The Principal shall take these recommendations under advisement.**

d) **MCPS shall release individual school allocations to all members of the School Site Council, via the principal, on the release date:**

- 1) **Within one week of MCPS release of individual school allocations, the School Site Council will make recommendations regarding staffing at the local school level. The principal shall take these recommendations under advisement.**
- 2) **The principal will translate the allocations into positions for the upcoming school year.**
- 3) **The principal will share with the School Site Council how the recommendations were utilized in the development of the staffing plan.**

e) **The final School Staffing Plan and department allocations will be posted publicly on the school website and shared with MCEA bargaining unit members at the school to include actual staffing ratios by grade, subject and/or job code by the start of the 2023-2024 school year.**

f) ~~OTLS~~ **Office of School Support and Well-being (OSSWB)** will collaborate with the art/music/physical education coordinators in the Office of Curriculum and Instructional Programs (**OCIP**), as necessary, to assist individual schools in understanding and applying the guidelines for developing schedules for teachers in these disciplines in elementary schools.

g) The parties will work together through the Labor Management Collaboration Committee (**LMCC**) to make recommendations on staffing levels for teachers, as well as for student services personnel and other specialists, that will improve the quality of service provided to students and local schools.

e) The Office of Human Resources and Development (**OHRD**) will collaborate with the art/music/physical education coordinators in the Office of Curriculum and Instructional Programs, as necessary, to assist in the transfer and placement of teachers in those disciplines.

f) ~~The classroom teacher is a key member of the professional staff, and the degree of teacher time that is available to students for instructional purposes is a major index of educational quality. Specific ratio of pupils to each classroom teacher may vary in relation to such factors as subject requirements, pupil characteristics, and school size.~~

**i) When new schools open, school psychologists and PPWs will be included as part of the base staffing model.**

3. **MCPS decides class sizes; however, in staffing schools with certificated classroom teachers, to maintain staffing levels sufficient for unit members to perform their duties, school administrators should shall follow regard teacher-student-to-teacher ratios as reflected in Article 18 Section A Allocations above, ranging from one classroom teacher for each 28 pupils to one for each 25 pupils as the arrangement that will be approximated following assignment of all professional personnel in the local school system.**

4. In making staffing decisions, the DLAA and the principal shall ~~give careful consideration to the views of the faculty,~~ **follow the guidelines of professional organizations where available and take faculty input into consideration.**

5. Staff allocations shall not include special staff allocations that are provided as the result of federally, state, or locally funded programs for high impact schools.

6. Staff allocations for elementary and secondary counselors, elementary and secondary media specialists, teacher specialists, reading teachers, and speech teachers will be made as additions to the regular classroom teacher allocations.

a) ~~During school year 2020–2021, the parties will collaborate to devise a plan to include school psychologists and PPWs as part of the base staffing model when new schools open.~~

b) ~~The parties will discuss this goal of improved staffing in a contract reopener for FY 2022.~~

7. The Board agrees that the following Full Time Equivalent (FTE) ratios of specialists and other educators are indicative of ~~the goals that it would like to attain, where possible and practical, in terms of the budget authorized by the County Council~~ **shall be maintained:**

a) Elementary Schools	<b><u>Pre-kindergarten (am and pm count as two separate classes) through Grade 5</u></b>
Reading Specialists	Not less than one for every <del>two</del> schools
<b><u>Staff Development Teachers</u></b>	<b><u>Not less than one for every school</u></b>
Music Teachers— Instrumental	Not less than one for every <del>two</del> <del>four</del> schools

<del>Music Teachers – Vocal</del> <b>General/Choral</b>	<b>Not less than one for every 450<del>500</del> students and not less than one for every 23 classes which includes two classes of chorus.</b>
Art Teachers	Not less than one for every <del>500</del> <b>450</b> students <b>and not less than one for every 23 classes</b>
<b>School Guidance Counselors &amp; Social Workers</b>	<b>Not less than one for every 250 students</b> <del>This program is to be expanded as budget permits, with a continual evaluation to be carried out</del>
Physical Education Teachers	Not less than one for every 450 students and not less than one for every 23 classes
<b>Health Education Teachers</b>	<b>Not less than one per school</b>
<b>Technology Teachers</b>	<b>Not less than one for every 450 students and not less than one for every 23 classes</b>
Media Specialists	Not less than one per school
b) Secondary Schools	
<del>School Guidance Counselors</del>	Not less than one for every <b>250</b> <del>300</del> students
Media Specialists	Not less than one for every 500 students
<b>Staff Development Teachers</b>	<b>Not less than one for every school</b>

