

Montgomery County Education Association
Bargaining Proposal to Montgomery County Public Schools

December 5, 2022

Article 8: Equity and Access

A. Introduction

1. To ensure that all MCPS students, particularly African American, Latinx, low-income students, **Emergent Multilingual English Language Learners**, LGBTQIA+, and students with special needs, receive a world-class education that prepares them to thrive in a rapidly changing world, we ~~mutually~~ agree on the importance of providing equitable access to the resources, opportunities, and supports ~~they needed~~ to excel. In support of these objectives, we commit to work together on the strategies enumerated below and on additional efforts that will be identified.
2. MCPS and MCEA, believing that truly diverse schools enhance learning for all students, shall collaboratively develop a plan to promote equity and inclusion by providing equitable access to resources, opportunities, and the supports students need to be successful in college, career, and life. This will be achieved through effective instruction, collaborative and individual planning, early learning initiatives, and concerted interventions to perform on or above grade level by 3rd grade and to sustain on or above grade level performance through graduation.

B. Training, Recruitment, and Retention:

1. Unit members shall be offered training and resources identified by the Joint Professional Learning Committee (JPLC) necessary to ~~grow and~~ develop cultural competence (including ~~with~~ LGBTQIA+ ~~culture~~), culturally relevant teaching strategies, and positive relationships with all students, staff, parents, and community members, regardless of race, ethnicity, gender, sexuality, religion, or background.
2. Unit members shall be offered training for trauma-informed practices (e.g., Maryland *Handle With Care* program.)
3. MCPS shall strategically recruit and hire effective and diverse school staff that reflects the diversity of the MCPS student body.

C. Curriculum:

MCPS shall provide curriculum and support implementation that meets the needs of students by including enrichment and appropriate challenges for all children, including students who thrive in on-grade level studies, children with special needs, **emergent multilingual** English language learners, and students who exhibit academic giftedness.

D. Course Offerings and Enrollment:

1. MCPS shall support the work of unit members by seeking to empower students, families, and community members with training and information **in their preferred languages** about available course offerings ~~in order to~~ increase equitable access to all course offerings.
2. MCPS shall support the work of unit members by committing to offer advanced courses in all secondary schools, particularly those serving historically underserved students.
3. MCPS shall support the work of unit members by having clear, **consistent,** and transparent processes for enrollment in advanced courses.
4. When making assignments in schools, management should prioritize the balancing of teaching assignments so that varying course levels (e.g., on-level, inclusion, compacted math, honors courses, AP, IB, etc.) are taught by a ~~mix~~ **diverse representation** of teachers **across experience, race, gender, and ethnicity** (when applicable). Further, a principal should prioritize the balancing of teaching assignments so that non-probationary teachers, former consulting teachers, NBCT teachers, teacher leaders (e.g., team leads, department chairs, Resource Teachers, Content Specialists, etc.) when serving as a teacher of record, are not teaching only advanced courses (e.g., compacted math, honors courses, AP, IB, etc.).

E. Extended and Supplemental Learning Opportunities:

1. ~~In order to~~ **To** eliminate disparities, ~~funding will be given to support~~ **MCPS will fund** innovative extracurricular programs **in schools, particularly those serving historically underserved students. These programs shall be** designed to improve outcomes and opportunities for students who traditionally have not had opportunities in the past. Funds must be used to support programs that specifically focus on academic success, leadership in school, enrichment, remediation, and/or interest-driven learning. Each program must be open to all students. Programs may propose content that the school considers of particular interest or relevance to bolstering the achievement of particular groups of students, such as African-

Commented [B1]: Underserved = includes students from low income backgrounds, 1st in families to attend college, immigrant students, and/or students who identify as Black/African-American or Hispanic/Latino.

American/**Black** and **Hispanic/Latino/Latinx** students, consistent with the school's improvement plan and the MCPS strategic plan.

