

STATE OF OHIO  
STATE EMPLOYMENT RELATIONS BOARD

IN THE MATTER OF FACT FINDING

between

TOLEDO FEDERATION OF TEACHERS,  
AFT, AFL-CIO,

Employee Organization

and

THE TOLEDO BOARD OF EDUCATION

Public Employer

SERB

Case No. 97-MED-07-0741

DEC 17 10 12 AM '97

STATE EMPLOYMENT  
RELATIONS BOARD

FACT FINDING REPORT

Mitchell B. Goldberg

Appointed Fact-Finder

## I. INTRODUCTION

The undersigned, Mitchell B. Goldberg, was appointed as the Fact Finder for the subject case pursuant to the regulations of the Ohio State Employment Relations Board on October 31, 1997. Mediation sessions took place at the request of the parties on November 11th, 12th and 17th. Hearings were conducted for all unresolved issues on November 24th, 25th and 26th. Thereafter, the parties agreed that the Fact Finder's report was to be issued on or before December 15, 1997.

Each of the parties had numerous representatives and witnesses at the mediation session and at the hearings. The principal representatives for the TFT were Francine Lawrence, President, and David N. Schnorf, Attorney. The principal representatives for the Board were James M. Sciarini, Attorney, and Richard Daoust, Deputy Superintendent.

Prior to the hearings, each of the parties submitted pre-hearing statements pursuant to Section 4117-9-05 of the rules of the State Employment Relations Board.

The parties submitted to the Fact Finder a general description of the function of the employer and a general description of the employees in the bargaining unit. The parties had met on numerous occasions prior to the hearing pursuant to their negotiations for a collective bargaining agreement.

## II. MEDIATION

The first three days of meetings were consumed in a mediation process. Each of the parties had substantial agendas and issues calling for procedural and substantive changes to their existing collective bargaining agreement, which has not had substantial language changes since 1992. The parties dealt with economic issues by agreeing to a salary reopener at the expiration of the contract on February 1, 1996, and the contract expired on November 30, 1997 on all issues. The breadth and scope of the voluminous issues which were outstanding when mediation began were all encompassing

relative to the collective bargaining relationship between the parties. Nevertheless, the mediation efforts were somewhat successful and the parties were able to reach agreement on many of their outstanding issues. Moreover, during the fact finding hearing, other outstanding issues were agreed upon. A list of all of the agreed upon issues is attached hereto and identified as Appendix A to this report.

### III. UNRESOLVED ISSUES

The remaining body of this report will deal with all of the unresolved issues presented to the Fact Finder by each of the parties. The subject collective bargaining agreement is the result of many years of collective bargaining between the parties dating back to 1967. The expired contract book contains 197 pages of small print with 62 different articles and 14 separate parts or sections with 26 pages of forms and appendices. Much of the contract language contains elaborate procedures, terms of art and acronyms which are familiar to the parties who deal with the regulated educational process on an everyday basis; however, the complexities presented difficulties for this Fact Finder in trying to understand all of the ramifications which may come about in accepting or rejecting particular proposals of the parties relative to their respective issues. The parties were able to articulate their positions and educate the Fact Finder to some degree but it is certain that the Fact Finder's educational level is still below that of the parties and their representatives in terms of recognizing the particular interests of each of the parties and the impact upon public education in Toledo, Ohio. The process of collective bargaining, therefore, should continue because negotiated agreements on many of these issues will better serve the interests of the parties.

There remains, as stated above, an abundance of issues which concern language changes to the existing collective bargaining agreement as well as economic issues involving wages and fringe

benefits. The following recommendations, take into consideration the criteria in accordance with SERB law and regulations:

1. A comparison of unresolved issues relative to the employees in the bargaining unit with those issues related to other public and private employees doing comparable work, giving consideration to factors peculiar to the area and classification involved.
2. The interest and welfare of the public, the ability of the public employer to finance and administer the issues proposed, and the effect of the adjustments on the normal standard of public service.
3. The lawful authority of the public employer.
4. Stipulations of the parties.
5. Such other factors, not confined to those listed above, which are normally or traditionally taken into consideration in the determination of the issues submitted to mutually agreed upon dispute settlement procedures in the public service or in private employment.

There are certain other specific principals which have influenced the undersigned Fact Finder in making the following recommendations. When there are many issues on the table, of the type and quantity presented in this case, it is presumed that the process of collective bargaining has not as yet run its full course. This Fact Finder believes that the parties should continue to attempt to resolve many of the outstanding issues between themselves through the process of collective bargaining and negotiations where each of the parties will concede one or more of the outstanding points or issues in order to obtain a concession from the other party or to obtain an agreement on points or issues which the moving party believes to be of higher priority. Accordingly, this Fact Finder is not inclined to usurp the process of collective bargaining by issuing recommendations which could change the status quo of the existing collective bargaining agreement on a wholesale basis. Recommended changes will only be suggested by the Fact Finder when the parties are relatively close on their

prospective proposals, when there is a clear and compelling reason to recommend a change in the existing contract language or to accept one parties' substantive proposal over the other, or when there is a compelling need to make a recommendation which the parties have not agreed to recognize.

#### IV. TFT ISSUES

##### Issue No. 1 - Length of Contract

The TFT proposes a three year contract which would expire on November 30, 2000. The Board would prefer a three year contract covering language and non-economic items but requests a salary schedule reopener after November 30, 1998.

This Fact Finder is reluctant to recommend a reopener after the first year, notwithstanding that negotiations would proceed only on the issues of salaries and wages. The parties would only have a hiatus in their negotiations of less than a year. A three year hiatus in contract negotiations is more preferable.

Recommendation - The TFT's proposal is accepted for a three year agreement expiring on November 30, 2000 on all issues.

##### Issue No. 2 - Salary

See Economic Issues, infra.

##### Issue No. 3 -

See Economic Issues, infra.