**Commented [BA[2]:** Moved up to group music categories together

**Commented [BA[3]:** Social Workers moved below to Student Services Personnel section

c) Student Services Personnel	
(including pupil personnel workers, school psychologists, social workers, community coordinators)	Not less than one for every 2,000 students
<b>Pupil Personnel Workers (PPW)</b>	<b>Not less than one for every 2500 students</b>
<b>School Psychologists</b>	<b>Not less than one for every 500 students</b>
Speech and/or Hearing Therapists	Not less than one for every 1,800 students
<b>Social Workers</b>	<b>Not less than one for every 24 Social Emotional Special Education (SESES) program students, one per high school, AND one per high need school</b>
<b>Restorative Justice Specialist</b>	<b>One per school</b>
<b>504 Coordinator</b>	<b>Not less than one for every 40 students with a 504 plan</b>
d) <b>Special Education</b>	
<b>Behavioral Support Teacher</b>	<b>Not less than one for every 24 SESES students AND one per high need school</b>
<b>Transition Support Teachers</b>	<b>Not less than one for every 150 students or fraction thereof</b>
<b>Elementary Resource Teacher Lead</b>	<b>Not less than one for every elementary school or worksite</b>

8. Specials

a) Elementary art, ~~vocal~~ **general** music, and physical education teachers shall be assigned to no more than two schools ~~if possible and in no case more than three schools.~~

**b) If a school's allocation falls within the guidelines for a .9 specials (elementary art, general music, and physical education) teacher, the allocation will be rounded up to a 1.0. There shall be no allocation less than 0.2.**

**c) Specials classes will have the same number of students as their grade level counterparts with the exception of the inclusion of special education students from self-contained classrooms. No general education classroom will be split or combined.**

**9. Special Education and Related Services Staffing**

a) **Caseload/Ratios: To maintain staffing levels sufficient for unit members to perform their duties, the Board agrees that the following Full Time Equivalent (FTE) ratios of special education caseloads shall be staffed by certificated unit members as follows:**

<b>Population/Program</b>	<b>Ratio (educator: student)</b>
Learning and Academic Disabilities LAD/ Resource/Home School Model/Other Health Impairment/Speech-Language Impairment/Orthopedic Impairment	1: <del>20</del> <b>12</b>
Social/Emotional Special Education Services (SESES)	1:10
Deaf/Hard-of-Hearing (DHOH)	1:8
<b><u>Extensions</u></b>	<b><u>1:6</u></b>
<b><u>Gifted and Talented Learning Disabled (GT/LD)</u></b>	<b><u>1:12</u></b>
Visually Impaired	1:8
Autism, <b><u>Asperger's, and Comprehensive Autism Preschool Program (CAPP)</u></b>	1:6
<b><u>Living Learning for Independence (LFI)/Learning Centers</u></b>	1: <del>12</del> <b>8</b>
School Community Based Instruction (SCB)	1:8
Preschool Education Program (PEP)	5-hour <b><u>Full day</u></b> program: 1:6 All other programs 1:9
<b><u>Pre-K Inclusion PEP Teachers Supporting One (1) Classroom</u></b>	<b><u>1:5</u></b>
<b><u>Building Bridges PEP Teachers</u></b>	<b><u>1:10</u></b>
<b><u>Pre-K Inclusion PEP Teachers Supporting 3-5 Classrooms</u></b>	<b><u>1:15</u></b>
Speech Language Pathologists (SLP)	1: <del>57</del> <b>1:30</b>

**Commented [B4]:** Caseload/ratios section was moved from Article 8 to 18 so that all staffing is in the same article; only bold underlined language is new.

b) **Preschool Education Program Itinerant Teacher (PEP IT) workload: the maximum number of monthly sessions shall not exceed 64 sessions. PEP IT Maximum Sessions:**

- 1) **PEP IT educators shall be scheduled no more than the maximum number of sessions listed on the chart below:**

<u>FTE</u>	<u>Maximum number of sessions per month</u>
<u>1.0</u>	<u>64</u>
<u>0.9</u>	<u>57</u>
<u>0.8</u>	<u>51</u>
<u>0.7</u>	<u>44</u>
<u>0.6</u>	<u>36</u>
<u>0.5</u>	<u>32</u>
<u>0.4</u>	<u>25</u>

2) Until PEP Itinerant teachers have reached their max sessions per month, they may be assigned non-teaching duties during the duty day. The determination as to non-teaching duties shall be made by mutual agreement of the teacher, coordinator, and/or instructional specialist. No PEP IT teacher shall be assigned non-teaching duties if they are at their monthly session maximum.

c) Many factors are involved with an equitably distributed caseload, including the overall student needs, goals, and hours of support. Every effort shall be made to distribute caseloads equitably at each ~~worksite~~ school site. Secondary special education teachers with concerns about inequity in their workload may meet with their RTSE to discuss the concern and/or meet with the administrator collaboratively to resolve the concern. Non-school based special educators may meet with their instructional specialist or coordinator to discuss the concern and meet with the administrator collaboratively to resolve the concern. If it can't be resolved, the administrator will make the final decision.