2. **All activities shall be provided at no cost to students. This applies to activities occurring during the student day (e.g. field trips), after the student day (e.g. clubs), and the weekend.**

F. Cafeteria meals shall be offered free of charge to all students and staff.

G. E-Whole Child Approach/Restorative Justice

Teachers and students deserve school environments that are safe, supportive, and conducive to teaching and learning. Creating such a **culturally responsive** climate requires close attention to the social, emotional, and behavioral needs of all students. To meet our joint goal of avoiding disparities within school discipline and other practices, ensuring students outcomes are not predictable by race, ethnicity, or socioeconomic status, and increasing the awareness of the prevalence and impact of historical disciplinary practices, MCPS shall use inclusive and comprehensive approaches to student discipline and behavior management informed by effective, **data-driven**, strategic decision-making practices and shall include:

1. school-wide and classroom-positive behavior supports,
2. mental wellness approaches (e.g., anger management, anxiety reduction, managing depression, etc.),
3. social skills development,
4. targeted interventions, ~~and/or~~
5. restorative practices that target the needs of individual students
6. identifying supports (interventions, strategies, accommodations, modifications, etc.) through a thoughtful problem-solving approach ~~that focuses on "why" a student may be exhibiting inappropriate behavior(s).~~
7. ~~ensuring that staff receives~~ problem solving training so that ~~they~~**staff** are aware of processes, procedures, and potential reasons why students ~~behave~~ **inappropriately behavior is inappropriate.**
8. collaborating with student service professionals in designing school specific student discipline and behavior management plans.
9. **research-based training and resources in order to implement whole child/restorative justice practices.**

10. The LMCC shall designate a committee to implement and sustain a Restorative Justice program at each school.
11. Pursuant to Article 10.B, it is the responsibility of each MCPS school, through its ILT, to design and implement a consistent, comprehensive plan for managing student behavior as a whole-school community. ILT will work to ensure their whole-school plan incorporates Restorative Justice practices and to identify areas where greater training, staffing, or accountability is required in order to meet these standards.

H. ~~G.~~ Special Educators

1. Schedules & Workload

- a) Schedules for speech/language pathologists, auditory communication specialists, elementary school resource room teachers, PEP itinerant teachers, occupational therapists/~~orthopedic therapists~~/physical therapists, transition educators, ~~and itinerant vision teachers~~, and itinerant auditory teachers will include at least five (5) hours ~~three (3) hours~~ per week within the workday in addition to the standard individually managed time specified in this article and in Article 17, for caseload-related tasks, including but not limited to observations, consultations, assessments, team meetings, peer consultations, and parent conferences.
- b) Infants and toddlers providers will include at least five (5) hours per week within the workday in addition to the standard individually managed time specified in this article and in Article 17, for caseload-related tasks, including but not limited to observations, peer consultations, and parent conferences. This time shall not be used for direct services.
- c) ~~f.)~~ Elementary school special educators, who have and maintain a classroom, including preschool special educators and special educators at Special Schools, in addition to their daily planning, shall have at least five (5) hours of weekly preparation time during the student day ~~that is sufficient~~ in addition to the standard individually managed time for caseload management ~~time~~.
- d) In elementary schools, other special education teachers not referenced above will be provided with comparable time in addition to the standard individually managed time to complete caseload related tasks, including observations, consultations, assessments, team meetings,

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parent conferences, and resource room support. The special education teams, in collaboration with the administration and/or leadership team, will determine the extent of this work and when this work is to be accomplished. The amount of time may vary depending upon the caseload.

- e) ~~b)~~ Resource room teachers, and special education classroom teachers in secondary schools shall **be released from one additional period and** be able to use their IRA period for caseload-related tasks, including observations, consultation, assessments, team meetings, and parent conferences.
- f) **If a) through e) above cannot be met, MCPS will provide the affected unit member one, or a proportional combination, 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 other activities outside of the contractually agreed upon workday.**
 - 3) **Opting out of class coverage for the following week or the next week where coverage is required.**
 - 4) **a weekly stipend listed in Article 22 Stipends, Section D.5.b.**
 - 5) **Compensatory time equal to the amount of planning, lunch, or other time lost.**
- g) ~~e)~~ The Board ~~will make every reasonable effort to~~ **shall** provide adequate clerical support to special educators responsible for annual reviews to assist in the scheduling of meetings, preparation of parent letters, and the photocopying and dissemination of IEP meeting notes.
- h) ~~e)~~ Prior to assigning educators to assignments, educators will be given the opportunity to share areas of professional strength and schedule preferences, including the option to volunteer for co-teaching assignments.
- i) ~~g)~~ Special educators in both secondary and elementary shall be allotted substitute hours, providing for coverage in the classroom, in order to hold IEP meetings.
- j) ~~h)~~ Elementary school special educators who are assigned to self-contained special education classrooms shall not be required to instruct more than two (2) consecutive grade levels per classroom.

