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HUMAN RESOURCES

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DATE: October 5, 2021

TO: Special Education Certified Employees
ESAs
MLL Facilitators
Certified Administrators

FROM: Jeffrey J. Thomas, Ed. D., Assistant Superintendent of Human Resources

RE: Support for Staff Providing Services for Students in the Virtual Academy

Background

Staffing levels set for Special Education Teachers, ESAs and other staff were set using staffing targets in the Collective Bargaining Agreement (CBA), Article 13. The significant increase in enrollment with the Virtual Academy just prior to the beginning of the school year resulted in misalignment of staff, most notably at the elementary schools. As staffing has been adjusted, additional services and support also must be adjusted to ensure student services are provided and staff are supported in the changes required.

Human Resources Memo Instead of a Memorandum of Understanding

From the beginning of the pandemic in the winter of 2020, BEA and BSD have worked through myriad issues and challenges. Between March of 2020 and September of 2021, BEA and BSD entered into 13 Memoranda of Understanding directly or indirectly related to COVID impacts. These documents are the equivalent of a separate CBA. Since the beginning of the school year, BEA leaders and district administrators have worked effectively and collaboratively on a variety of issues, with the most recent being support for special education staff, ESAs, MLL facilitators and others as service modifications and adjustments have been made for providing students services in a virtual setting. Because we are transitioning away from the constant negotiations and creation of MOUs and returning to our more responsive problem-solving approach to manage issues already covered under the CBA, we are not entering into an MOU that would essentially restate provisions covered by the CBA.

Caseload and Workload

Caseloads shall be consistent with the parameters of the CBA, Article 13, Section III (p. 76,77), Section IV, (p. 77,78). Caseload targets must take into account the needs of students and staff. Other factors may be considered to ensure equitable caseloads are assigned to staff.

Although no staffing targets are stipulated in the CBA for MLL facilitators, staffing targets use 100:1. This target is to be implemented in accordance Article 13, Section 2, Subsection V., (p. 78). Allocations may be revised during the fall as stated in the CBA. Both BEA and BSD have identified MLL facilitator caseload/workload as an issue for our contract negotiations later this school year.

Staff assigned to the Virtual Academy as an FTE assignment are providing services that are instead of services provided in their previous assignment. Special educators in this position will provide Specially Designed Instruction (SDI) and monitor progress of IEP goals for students in the virtual academy.

Students with IEPs enrolled in the Virtual Academy will remain on the caseload of the classroom teacher, MLL facilitator, and/or ESA at the student's attending school.

The Virtual Academy shall be considered a separate program/worksites and will follow the provisions as delineated in Article 13, Section VI, "When making assignments for SLPs, OTs/PTs, psychologists, nurses, 6-12 counselors, and counselor/psychologists, the District will make every reasonable effort to minimize the number of sites by any individual employee and will consider caseload numbers and the distance between buildings." (p. 79)

Release Time

Staff that are assigned to support students/staff in the Virtual Academy are eligible for the following support as delineated in Article 10, Section 6, paragraph b, "Building employees who are involuntarily transferred, or district departmental employees who are reassigned during the full contract work year shall receive two (2) days of released time and two (2) days at the project pay rate." (p.42)

Physical Space, Material and Equipment

Staff must be provided adequate physical space and necessary materials and equipment to provide services for students and other staff in the Virtual Academy as delineated in Article 6, Section 15 (p. 22, 23).

Professional Development and Ongoing Training

Staff assigned to support students and/or staff in the Virtual Academy shall be provided with additional Educator Directed Professional Development (EDPD) on the use of technology platforms and equipment and current delivery of services in a virtual setting. Two (2) hours additional paid EDPD will be provided.

Certificated staff who provide training and ongoing support to educators assigned to the Virtual Academy will be paid per diem up to a maximum total of twenty-four (24) hours if said support is outside the employee's currently assigned duties.

Any additional approved work hours must be tracked as required by the department or building and submitted to the administrator responsible at the end of each month in order to be processed for payment in a timely manner.

Staffing Ratios, Review and Adjustment

Special education staffing ratios and caseloads shall be adjusted as needed to ensure equitable caseload distribution. For therapists, caseloads shall be reviewed and adjusted in consultation with the SSSLT, in alignment with the Philosophy Statement for Special Education Staff in Article 13, Section 2, Subsection IV (p. 77).

Staffing ratios and support for MLL facilitators shall be reviewed by the Director of Multilingual Education in consultation with the BEA representative(s) as part of the department leadership team.

This review falls under the department leadership team provision as delineated in Article 21, Section 3, (p. 118), outlining responsibilities of the Teaching and Learning Department Leadership Team.

Remedy

Due to the fluidity of caseload and staffing shifts this year, certificated staff who believe they are in need of additional support or consideration for remedy per Article 13, Section VII (p. 79), or through a request for an Intervention Assistance Protocol as delineated in Article 6, Section 9 (p. 15, 16) and Appendix 2.3 (p. 173, 174) should address their concerns as quickly as possible with their immediate supervisor.

BEA and Human Resources will expedite any request for a review. For employees with workload concerns related to services provided to Virtual Academy students and/or staff, the timeline shall be modified for review to no later than five (5) working days by Human Resources, and provision for grievance if no response is rendered after five (5) working days after the Human Resources review.

Departments are responsible for working with staff where additional work is required. Any additional work must be planned, pre-approved and agreed to by the staff performing the additional work. Compensation for this additional work would be at the per diem rate as stipulated in Article 22, Section 5, Pay for Extended Work (p.122). Directors/supervisors are expected to anticipate additional supports needed for staff and should initiate communication with impacted staff.

Joint Monitoring and Review

Per Article 13, Section 2, Subsection VIII, BEA and BSD shall continue to review class size and caseload information. This review occurs in regularly scheduled Meet and Confer meetings and must occur prior to November 1, 2021, and again prior to March 15, 2022.