##### Issue No. 4 - "Me Too"

The TFT wants assurance that the percentage salary increase which it negotiates will not be below that negotiated between the Board and the other bargaining units. A "Me Too" clause has been agreed upon between the parties in every contract since 1978. The 22 month extension

agreement which contained a salary increase also contained a "Me Too" clause. The teachers are particularly concerned that the new Superintendent will grant higher salary increases to the principals' bargaining unit (TAAP) which will, in the TFT's opinion, unfairly widen the salary gap between the teachers and administrators.

The Board is objecting to the addition of the "Me Too" clause. It does not believe that it is appropriate for a Fact Finder to recommend such a clause. The present negotiations with the principals involves rolling in certain supplemental contracts into the base salary schedule. If the teachers have the right to the same increase they would be receiving a windfall when the principals base salary schedule becomes inflated because the supplemental contracts are eliminated. The Board, however, proposes certain language which confines the "Me Too" clause to increases in the base salary schedule in the event one is recommended by the Fact Finder. The teachers wish to seek to include increases in salary schedules or supplemental contract increases.

Recommendation - This Fact Finder expressed his feelings to the parties that "Me Too" clauses are not favored because each of the units have their distinct issues which may require different wage increases. Furthermore, continuously applying the same percentage increases to all bargaining units over a long period of time creates a compression effect which minimizes the different levels of compensation as between groups which historically have been recognized. Nevertheless, because of the long history of "Me Too" clauses within this collective bargaining relationship, this Fact Finder is reluctant to change the status quo.

The following language is therefore recommended:

In the event that larger percentage or supplemental contract increases are negotiated with any other Collective Bargaining unit of the Toledo City School District covering the same period of time as contained in this agreement, the same

percentage increase will be granted under this agreement for the same period of time. This provision is not cumulative. The total increases would be the greater of those provided for in this agreement or the percentage increases in salaries or supplemental contracts negotiated with another unit.

#### Issue No. 5 - Special Services Salary

The TFT proposes adjustments to the Special Services salary schedule in the gross amount of the salary increases which are awarded across the board in each of the contract years. The Board and the TFT would then distribute this gross amount among the Special Services by agreement. Both the TFT and the Board agreed to this method of allocating the gross percentage increase among the services. This would include the following positions which were added since the last contract was printed: NBPTS teachers, 4 math specialists and 4 science specialists.

The TFT proposes adding six additional positions to the contract. One of the positions involves paying art teachers an exhibit fee. The TFT proposes the payment of \$110.00 for each exhibit.

The Board offered to pay an negotiated exhibit rate for participation in art related events outside the school day as part of the package proposal which would be offered if the TFT accepted the Board's proposal on teacher evaluations. The Board's evaluation proposal, however, is not being recommended herein in every respect.

Recommendation - No change in the Special Services positions as they presently exist. The special services shall receive the across the board percentage increases recommended herein.

#### Issue No. 6 - Miscellaneous Service Salaries

The TFT proposes the same percentage increase in these salaries as the across the board increases which are recommended for the base salary schedules. The Board and the TFT

would then determine how the gross salary increases would be distributed among the miscellaneous services. The Board did not raise any serious objections to this proposal.

Recommendation - The TFT proposal is accepted.

#### Issue No. 7 - Athletic Salaries

The TFT proposes that athletic salaries be increased in the same percentages as the across the board salary schedule increases during the term of this contract. This is not opposed by the Board. The TFT, however, has proposed changes and additions to the athletic salaries schedule, many of which have been agreed upon by the Board. The parties have agreed to change Power Volleyball to Head Power Volleyball. They have agreed to add one assistant soccer coach for boys and girls, a head softball position and an Equipment Manager. Other changes have been agreed to in the junior high coaching salaries language and in the scheduler's language. These agreements are reflected in Appendix A. This includes the agreement of the parties to have four assistant coaches employed at each junior high school instead of three per junior high school.

The TFT proposed other changes with respect to athletics. They are as follows:

A. One clinic day per junior and senior high school coach. The TFT argues that there are more coaches than clinic days and more clinic days are needed in order to improve the education and training of the coaches. The Board, in turn, argues that it is not appropriate to schedule one clinic day per coach. Some coaches need to attend more clinics than others. Many of the coaches are not TFT bargaining unit members. They are hired from the outside. There are presently 26 clinic days and many of those days are not used by the existing coaching staff.

Recommendation - No change.

B. The TFT proposes that junior and senior high school athletic facilities not be used for

purposes other than a school's athletic practice or events. Apparently, the school facilities are sometimes unavailable to teams because the school permits the facilities to be used by non-student community members. The Board objects to this proposal because principals must be responsible to the community and there must be flexibility in determining the use of school facilities.

Recommendation - No change.

C. The TFT proposes to curb the preference available to coaches for vacancies in teaching assignments within a school. Presently non-probationary teachers who are performing supplementary contract service as coaches at a school, that are stationed at another school, are considered eligible to apply for teaching vacancies posted at the school where the coaching services are performed. The TFT wants to restrict this provision to Toledo teachers who have completed five years of Toledo service. Further, coaches who fill a teaching position under this provision but who resign or are terminated from their coaching position within five years shall relinquish their teaching assignment. The Board agrees with the proposal to relinquish assignments but does not agree with the five years of Toledo service requirement.

Recommendation - The following language proposed by the TFT is added to Section XXXVII

F.1. after the second sentence:

Coaches who fill a teaching position under this provision but who resign or are terminated from their coaching position within five (5) years shall relinquish their teaching assignment.

D. The TFT proposes to add new language that athletic directors shall not be assigned any teaching periods. Their workload has increased dramatically from 8 varsity sports to 20 varsity sports since the current release time of one class period per day was negotiated. The Board seems to recognize this increase in workload and has counter proposed language to permit athletic directors

to have two periods of the day, one of which shall be the last teaching period, without students in addition to their regular planning period for the entire school year. This counter proposal was offered in exchange for the TFT excepting the Board's position on the teacher evaluations.

Recommendation - Because both parties recognize the workload problem of athletic directors, the following proposed language of the Board is recommended as Section XXXVII H.5.