### **B. Ratios and Workload Time Recovery**

If the above staffing ratios or maximum workloads cannot be met, the Board shall provide the affected unit member one or more of the following, chosen by the unit member, as relief on a week-by-week basis:

1. Removing other duties as assigned.
2. Removing the obligation to attend two other activities outside of the contractually agreed upon workday except Back to School Night, which is mandatory.
3. Opting out of class coverage for the following week or the next week where coverage is required.
4. A weekly stipend as listed in Article 22 Stipends Section D.5.
5. Compensatory time equal to the amount of planning, lunch, or other time lost.

**Commented [BA5]:** Refers to \$137.50 stipend under "Overloaded Class/Caseload" section

### **CB. Substitute Coverage**

1. In the event a teacher of elementary art, music, and physical education, or an ~~ESOL~~ English Language Development (ELD) teacher, when appropriate, is absent, a fully qualified substitute will be hired secured.

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2. For those schools with only one media specialist, the principal has the administrative authority to decide to provide a fully qualified media substitute or, if not available, a qualified substitute within the appropriate level from the professional list. For those elementary schools in which media specialists provide regularly scheduled instructions, a substitute ~~may~~ **will** be ~~hired~~ **secured** for days on which such instruction is scheduled.

3. Counselors shall develop their schedule of lessons in collaboration with classroom teachers. A counselor has the option to secure a currently or previously certified counselor substitute. **No principal shall require a counselor to secure a substitute.**

**4. Non-classroom based unit members who provide services to students shall have the option of substitute coverage when absent.**

**5. Internal Substitute Coverage Stipend Pay is listed in Article 22 Stipends, Section D.**

#### **DC. Secondary Part-time Teachers**

Part-time teachers in secondary schools using a seven period schedule will be allocated at least 0.2 FTE for each full class taught (5 standard periods per week or 10 standard periods per two weeks or the equivalent when there is an alternate schedule), not to exceed 1.0 FTE. This will apply whether the teacher works part time in a single school or in a combination of schools.

#### **ED. Volunteers**

1. The volunteer's role in facilities is to provide services to students that may not otherwise be offered.
2. The employer agrees that any volunteer programs shall not be utilized to displace bargaining unit members or to fill positions previously occupied by bargaining unit members, nor shall they be used to reduce unit members' hours of work.
3. When MCPS desires to initiate a systemwide volunteer program, the idea will first be brought to the ADC for discussion so that the ADC may decide on any necessary next steps to address the impacts of the new program on the bargaining unit.
4. Upon commencement, the employer shall notify MCEA of these volunteer programs along with the following information: the number of participants, duties, work location, hours of work per week, and the duration of the program.
5. MCPS shall be responsible for ensuring that volunteers have completed compliance requirements. Administration shall maintain a current list of MCPS-approved volunteers that is accessible to unit members as needed for volunteer selection.

#### **E. Staff-to-Student Ratio Monitoring**

1. By the end of the second week of the first and third quarters of the instructional year, MCPS shall inform MCEA, as well as any affected School Site Councils, of classes that exceed the guidelines above.
2. Before the interim deadlines in first and third quarter each instructional year, MCPS shall notify MCEA, as well as any affected School Site Councils, of any steps taken to alleviate staff-to-student ratios greater than the ratios above.
3. As needed, MCEA will keep OSSWB informed of its findings regarding the conditions and impacts in specific classrooms related to classes that exceed staff to student ratios above.
4. The parties will work together through the LMCC to make recommendations on staffing levels for teachers, as well as for student services personnel and other specialists.
5. Joint Committee on Monitoring Staff to Student Ratios (JCMSSR):
  - a. MCPS, MCEA, and other employee organizations shall create a 12-member JCCSA. The membership will be equally distributed between each employee organization.
  - b. Committee members must include equal representation of MCEA unit members and school-level administrators.
  - c. Decision making in this committee shall be through consensus. If consensus cannot be reached, the parties agree to making decisions based on a majority vote of the membership. Where resolution is not possible within the JCMSSR, the body is authorized to seek adjudication from the ADC.
  - d. The JCMSSR shall be provided with administrative support to carry out its function, which will be paid by MCPS.
  - e. Within 90 days of ratification of this agreement, JCMSSR shall set standards and priorities for addressing oversized classes and caseloads, including targeted relief to ensure equity in high-need schools. Within the same time period, the JCMSSR shall also set standards for the functioning of the Committee.
  - f. The JCMSSR shall meet initially beginning thirty days before the first day of school. After the initial meeting, the body shall meet at the request of any party, until the end of the school year.
  - g. For the purpose of this Article, high-need schools are defined as Community Schools, Title 1 Schools, Focus schools, or high schools with FARMS rates exceeding 35%. MCPS and MCEA have the joint goal of addressing class size in schools where the student population has higher needs and may need more targeted resources to ensure equity.
  - h. JCMSSR will be provided with:
    - i. Schools' enrollment projections and budget reports following MCPS approval in the spring
    - ii. class size data by the 10th day of the school year and updated quarterly.
  - i. JCMSSR will review projected school budgets, schedules, organization charts, space utilization, and school-level staffing. JCMSSR may request additional information from MCPS, which shall be provided within five business days
  - j. Upon review of the data, the committee shall make recommendations to MCPS regarding how the oversized class/caseload should be addressed.
  - k. Oversized classes, per the JCMSSR criteria, trigger automatic investigation.