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- k) ~~j~~-Special educators who are assigned to self-contained classrooms shall not be reassigned to other duties during periods when they are providing instruction for their students.
- l) ~~j~~-Special educators shall not be requested or required to assume responsibility for students from classrooms of absent educators when substitutes are unavailable, except in cases of **an unforeseen** emergency or to provide for student safety.
- m) ~~k~~-In elementary and secondary schools/programs, at no time will special education classes be discontinued so that substitute service may be performed by educators of these programs, except in cases of **an unforeseen** emergency or to provide for student safety.
- n) **MCPS shall not impose adverse consequences on special educators whose performance is impeded solely due to the absence of adequate clerical support.**

2. **Caseload/Ratios**

- a) The Board agrees the following Full Time Equivalent (FTE) ratios of special education caseloads 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.

Commented [B8]: only proposing to move Section 2 Caseload/Ratios to Article 18 - if not accepted in 18, we'll move it back to 8

Population/Program	Ratio (educator: student)
Learning and Academic Disabilities LAD/ Resource/Other Health Impairment/Speech- Language Impairment/Orthopedic Impairment	1:20
Social/Emotional Special Education Services (SESES)	1:10
Deaf/Hard-of-Hearing (DHOH)	1:8
Visually Impaired	1:8
Autism	1:6
Living for Independence (LFI)	1:12
School Community Based Instruction (SCB)	1:8

Preschool Education Program (PEP)	5-hour program: 1:6 All other programs 1:9
Speech Language Pathologists (SLP)	1:57

b) ~~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 school site. Special education teachers with concerns about inequity in their workload may meet with their RTSE 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.~~

2. ~~3-~~ **Training**

a) Special educators shall have access to training and resource materials regarding the preparation of IEPs **and special education standardized assessments at least four weeks prior to the first day of implementation.** Such materials may be available online. Prior to the first day of preservice, the Board shall advise all special educators of the training and resource materials available and shall ensure educators are informed how to access such materials.

b) The district will make training available for all unit members who are asked to complete a functional behavior assessment (FBA) / behavior intervention plan (BIP), home visits, and/or a manifestation determination by December **of each year**2024.

3. ~~4-~~ **Quarterly reports**

The district will make training available **as a webinar in PDO** for general educators who must complete the Quarterly Reports, including templates and accompanying documentation detailing how a Quarterly Report should be completed.

4. ~~5-~~ **Crisis Intervention teams**

a) Unit members that are required to become certified in nonviolent intervention training in order to respond to students in crisis shall be provided training before being expected to use nonviolent intervention methods. Unit members who require recertification shall be given

multiple opportunities for recertification prior to the expiration of the certification. If the training is offered in the summer, and required, it will be designated as Tier 1 training.

- b) Each school shall maintain a **broad-based** crisis intervention team **comprised** of ~~adequate membership~~ **people holding a variety of positions** to address the needs of the school **population**. Team members shall be trained or certified in nonviolent interventions ~~in order~~ to respond to students in crisis who are in need of de-escalation. Procedures for calling the team into action shall be clearly communicated to staff.

5. ~~6-~~Curriculum and Supplies

- a) Special educators, students, and related staff (e.g. psychologists and speech language pathologists) shall be provided assessment tools, textbooks, and consumable materials commensurate with the needs of the students and program.
- b) Equipment and supplies required to ensure a safe and sanitary environment for students and staff shall be provided. Equipment and supplies required to maintain the integrity of student access to curriculum shall be provided as well. **MCPS will provide equitable per pupil spending that reflects students' needs for adaptive materials and equipment.**
- c) **PEP Itinerant unit members shall be provided an electronic device and mobile hotspot by the end of FY 2024.**

6. ~~7-~~Paperwork

- a) **Notification and Compliance:** MCPS will provide MCEA with notice of proposed changes in processes or forms that are required to comply with the law that affect workload requirements as early as is practicable. Notification must be in writing and sent to the MCEA Office of the President (c/o the Executive Assistant to Governance).