Beginning with the 1998-99 school year, athletic directors shall have two (2) periods of the day, one of which shall be the last teaching period, without students in addition to their regular planning period for the entire school year. If an athletic director begins his/her duties after the start of the school year, he/she shall receive extra pay at the hourly rate for the remainder of the school year in lieu of the extra planning time.

Section XXXVII C.5. must be changed to be reconciled with this new provision. This change is being recommended in part because the Board is receiving certain evaluation language changes which it has proposed, though not all of the requested changes.

#### Issue No. 8 - Other Wages

The TFT proposes the same percentage salary increase for department chair persons, the rates for occupational and physical therapy assistants, Medicaid stipends for speech/language therapists, occupational and physical therapists and nurses. In addition, the TFT proposes to increase the current in-service credit for the voluntary staff development in-service seminar program under Article XXVIII B.2. from \$20.00 per professional growth credit to \$25.00.

Recommendation - It is recommended that all of the above wages be increased in the same percentage as the across the board wage increases recommended herein. The staff development in-service credit should be increased to \$25.00 because this amount has not been changed in 12 years.

### Issue No. 9 - Planning Time for Elementary Teachers

The TFT proposes an increase in planning time for elementary teachers, including special education, to 210 minutes per week from the current planning time of 150 minutes per week. These teachers carry a heavy teaching load. They are responsible for instruction in many subject areas including math, sciences, social studies, languages, art and reading. They instruct the same group of younger children and they are responsible to assist these children with their developmental skills in addition to providing academic instruction. Accordingly, the planning time which is needed to meet these responsibilities is excessive. Because of the limited time available, these teachers spend a considerable amount of time for their planning activities during non-school hours. Witnesses testified that they spend an additional 20 to 30 hours per week to do their planning. This is accomplished by spending time before and after school, at night and on the weekend. Presently, their school day is 5.75 hours with 150 minutes of planning time. The school day for secondary teachers is 6.25 hours. The responsibilities of secondary teachers are different in nature. They usually teach one subject and are limited to three preparations each day. While the academics are at a higher level, these teachers see different students each day and the students are more mature.

Both parties recognize the need to provide elementary teachers with more planning time, but each party proposes a different solution with different cost implications.

Presently, art specialists provide one hour of full time art instruction every other week which frees up planning time for the elementary teachers. The TFT proposes that additional planning time can be provided by having art specialists provide one hour of art instruction each week. This could accomplish two positive goals; (1) the provision of full-time art instruction by art specialists who are degreed and state certified; and, (2) the provision of additional planning time for elementary teachers

who will have one less subject area for which to prepare and provide instruction. This would provide the equivalent of adding one-half hour of planning time each week to elementary teachers.

The Board maintains that the provision of one hour of art instruction each week would require hiring 63 additional teacher specialists at an average cost of \$34,962 per teacher for a total cost of approximately \$2.2 million dollars. The Board, instead, would prefer to extend the work day for elementary teachers to 6.25 hours in order to provide additional planning time. In consideration for this, the Board proposes to add .5% to its across the board wage increase offer. This would cost the Board approximately \$500,000.00. The TFT, however, contends that a .5% increase is inadequate. It would only provide a \$124 to \$177 increase per year to elementary teachers whose workday would be increased by 2.5 hours each week.

While the TFT would accept a larger across the board increase than that proposed by the Board in exchange for increasing the work day of the elementary teachers, this Fact Finder cannot accept the suggested remedy of increasing the pay of all of the teachers, elementary and secondary teachers alike, in order to address a problem which is specific to the elementary teachers. The TFT undoubtedly would accept this solution in order to eliminate any unnecessary competition between the elementary teachers and the secondary teachers; however, this Fact Finder is more concerned with addressing and remedying the specific problem at hand.

Recommendation - Accordingly, it is recommended that elementary teachers be relieved from providing the one hour of art instruction every other week. This will provide an additional 60 minutes of planning time every other week, one-half of the amount sought by the TFT. The Board will be required to employ additional specialists to cover this time, but the Board may choose which type of specialist to employ. The Board may use its discretion to employ whichever specialists it deems

appropriate in order to provide instruction to the elementary students during the 60 minute period every other week in which the elementary teachers are receiving additional planning time. The additional costs for the specialists are taken into consideration in issuing the other economic recommendations in this report. The TFT and the Board alternatively may decide to reject this recommendation by increasing the work day for elementary teachers and by paying a larger across the board increase for all teachers.

### Issue No. 10 - Other Elementary School Issues

#### A. Elementary School Supplies

The TFT proposes an increase to the supply dollar amount from \$1.70 per pupil to \$5.00 per pupil, equally divided during the school year. Because the lack of supplies, 57% of the elementary teachers spend up to \$200 out of pocket each school year for instructional supplies; 42% spend \$250 or more. The Ohio legislature has recognized this problem by recently adopting House Bill 412 which requires each school district to establish and maintain a textbook/instructional materials fund equal to 4% of the total revenue of the school district.

The Board is not spending 4% or 5.3 million dollars. In order to comply with House Bill 412, the Board will increase its supply purchases over a three year phase-in period. It must be recognized that a certain portion of the supply budget is needed to purchase supplies needed by the central office such as paper and other items.

Recommendation - There should be no change in the contract language at this point in time. The supply budget will automatically increase by reason of House Bill 412. The parties should then re-examine the situation after additional funds have been allocated over the three year phase-in period.

B. The TFT proposes that the supply allocations and art allocations be distributed directly to each teacher, except by agreement of the principal and Federation Building Committee. The TFT witnesses complain that the supply money never reaches the teachers because it is usurped by the central office. The Board believes that pursuant to the decentralization which has occurred in the district, the supply allocation of each school should be determined by the respective building committee. The TFT's proposal would automatically cause money to be paid to the teachers unless vetoed by the building committee. The Board believes that the building committee should be the decision maker in the first instance. Moreover, House Bill 412 may carry with it additional regulations which instruct school districts as to how to allocate the supply budget.

Recommendation - No change. Decisions in this area should be deferred until all of the ramifications of House Bill 412 are understood by the parties.