- l. JCMSSR shall assign rotating groups of two Committee members, one from each represented employee organization. The groups will investigate the identified oversized classes as needed based on data provided. Compensation for these groups shall include reimbursement for travel expenses.
  - m. The two assigned Committee members shall begin their assessment no later than 3 business days after notification. When conducting a review of an identified class size issue, the two assigned Committee members shall meet with the principal and impacted teachers. All parties shall work collaboratively to arrive at a solution.
  - n. The two assigned Committee members shall provide a report to JCMSSR within five business days. The report shall include a recommendation as appropriate, inclusive of the input of the principal and impacted unit member(s), on how to remedy any identified class size issues. The recommendation must be shared simultaneously with the principal and the impacted staff member(s), as well as with OSSI. These deadlines may be extended at the discretion of JCMSSR for good cause.
  - o. The JCMSSR shall issue a decision, either accepting or modifying the recommendation, at the next Committee meeting following receipt of the members' report. The JCMSSR's decision may include but not be limited to: allocating an additional teacher; allocating paraeducators; reorganizing classes or class schedules; and other remedies as determined by the JCMSSR. The JCMSSR will also decide and grant funds if needed for implementation.
  - p. The JCMSSR cannot impose a remedy that includes establishing multi-grade classrooms in elementary schools, with the exception of other programs outlined in this agreement.
  - q. JCMSSR decisions are final and binding.
  - r. Joint Committee on Monitoring Staff-to-Student Ratios shall be the sole and exclusive means of enforcing the commitments set forth in this Article.
  - s. The Committee structure, process, and functions shall be reviewed at the end of each school year to determine effectiveness and to determine if changes are necessary.
6. Oversized Classes Entitled to Automatic Investigation
- a. Effective in the 2023-2024 school year, in the event that staff-to-student ratios exceed guidelines above by five (5) students serviced in secondary classrooms and by three (3) students per class in elementary school, an automatic investigation by the JCCSA shall be triggered.
  - b. When setting standards and priorities, JCSSRM may set lower limits in high-need schools and give preference for remedies.

Commented [M[6]: we added this language to speak to other programs that are multigrade, CAP, LFI, ect.

## F. Innovative School Year (ISY)

Commented [BA[7]: Language from the MOU re ISY.

1. Title I, Part A Grant funded central office teacher-level staffing at each innovative school year calendar school will be reallocated through the Division of Title I and Early Childhood Programs and Services to enable the assignment of a 1.0 teacher-level position at each school. This position will support staff with the implementation and monitoring of innovative

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**programming that supports critical thinking, inquiry based and problem-solving skills across content areas.**

**2. MCPS will not require a two-year employment commitment for teachers at schools with an innovative school year calendar.**

**3. Unit members currently assigned to schools with an innovative school year calendar will have the option of opting out of that school assignment for the following year, should the innovative calendar be continuing at this location in the subsequent school year. Requests by non-tenured unit members who wish to transfer from innovative school year calendar schools will be evaluated on a case-by-case basis. Staff who choose to opt out will be considered involuntary transfers and will be given priority placement status pursuant to Article 25 of the MCEA negotiated Agreement, provided they notify MCPS by the second Friday in April.**

**4. Sufficient staffing will be allocated for instructional programming and student supervision. Unit members may be required to do certain student supervision duties during their workday; unit members will not be required to perform breakfast, lunch, or lunchtime recess duties. However, unit members may on a voluntary or unforeseen emergency basis provide coverage during these times.**

**EG.** In the event of a dispute over this article, the parties may use the LMCC to meet in a good-faith effort to resolve it.