7. ~~8-~~Time Demands and Training:

- a) Teams shall have discretion on scheduling PLC and collaborative planning two (2) weeks before the end of marking periods to attend to quarterly reporting duties.
- b) General educators with comparably high time obligations to the quarterly reporting process may request, and shall be provided, support in completing documentation. Support considerations can include, but are not limited to, coverage during the last two (2) weeks before the

marking period, release from collaborative planning, paraeducator support, and clerical support. **“Comparably high time obligations” are defined as taking more than 50% of a staff member’s non-IRA time on any given day for secondary educators or elementary educators who teach more than 2 students with IEPs. During the 2020-2021 school year, the LMCC will work to define “comparably high time obligations.”**

c) **Student-facing special education teachers with other administrative duties will be provided one full sub day, or two half sub days, per quarter for the purpose of completing casework. This shall be over and above all other provisions of planning, other self-directed, or casework time in this contract.**

8. **Caseload Management Support Position: Each worksite will be allocated a 1.0 FTE Caseload Management Support Position who will support special educators with their case management duties. Case management duties can include, but are not limited to, IEP support and development, attendance of IEP meetings, and documentation.**

9. Clerical Support

Consistent with the language in Article 8(G)(1)(c) MCPS will ensure that there is adequate clerical support to assist MCEA unit members in the scheduling of meetings, preparation of parent letters, photocopying and disseminating IEP meeting notes, and other documentation as associated with IEPs and the Quarterly Reports requirements.

10. Special Education Labor Management Committee

A labor management committee shall meet on a monthly basis to develop and review regulations and practices related to the delivery of Special Education services in MCPS and be proactive in resolving issues of concern to both parties. Each party shall identify at least four (4) representatives, and no more than six (6) representatives, as permanent members of the committee. MCPS appointees shall have decision-making power and the ability to negotiate on behalf of MCPS. Topics that the committee shall address include, but are not limited to:

- Workload
- Paperwork reduction, duplication, data collection, and information management

- Support for IEP due process requirements
- Selection and use of funds for curriculum and materials
- Facilities and working conditions
- Professional development
- Support for schools to deliver focused interventions for students with special needs
- Preparation time
- Residency program for Special Education
- Caseload and ratio

I. ~~H.~~ **ESOL/ELL English Language Development (ELD)**

1. ~~ELDESOL~~ teachers will have meaningful input into the development or modification of the ~~ESOL~~**ELD** instructional model at each school. **Any proposed changes to a school's ELD instructional model or program shall be agreed upon by the Instructional Leadership Team (ILT) and the affected ELD teachers. The School Site Council shall make recommendations to the ILT on the staffing implications of the plan. Proposals shall be brought to the ELD Collaboration Committee before implementation for the purpose of obtaining feedback and recommendations. ILT will review and consider the feedback and recommendations for program revision. MCEA will also be notified before implementation so that the parties can engage in impact bargaining as needed.**
2. **A request to study a different ELD instructional model or program with intent to implement changes in programming can be made only by MCEA, the ILT, a supermajority (58 percent) of all MCEA unit members in the impacted school, or through a systemwide MCPS initiative.**
3. ~~2-~~In elementary schools, ~~ESOL~~**ELD** teachers will be provided with time, in addition to the standard individually managed time, to complete caseload related tasks (including the preparation and distribution of state and federally mandated documents). The ~~ESOL~~**ELD** teachers, in collaboration with the administration and/or leadership team, will determine the extent of this work and when this work is to be accomplished. The amount of time may vary by teacher and by time of year, depending on caseload.
4. ~~3-~~~~ESOL~~**ELD** teachers in secondary schools shall be able to use group-managed time to complete caseload-related tasks (including the preparation

and distribution of state and federally mandated documents). The ~~ESOL~~ ELD teachers, in collaboration with the administration and/or leadership team, will determine the extent of this work and when this work is to be accomplished. The amount of time may vary by teacher and by time of year, depending on caseload.

5. **Staffing Ratios and Workload: Every worksite shall be allocated the funds to have an ELD Team Leader (elementary), ELD Content Specialist (middle school), or ELD Resource Teacher (high school). If there is a vacancy in one of these school leader positions, no unit member shall be required to fulfill the duties and responsibilities of that school leader position. If a unit member temporarily assumes these duties, the appropriate compensation shall be provided (see Article 22). In the event an educator is appointed to serve as one of these teacher leaders in an acting or interim capacity, that educator will be paid a pro-rated portion of the teacher leader supplement for the work performed.**

J. ~~I~~-Master Schedule

- a) ~~ELDESOL~~ and special educators shall have input in the master schedule creation process to allow them to work in areas of professional strength and ensure equity and access for the students they serve.