C. The TFT proposes that kindergarten teachers receive an additional one-half day for parent teacher conferences. Additional conference time is needed by kindergarten teachers because of the higher percentage of parents which attend conferences. The higher attendance is due to the fact that this is the first conference for parents. Moreover, conferences tend to be longer for kindergarten parents. With the present one-half day schedule, kindergarten teachers have two sets of students, one in the morning and one in the afternoon.

The Board recognizes that kindergarten teachers, because of the half day kindergarten schedule, have twice as many students and parents to see and the Board considered adding a half day for conferences. Substitute teachers would have to be brought in during this additional conference time. The Board, however, intends to move to a full day kindergarten schedule. Eleven of the 44 elementary schools now have all day kindergartens. The Board, therefore, is counter proposing that

kindergarten teachers receive the same conference time as other grades once they are involved with all day kindergarten schedules. The Board is reluctant to increase conference time at the expense of instruction time.

Recommendation - No Change. The issue should be re-examined by the parties after all of the kindergartens are placed on an all day schedule and the teachers should reassess their needs for additional conference time at that time.

D. The TFT proposes to add two pre-first classes each year during the term of this agreement.

The TFT witnesses advocated the necessity of pre-first classes. This is an interim grade level between kindergarten and first grade for students who are developmentally young and considered not ready to succeed in the formal structure of first grade. Pre-first classes have been successful. The test scores of pre-first students have improved. These classes prevent students from being retained in subsequent grades. The parents have indicated approval for these classes. The early intervention which the classes provide benefits students who are considered borderline by targeting instruction which is developmentally appropriate for them. Pre-first classes are necessary even if there is full time kindergarten. This is evidenced by the fact that pre-first classes exist in some of the buildings which already have full time kindergartens.

The Board considers this issue to be a policy issue within its domain and it does not wish to be restricted by commitments made in a collective bargaining agreement. The Board must consider the effect of all day kindergarten upon the pre-first classes and additional pre-first classes will require additional space which is now at a premium.

Recommendation - No Change. The overall consideration of available space and budgetary

concerns must override any decision to mandate pre-first classes on a fixed schedule during the term of this agreement. The TFT believes that space will not be a problem because special education space will be reduced because pre-first classes will permit borderline students to matriculate into regular educational classes. The extent, however, to which this will occur is speculative at this point in time. The Board further contemplates more ungraded classes at the primary level. The TFT would accept ungraded classes instead of pre-first classes but it is recognized that ungraded classes are more costly. In any event, it does not seem appropriate at this time to mandate a required amount of pre-first classes. The Board should consider the merits of pre-first classes along with its other options. See Board Issue No. 5, *infra*.

E. The TFT proposes to add math specialists and science specialists at two elementary schools each year during the term of the agreement.

The emphasis on which the public places on proficiency tests in math and science requires the addition of more specialists. The test results for fourth and sixth graders in math and sciences are well below satisfactory levels. The Board has recognized the need for specialists. During the last contract settlement, it was agreed between the parties that one math specialist and one science specialist were to be selected in each of four elementary buildings. This was memorialized in a joint position statement between the parties which sought to improve academic standards in the elementary schools.

The Board, however, believes that it is too soon to evaluate this program because the results have not been forthcoming. Once the results are analyzed the Board will decide whether it wishes to expand the program.

Recommendation - No change. The Board is entitled to evaluate the impact of the pilot

placement of additional math and science specialists.

Issue No. 12 - Tutors, Hourly Teachers, Substitute Employment Rights

A. The TFT proposes a new Section under Article IX which would provide that all IFGI/Tutors and ESL Teachers who possess a degree and certification shall be considered regular contract teachers. Decreed and certified IFGI/Tutors will be hired before individuals who do not possess these credentials. Contract IFGI/Tutors will get preference in choosing schedules based upon seniority.

The TFT states that IFGI or learning disability tutors are certificated through the Ohio Department of Education and fully decreed and operate as fully decreed special education teachers. They have the same duties and responsibilities as other special education teachers in the district which include the preparation of IEP plans. They work the same calendar year and the number of hours per day as other teachers and most other Ohio school districts, including surrounding districts, employ IFGI teachers as full contract teachers.

The Board maintains that these teachers have a lighter work load than other special education teachers because they only tutor one or two students at a time. Furthermore, the cost of making these teachers full contract teachers is excessive.

The Board projects the cost of this item at \$388,160.00 the first year and \$612,715.00 in each of the next two years. Considering the cost of this proposal, the Board would be incurring a considerable future expense which is not now in its present budget. A change should not be recommended without some concession from the TFT which would reduce the Boards expenses in other areas.

Recommendation - No change.

B. The TFT proposes that the teaching position in the ABE-GED Program and at the Hoag Center become contract positions in seniority order based upon accrued seniority in their programs.

The Board objects to this proposal because of the added cost. Presently, the Hoag Center is a special year round program and these teachers are currently paid on an hourly basis.

This proposal is subject to the same analysis as Paragraph A above. There is no compelling reason to increase the Board's expenses in this respect without some concession being offered by TFT.

Recommendation - No change.

C. TFT proposes that ABE-GED teachers and Hoag Center teachers who possess a degree but lack the professional hours for full certification be paid at a rate of 80% of the regular contract salary schedule. TFT wants to increase the rate from 80% to 100% on the grounds that the workload of these teachers involves a diverse curriculum and multiple instruction and motivation strategies in addition to the basic academic curriculum. These students are also taught job seeking and life skills. Hoag teachers are secondary teachers and should be paid at the same rate as all other secondary teachers in the system.

The Board has countered with language which requires all current uncertified employees must obtain certification within five years or face termination.

The Board is not interested in increasing its cost in this area without assurances that these teachers will obtain full certification. The parties should continue to negotiate over this issue and consider amending the Board's counter proposal which could require a current uncertificated employee to be reduced in pay to 70% if they do not obtain certification within five years.

Recommendation - No change.

D. The TFT proposes that the teacher coordinator of the ABE Program be paid as the head teacher. This is based upon the extensive responsibility and duty of the adult basic education coordinator which is distinct from the duties and responsibility of the teacher.

