

Office of Human Resources
Howard S. Tames, Chief Personnel Officer

SUBJECT: REQUEST FOR APPROVAL OF MEMORANDUM OF UNDERSTANDING (MOU) MODIFYING PROVISIONS OF THE LABOR CONTRACT BETWEEN MIAMI-DADE COUNTY PUBLIC SCHOOLS (M-DCPS) AND THE UNITED TEACHERS OF DADE (UTD) RELATING TO THE IMPLEMENTATION OF ASSISTANCE AND INTERVENTION PLANS FOR SENIOR HIGH SCHOOLS DESIGNATED AS PERFORMANCE GRADE CATEGORY "F" AND DESIGNATED "D" SCHOOLS

COMMITTEE: LEGISLATIVE RELATIONS, PUBLIC RELATIONS AND PERSONNEL SERVICES

Florida Statutes, Section 1008.33 - Authority to Enforce Public School Improvement - directs school districts to create assistance and intervention plans intended to improve educational services to students in each school designated as performance grade category "F". This proposed MOU will facilitate the implementation of the required Assistance and Intervention Plan at each of the identified senior high schools.

The Assistance Plus Intervention Program is a component of the M-DCPS Assistance Plus Initiative that has been created to promote and support student achievement. This initiative comprises a multifaceted approach designed to coordinate and redirect resources to create a comprehensive system at school sites that targets the improvement of reading. The negotiated changes to provisions of the M-DCPS/UTD labor contract provide the flexibility necessary to implement the instructional and programmatic components of this plan.

Accordingly, the parties have agreed to the attached MOU to implement the M-DCPS Assistance Plus Intervention Program created to improve student achievement.

RECOMMENDED: That The School Board of Dade County, Florida, approve the proposed Memorandum of Understanding (MOU) modifying provisions of the M-DCPS/UTD labor contract to facilitate the implementation of the M-DCPS Assistance Plus Intervention Program .

HST:jmg

MEMORANDUM OF UNDERSTANDING
Contract Modification/Implementation

Learning-Centered Schools

Pursuant to applicable Florida law and the current labor contract between Miami-Dade County Public Schools (M-DCPS) and the United Teachers of Dade (UTD), the Superintendent of Schools (or designee) and the UTD AFT Administrator (or designee) have met to discuss providing assistance to schools which have received a performance grade category of "F" and designated "D" schools as mandated by Section 1008.33, F. S. Accordingly, the parties have negotiated and agreed to the modification/implementation of the following M-DCPS/UTD Contract provisions: Article IX, Article XII, Article XX, Section 3 (A) and (K), Article XXVI, Section 40.

WHEREAS, Section 1008.33, Florida Statutes, Comprehensive Revision of Florida's School Improvement and Educational Accountability, requires, in part, that schools designated as performance grade category "D" or "F" receive assistance and intervention sufficient to attain adequate improvement;

WHEREAS, Miami-Dade County Public Schools (hereinafter "MDCPS") and United Teachers of Dade (hereinafter "UTD") have met to negotiate all the impacts resulting from the assistance and intervention plans and have amicably resolved the impact issues; and

WHEREAS in an effort to eliminate low achievement in students and low performance at identified schools, while emphasizing strategies to drive high achievement for all learners, M-DCPS and UTD in compliance with Florida Statutes and State Board Rule for Assistance Plus has established the District "School Improvement Zone" (hereinafter "SIZ");

WHEREAS the "SIZ" will consist of 39 current and/or previous D or F schools whose students, teachers, parents and administrators will be the recipients of a concentration of enhanced human and material resources, intensified research-based programs, increased guidance services and heightened program monitoring;

WHEREAS, MDCPS and UTD desire to memorialize their agreement regarding the resolution of the impact issues by entering into this Memorandum of Understanding (hereinafter "MOU").

NOW THEREFORE, the parties agree as follows regarding the resolution of the impact issues resulting from the assistance and intervention plans:

1. For the 2004-2005 school year, Assistance Plus Intervention Program Reading teachers will provide standard curriculum to level one students in grades 9 and 10 in "F" and designated "D" high schools. Schools will be staffed pursuant to the applicable provisions of Article XII and announced selection procedures. Continued assignment in the Assistance Plus Intervention Program will be contingent upon acceptable annual evaluation and measurable improvement in the reading performance of assigned students.

2. Assistance Plus Intervention Program Reading teachers in the designated schools who meet the qualifications, are certified in Reading and teach a full schedule of intensive reading courses will receive a \$9,000 program supplement for the 2004-2005 school year. The \$9,000 will be prorated on an annual basis as long as the teacher is performing the duties of the position. In addition, those teachers who achieve measurable improvement in the reading performance of assigned students, defined as 50% or more of their assigned students making minimal developmental score gains, will receive a \$1,000 incentive payment for the 2004-2005 school year.
3. Reading coaches, who meet the qualifications and are certified in Reading working in the designated "F" and "D" high schools for the 2004-2005 school year will receive a \$9,000 program supplement. In addition, those coaches in schools where at least 50% of the students in the lowest quartile in the school make minimal developmental score gains will receive a \$1000 incentive payment for the 2004-2005 school year. The \$9,000 will be prorated on an annual basis as long as the teacher is performing the duties of the position. Reading coaches will be hired pursuant to the applicable provisions of Article XII and announced selection procedures. Reaching Coaches may be assigned teaching duties, but will not have a regular class schedule.
4. Reading teachers and Reading coaches applying for vacant positions must meet the qualification requirements and announced selection criteria in order to qualify for the \$9,000 supplement. Applicants must be certified in Reading.
5. National Board for Professional Teaching Standards (NBPTS) teachers will be encouraged to transfer to "F" schools to fill open positions.
6. The process of reconstituting the school staff will be implemented, including the transfer of selected staff in "F" schools, in cooperation with UTD. MDCPS, however, retains the right to make the final decision regarding reconstituting the school staff and/or the transfer of selected staff in "F" schools.
7. UTD agrees not to file a grievance, unfair labor practice charge, or initiate any other type of litigation as a result of the implementation of this MOU. The aforementioned shall not constitute a waiver of the UTD's right to initiate litigation in the appropriate forum in the event the UTD alleges that a provision of this MOU is being violated.
8. The parties agree that the terms outlined in this MOU shall constitute a one time agreement and shall not be construed as precedent setting.
9. The parties agree that this MOU constitutes and memorializes the entire agreement between the parties.
10. No modifications of this MOU shall have any effect unless it is in writing and signed by the parties.
11. The parties assert that their respective representatives reviewed this MOU prior to execution.