K. ~~J~~-Community School Model

1. Design, Deployment, & Evaluation

- a) MCPS supports the principles upon which the community schools model is based, including having a strong proven curriculum, high quality teaching, inclusive leadership, positive behavioral practices, community partners and inclusive means of providing supportive community services. MCPS is committed to ensuring that the community schools model is successfully deployed as appropriate throughout the district. As the successful operation of community schools involves staff of all three (3) collective bargaining units, MCPS will create a collaborative committee which will include representatives of each of the three (3) bargaining representatives of district staff, representatives of MCPS and which will obtain input from representatives of school families and the community to oversee the implementation of the community school model. MCEA will be entitled to appoint as many members as each of MCPS, SEIU Local 500 and MCAAP appoint. This committee will be charged to:

- 1) Articulate the MCPS model for Community Schools.
- 2) Recommend a plan to the ADC for implementation of the Community Schools model in MCPS. The National Education Association's publication, The Six Pillars of Community Schools Toolkit will be used as a guide.
- 3) Evaluate the effectiveness of the Community Schools strategy.
- 4) Make recommendations regarding when and how MCPS should expand the number of community schools.

b) **Community School Liaisons (CSLs):**

- 1) Each community school will identify a Community School Liaison who will be a standing member of the school's ILT in order to ensure faithful adherence to the principles of the community school model in each school.
- 2) **CSLs are frequently required to perform overtime or night work, attend school meetings aligned with community school initiatives, and participate in meetings, programs, and activities outside the contractually mandated instructional day. Because of these duties, CSLs shall have the ability to have their start times adjusted by the appropriate supervisor on either a day-by-day or permanent basis by making the request to their supervisor. This will not be unreasonably denied. Denial will be given to the unit member in writing by their supervisor.**

L. **MCPS shall provide universal Pre-K education for all Montgomery County residents and staff.**

M. ~~K.~~ **Montgomery County Infants and Toddlers**

1. Flexible scheduling shall be used to determine assigned workdays throughout the fiscal year, and all leave provisions will be applied throughout the year for all 10-month staff.
2. For 10-month employees, when MCPS schools are closed due to inclement weather, MCITP services are canceled. Unit members are granted emergency leave. In regard to delayed opening and/or early dismissal authorized by the superintendent, family visits will begin at 10:00 AM. In the case of early dismissal, family visits will end at 1:00 PM.
3. MCITP unit members will be responsible to fulfill 16 hours of professional time that will focus on instruction and improving student achievement. These days will not be scheduled on the work calendar as the time is to be

worked on non-duty days, before, or after regular duty hours. **No associated paperwork will be required.**

4. MCITP will, at a minimum, have the same number of professional and independent planning days in total as school-based **and special education** staff.
5. All 10-month MCITP unit members will have a normal on-site workday of seven (7) hours, in addition to their duty-free lunch and one (1) hour off-site work.
6. Start and end times of the duty day may be flexible. Hours are approved on an annual basis by the corresponding site's Coordinator. Times may be changed upon mutual agreement between the unit member and the Coordinator, in accordance with established procedures, in order to meet the needs of families.
7. 10-month, MCITP unit members shall, at a minimum, have the same total number of grading and reporting/ telework days as school-based educators.
8. Materials: MCITP unit members shall be provided an electronic device and access to WIFI by FY 2022.
9. Each site supervisor will meet monthly with the MCEA building representative(s) to address any concerns.

N. **School Site Councils:**

1. **Every MCPS school or learning site that is neither Title 1 nor a Community School shall establish a School Site Council (SSC) that engages in collaborative governance to ensure transparency and accountability in school budgeting, staffing and resource allocations, and facilities oversight.**
2. **The SSC shall function as the Parent/Family Involvement Committee in Title I Schools and as the Steering Committee in Community Schools.**
3. **Each council shall consist of no fewer than three parent members elected by the parents of the school, one MCEA Building Representative, two other MCEA unit members elected by their peers, the principal, three supporting services employees elected by their peers provided the exclusive bargaining representative for their bargaining unit agrees.**
4. **Middle and high school councils, in addition to the above, shall include three students elected by their peers.**
5. **SSC meetings shall be open to the public.**

12/05/2022: MCEA Opening
Proposal