The Board objects to this proposal because the designation of "Teacher in Charge" is meant to refer to a teacher who must supervise a school. The teacher coordinator of the ABE Program is not in charge of a school.

The Board apparently misunderstands the TFT proposal. The TFT is proposing to pay the teacher coordinator as a head teacher and not a teacher in charge. Nevertheless, the Board apparently believes that the extra duties of the coordinator are not such as to justify an additional payment of \$1,500.00 per year. The Board and the TFT should continue to negotiate over this issue in order to determine whether or not some lesser payment could be justified.

Recommendation - No change.

Issue No. 13 - Class Size

The TFT proposes a comprehensive reduction in class sizes. It proposes that all current numbers be reduced by one except for special education mainstream students numbers which are not reduced. It proposes an increased in overload payments from \$75.00 per student to \$200.00 per student. It proposes that special education mainstream payments not be increased and it seeks to limit the class size for level 2 foreign language classes to 28 students, for junior and senior high school proficiency classes to 25 students, and for advanced placement classes to 15 students. The TFT has withdrawn its proposal under Section E. 12, E.J.N.& O.

The TFT's arguments for reducing class size are persuasive and meritorious, particularly for

foreign language classes, junior high school and senior high school proficiency classes and high school advanced placement classes. Most educators agree that reducing the class size provides more individual attention and produces better academic and educational results. The Board witnesses did not dispute these conclusions. Nevertheless, the Board is attempting to reduce class sizes within the confines of its budget in particular areas. The Board is in need of more classroom space and these additional facilities will not be built without substantial expenditures. The Board projects that the accommodation of the TFT proposal with respect to class size would cost \$12,166,776.00 in the second and third year of the contract. It is clear to this Fact Finder that the Board would like to reduce class sizes but it is constrained because of its budget concerns. The major expense items in the budget, of course, are salaries, wages and other employee benefits. The facilities and the class sizes, therefore, must be managed with the available resources. It is not feasible at this time to adopt the TFT proposal. The parties should continue to negotiate over this issue in order to accommodate their mutual interest in reducing class sizes.

The Board has offered a counter proposal to pay an overload payment for classes under the 31 limit but this counter proposal has been rejected by the TFT. See Board Issue No. 9, infra.

Recommendation - No change.

TFT Issue No. 14 - Conditions of Teaching

A. The TFT proposes language which requires that tardy students in the secondary schools not be admitted to class except for reasons beyond the student's control including late buses. The TFT argues that administrators who permit tardy students to enter the class cause the class to be disrupted and this impairs the educational opportunities of the other students. The TFT proposal would teach students to be on time and to develop a work ethic.

The Board believes that TFT proposal is over simplistic and inflexible. The Board countered with language to the effect that the building's administrative staff and the Federation's Building Committee should work collaboratively to develop plans to improve attendance, tardiness, and student discipline.

Because of the decentralization of school management which has occurred, this problem could be dealt with by different methods at different schools. The Board has observed that the tardiness is a problem with certain teachers more than others relative to their classroom management. Therefore, a school-wide policy that requires a lockout is not appropriate at this time.

Recommendation - No change.

B. The TFT proposes language to limit the amount of interruptions to classroom instruction time for assemblies, programs and other activities. These continuous interruptions over the school's public address system interferes with the teaching process. TFT witnesses stated that they lose up to one hour of instruction time per day because of these interruptions.

The Board also considers this a matter to be dealt with at the building level because it may affect some schools and not others.

The Fact Finder believes that these types of issues should be handled on a school by school basis and should not be legislated into the Collective Bargaining Agreement.

Recommendation - No change.

Issue No. 15 - Grading

The TFT proposes that student progress reports include a grade designation for failure due to excessive absences. The Board considers this another subject which is best dealt with at the school level. The Board cited two different schools with two different policies. Every school has a building

committee to deal with this issue.

This Fact Finder agrees with the Board that this matter should be dealt with at the building level and not as a matter of contract language.

Recommendation - No change.

TFT Issue No. 16 - Discipline

A. The TFT proposes to add language which requires as a matter of policy that demerits and detentions shall not displace suspensions, expulsions, or mandatory expulsions.

The TFT complains that administrators replaced suspensions and expulsions with demerits and detentions to satisfy the scrutiny of the number of student suspensions and expulsions by some community members and parents. These procedures, however, have caused the Board to be lax in dealing with disciplinary issues. Some schools are weeks behind in processing demerits.

The Board maintains that this is another issue which is better addressed at the building level with building committees. Administrators need flexibility in order to issue progressive discipline depending on the facts and circumstances of each case. Some schools have developed demerit systems for minor infractions, other schools have not. Discretion needs to be left with building principals. The number of suspension days and expulsion days at the high school are extremely high compared to other schools which evidences the fact that administrators issue expulsions and suspensions when they are required.

This is another issue which should be dealt with at the building committee level and requires a certain amount of discretion.

Recommendation - No change.

B. The TFT proposes that expulsions not be shortened in discipline cases involving

students who bring guns on to school property or to any school function, and for students who assault a teacher. The Board argues that flexibility is required even in these situations depending upon the facts and circumstances of each case.

The TFT indicates that the Federation-Board subcommittee were close in adopting language similar to that proposed by the TFT. This Fact Finder suggests that the parties continue to negotiate language which is acceptable to both parties and which accommodates the Board's desire to maintain some flexibility.

Recommendation - No change.

C. The TFT proposes that a Behavior Intervention Center be established for elementary schools in each district feeder pattern. These exist in each junior and senior high school. The centers provide a successful method of dealing with disruptive students and the centers protect the other students who are attempting to be educated. Students who are directed to these centers receive help in modifying their behavior and attitudes.

The Board is still evaluating the results of the BIC programs which were initiated on a pilot basis. There are problems in establishing a BIC for the elementary schools in each feeder district because of the lack of available space. The Board needs new classrooms for pre-first classes as well as BIC classes. The Board projects the costs for the additional centers in the elementary schools to be \$432,974 the first year and \$699,240 in each of the following two years. The Board put forth evidence that it is adequately dealing with discipline and behavior problems. All twelve teacher assault cases during the past school year resulted in expulsions. The Board is strong on student discipline but acknowledges its responsibility to educate children, even the ones with behavior problems.

It is assumed that the Board will phase in BIC's over a period of time if they are successful. Requiring the Board to commit to BIC's on some regimented basis may cause budget problems.

Recommendation - No change.

TFT Issue No. 18 - Staff Development

A. The TFT proposes to increase the payment for professional growth credits from \$20.00 to \$25.00. The Board issued a counter proposal relative to staff development conditioned upon the TFT accepting its position on the teacher evaluations. The counter proposal, however, maintained the professional growth credit at the annual rate of \$20.00.

Recommendation - No change.

B. The TFT proposes that professional growth seminar directors be paid \$400 for each course directed. The directors have been paid \$300 since 1985 for teaching 12 to 14 hour courses. This is substantially less than other school districts.

The Board projects that increasing the PGC rate would amount to \$20,804 in year one and \$32,840 in years two and three. Increasing the PGC directors pay to \$400 for each course would cost \$15,000 in each contract year.

Recommendation - It is recommended that the directors pay be increased to \$400 for each course directed. This is in accordance with the TFT proposal.

C. The TFT proposes language changes to Article XXVIII, D. p.90 as follows: Teachers who complete the ER&D program classroom management, reading, math, or managing anti-social behavior courses shall be paid \$400 on a one-time basis up to a maximum of 25 teachers each year for each course. Intern consultants will be paid on a one-time basis for completing the course and school faculties who participate as a group in the classroom management and managing anti-social

behavior courses and agree to adopt a uniform school and classroom management plan will also be paid. One teacher jointly selected by the TFT and the Board will receive a supplemental salary of \$3,000 for coordinating and implementing the ER&D program.

The Board offered a counter proposal on this issue in consideration for the TFT accepting its evaluation proposal. The Board has agreed to establish a pilot program in one of the school district's feeder pattern for a period of two years beginning with 1998 - 1999. Twenty-five teachers within the feeder pattern would be provided the ER&D anti-social behavior training and would be paid \$400 on a one-time basis. These teachers would be selected from each of the schools in the selected feeder pattern. There will be at least two teachers from each school. Administrators may also be selected to attend the training. The goal of the program is to develop a uniform school and classroom management plan for each school in the feeder pattern. One teacher jointly selected by the Board and the TFT would receive a supplemental contract of \$1500 for conducting the anti-social behavioral program in conjunction with the Board's staff development office. The Board and the Federation would jointly develop an evaluation component for the pilot plan and the plan would not be continued beyond two years unless mutually agreed to by the Board and the TFT.

The two proposals differ in material respects. The principal points of contention are the Board's positions that it would be a pilot program, that administrators participate and that the Board would be involved in evaluating the pilot plan. The parties should continue to negotiate the differences over this language in order to accommodate the needs and desires of both parties. This Fact Finder does not feel comfortable choosing between the proposals.

Recommendation - No change.

D. The TFT proposes compensating teachers who provide in-service instruction at

overtime pay in the amount of 1 ½ times the regular hourly rate for preparation and presentation because they spend considerable time preparing and presenting these numerous in-service courses throughout the year. The Board should consider compensating these teachers at an overtime rate in exchange for receiving some concessions in language from the TFT relative to the Board's proposal with respect to staff development.

Recommendation - No change.

Issue No. 19 - Leaves

A. The TFT proposes the requirement that the teacher's doctor participate in the determination of the number of the accumulated sick leave days to be applied for in pregnancy leave-sick leave situations. The TFT also wants to eliminate the doctor's verification in the notice as required by Article XXX, F. The TFT wants to remove the doctor from the equation in order to provide time for female teachers to care for their infants and bond with their newborns by using their earned sick days. This issue was not discussed during the hearing. It is uncertain as to how long this requirement has been in the contract and whether or not it is of importance to the Board. The TFT should be in a position to offer the Board some concession on any one of the outstanding issues in exchange for obtaining the language it wants on this issue.

Recommendation - No change.

B. The TFT proposes to add a new section to Article XXX, p. 103 which provides that Dial-A-Teachers shall be paid for holidays, snow days, and professional leave days on which they are scheduled to work. According to the TFT, the Board Treasurer and Assistant Superintendent for Personnel authorized the payment called for in this proposal during the last school year and suggested that it be included in the contract. The Board calculates that the payment called for in this proposal

would amount to \$3,400 per year for each year of the contract.

This is an item which should be packaged together with several other items and offered to the Board in exchange for an agreement of the TFT to one of the Board's proposals or at least a part of one of the Board's proposals.

Recommendation - No change.

Issue No. 20 - General Provisions, Salary, Benefits

See Economic Issues, *infra*.

TFT Issue No. 21 - Vocational and T&I

A. The TFT proposes to amend Article XXXVI, E.1. to require all vocational coordinators to work two weeks extended time each summer in accordance with past practice instead of the present language which requires a minimum amount of extended time each summer according to state requirements. The coordinators state that they need this time before their school year to evaluate students, communicate with student's parents and prospective employers. The Board cut back on the amount of extended time which was worked. This time is needed to obtain employment for the students.

The Board states that there was no past practice in existence. Extended time was issued for 30 day periods, 10 day periods and 5 day periods. Extended time is no longer mandated by the state law and several districts have reduced it or eliminated it in order to save money. The Board would review each situation on a case by case basis instead of every coordinator receiving two weeks. The present cost of the district is approximately \$325,000 to have extended time.

Considering the substantial amount of money involved, the Board should apply the money on a case by case basis where it is needed.

Recommendation - No change.

B. The TFT proposes that vocational classes that meet the state guidelines for funding shall not be closed by the Board. The TFT claims that this was a past practice which was unilaterally changed by the Board. The teachers who are closed out become building substitutes; the Board saves no money and loses the teacher. The state earmarks certain funding for vocational units.

The Board states that the average teacher is paid \$262.77 per day. The state reimburses some but not all of this expense. The Board is willing to look at requests for specific programs but it does not want to be committed to a blanket funding program. The Board states that the decision to close classes was not a unilateral decision on the part of the Board. The decision was made with input from the TFT and classes were closed with low enrollment. The Board believes that there are better uses for this money. It is not prudent to guarantee programs with low enrollment even if they meet state requirements.

Recommendation - No change.

TFT Issue No. 22 - Payroll

A. The TFT proposes that hourly teachers and tutors, including physical therapy assistants and certified physical therapy assistants, shall be included in the 26 pay period plan.

The Board contends that this is an FLSA problem and that an employer cannot average hours of hourly paid employees' wages.

Recommendation - The Board should grant this request once it is satisfied that it can be done with the confines of the law. The Union had agreed to obtain an advisory opinion from the Department of Labor on this issue.

TFT Issue No. 23 - Music

A. The TFT proposes to increase the elementary music teacher's supply budget from \$200 to \$250 each school year. The TFT presented evidence establishing a need for these increases.

The Board calculates the cost of this item at \$3,100 per year. The Board agreed to this proposal as part of its package offered to the TFT in exchange for the TFT accepting the Board's Teacher Evaluation Program.

Recommendation - It is recommended that the minimum amount be increased to \$250 each school year of this agreement.

B. The TFT proposes that a new sentence be added stating that the supply budget for junior high general music specialists, choir director, band director, and orchestra director shall be a minimum of \$350 each school year of this agreement. The music supply budget for high school music teachers and directors shall be a minimum of \$350 each school year of this agreement. The repair budget for each secondary instrumental music teacher shall be a minimum of \$500 each year of this agreement.

The Board, as part of its counter proposal, agreed to keep the minimums at \$250 each school year for the supply budget and it agreed to the repair budget of \$500 each year. The Board calculates that the cost of the TFT's proposal for the junior high/high school would be \$7,350 per year for each year of the contract and the cost of the repair budget for secondary instrumental music teachers would be \$2,700 per year.

Recommendation - It is recommended that the Board's language be accepted notwithstanding that it was part of a package offer made to the TFT relative to its evaluation program. Both parties apparently recognize the need in this area.

TFT Issue No. 24 - Art

A. The TFT proposes that art teachers receive two full days without students when they are assigned to a new classroom or location. This is because equipment and supplies must be moved and set up for instruction.

The Board states that it would accommodate the art teachers but there are a shortage of substitutes to cover for the art teachers during move time.

The Board should recognize this problem of the art teachers and provide them assistance in moving to new classroom locations. The parties should continue to negotiate over this issue in order to find a practical solution to the problem.

Recommendation - No change.

B. The TFT proposes that art teachers be paid a negotiated exhibit rate for participation in art related events outside the school day. The Board and Federation will mutually agree on approved art events. The art teacher may apply for the exhibit rate once per semester. These are activities that take place outside of the school day and teachers who participate in these activities must volunteer many hours of their time to set up these displays and exhibits.

The Board has recognized this issue and included it as part of its package proposal to the TFT in exchange for the TFT accepting the Board's evaluation program. The Board apparently recognizes the need for some language in this area.

Recommendation - It is recommended that the Board's proposed language be accepted which requires a rate to be paid beginning with the 1998-1999 school year.

#### TFT Issue No. 25 - Special Education

A. The TFT proposes to increase the amount of release time for special education

teachers and support personnel to prepare individual education programs for each of their students.

The Board is reluctant to grant these increases because of the difficulty of hiring substitutes for the additional time and the fact that students would lose instructional time. The Board states that the cost of this item would be \$67,050.

Considering the substantial costs involved with this proposal and the difficulty in obtaining substitutes it is not recommended that the proposal be accepted at this time.

Recommendation - No change.

B. The TFT further requests that speech-language therapists be paid three hours at the negotiated hourly rate for each multi-factored evaluation. The changes in the policies and procedures of the Ohio Department of Education have caused an increase in paperwork and form completion. These changes have increased the workload of speech language therapists dramatically. The TFT states that it met with the Board last spring and three hours of compensation was agreed upon.

The Board states that it did not agree to this added compensation.

The Board computes that the added costs of this proposal are \$48,463 for year one and \$76,500 for years two and three.

There is clear evidence that the workload of the speech-language therapists has been increased dramatically in this area. A payment of at least two hours seems justified.

Recommendation - The proposal of the TFT is accepted except that two hours should be paid at the negotiated hourly rate for each MFE.

C. The TFT proposes to limit the class size of the multi-disabled/behavior disabled units, not to exceed four students at any level. Class size for multi-disabled/medically fragile units shall not exceed six students at any level. A second paragraph is proposed in the event class sizes stipulated

in the Rules for the Education of Handicapped Children are increased or eliminated. The TFT and the Board would have to reach an agreement if class sizes mandated in the Rules or in this Agreement are increased or eliminated and likewise, if the required assignment of a para-professional aide is eliminated.

The Board does not want to be restricted in this area by contract. Class sizes need to be flexible depending upon the needs of particular students. Some special education teachers have received para-professional aides.

Many of the complaints of the special education teachers in this area are due to the fact that facilities are inadequate. The Board must deal with the facilities issue relative to its budget and the parties should continue to negotiate over language that would provide some remedy to the special education teachers who are unable to provide necessary services to their students on an adequate basis.

Recommendation - No change.

D. The TFT proposes language which would allocate a certain percentage of developmentally appropriate materials in each subject area where textbooks are provided in corresponding regular education subjects for teachers of the multi-disabled, multi-disabled/behavior disabled, and developmentally disabled students. There is inadequate money spent for these books and materials whenever the district adopts new textbooks.

The Board must find a way to meet its responsibilities in this area; however, the language proposed by the TFT is problematic and can lead to unnecessary arbitrations over what is considered to be equitable monies to be made available.

Recommendation - No change.

E. The TFT proposes to limit the maximum case load assigned to any speech language therapist to 50 students or less. This is due to the additional paperwork which is required to be completed for each student, which has dramatically increased the workload.

The Board states that existing state standards provide for case loads at a higher level than 50. To reduce the level to 50 would require the employment of more speech therapists. Presently each speech therapist receives \$1700 for documenting Medicaid forms. The Board estimates that the cost of the new staff to be employed if this proposal were implemented would be \$209,772 per year beginning in year two.

Recommendation - No change.

F. The TFT proposes that each speech-language therapist be allocated an annual desktop supply budget of \$250. The present budget of \$180 per therapist needs to be increased. The therapists serve multiple schools but do not receive desktop supplies from any of them.

The Board estimates that the cost of the additional supply budget would amount to \$7,250 per year. The Board believes that supplies are provided by each building which is being served by a therapist.

Recommendation - No change.

G. Wage Rates

Recommendation - The wages for physical therapy assistants and certified occupational therapy assistants should be increased with the same percentages and on the same dates as the salaried teachers.

H. The TFT proposes that each speech-language, occupational, and physical therapist and nurse be provided with a lap top computer together with related software and supplies for

documenting Medicaid activities.

The Board computed that approximately 50 computers and related equipment would need to be purchased at a cost of approximately \$75,000.

The parties should continue to negotiate in order to decide whether or not less computers are needed.

Recommendation - No change.

TFT Issue No. 26 - Library Media

A. The TFT proposes a budget allocation of the minimum of \$15.00 per student for the purchase of library materials for elementary and junior high schools. This is necessary to meet the standards for North Central Association accreditation.

The Board has agreed to meet the requirements of the North Central Association in its counter proposal which was given to the TFT in exchange for the TFT accepting the Board's position with respect to teacher evaluations.

The Board's language commits to meeting the standards for North Central Association accreditation. This is preferable to establishing a per dollar limit.

Recommendation - The Board's proposal on this issue is accepted.

B. The TFT proposes adding two elementary library/media specialists each year during the term of the agreement. Further language is proposed restricting the number of library media centers which can be assigned per specialist beginning with the year 2000-2001. Evidence was presented that these specialists have not been added to the elementary schools since the late 70's. Presently the elementary specialists have six schools serving 3,461 children in six different locations. This is simply inadequate.

The Board is unwilling to agree to mandated staffing with the uncertainty of state funding.

The evidence is clear that there is a need in this area and the Board must find a way to service these elementary school children. The Board estimates the cost of the TFT proposal to be \$69,924 in year two and twice that amount in year three. Since this is a large budget item, it must be left to the Board's discretion to allocate resources among this area and other areas which are underfunded. The acceptance of this proposal might sacrifice needed resources in other areas. The parties should continue negotiations over this issue.

Recommendation - No change.

TFT Issue No. 27 - Nurses

A. The TFT proposes that a separate phone line be established for each nurse at a school. The nurses are unable to conduct their business. They are unable to make urgent and confidential medical telephone calls because they do not have a separate telephone. The phone lines at the schools are often unavailable because of the use by other staff.

The Board believes that it is impractical to provide a separate line for nurses at elementary schools when the nurses are there only one day a week. This is not economically justified. Moreover, other employees throughout the system are requesting telephone lines and the available resources cannot satisfy all of the requests.

Recommendation - No change.

B. The TFT proposes that school nurses be allocated \$300 in addition to their current annual allocation for medical supplies. In addition, each school nurse who completes Medicaid documentation will be allocated a one time additional amount of \$1,000 from district generated Medicaid dollars for the purchase of supplies and equipment. These allowances will not supplant

current allocations or routine increments to base allocations. The TFT further requests that computers and appropriate software for medical records be provided to each nurse. Nurses are running out of money during the year for general supplies like bandages, ice bags, etc. They do not receive any money for necessary equipment such as otoscopes, audiometers, and screening equipment for vision. All of these items are costly. Computers and software would aid in record keeping for the benefit of students. A lot of wasted time is spent locating records as they are transferred from school to school. If they were kept on a computer they could be readily accessible.

The Board has countered this proposal with an offer to pay an annual supply allocation as follows: Elementary - \$300; Junior High - \$450; Senior High - \$600. Further, the Board proposed that each school nurse who completes Medicaid documentation will be allocated a one-time allocation of \$1,000 for the purchase of supplies and equipment. This proposal by the Board was part of the Board's counter proposal to the TFT in consideration for the TFT accepting the Board's position on teacher evaluations.

There apparently is a clear need here which should be addressed. Accordingly, the Board's counter offer will be recommended, notwithstanding that it was a conditioned counter offer.

Recommendation - The Board's offer shall be accepted and inserted into the contract.

C. The TFT proposes that school-based clinics be assigned a full-time nurse who will coordinate the students with the clinics in addition to duties typically performed by school nurses. There are two school-based clinics. Nurses who are assigned to those schools must provide administrative services for the clinic as well as attend to the regular students in the school. This is an extra workload for the two assigned nurses.

The Board does not believe it is necessary to increase its expenses by hiring additional nurses

who would be assigned full-time to the clinics in the schools. The clinics are actually staffed by hospital nurses and the school nurses merely refer students to the clinic and perform administrative work. The clinic nurses are only at the schools one day or less per week.

The extra expense which would be involved in hiring more nurses does not seem justified at this point in time.

Recommendation - No change.

D. The TFT proposes that each elementary school nurse be scheduled 210 minutes of planning time per week. Each secondary nurse shall be scheduled the equivalent of one class period of planning time per day. The TFT states that the extra time is needed to do paperwork and to prepare medical charts for all of the students. Medicaid documentation has involved the expenditure of more time. More students are being seen by the nurses.

The Board does not believe that additional planning time out of the current work day is necessary. The Board's proposal is to extend the school work day which is a proposal opposed by the TFT.

This is a case where the TFT should obtain what it needs by addressing the Board's problem of additional costs.

Recommendation - No change.

TFT Issue No. 28 - Horizons

The TFT proposes that an educational technology resource teacher be established for the Horizons program in order to develop the skills of the students in a variety of computer programs and technology. The TFT proposes the ETRT be selected by Horizons teachers and that the ETRT be paid three hours per week at the negotiated hourly rate.

The Board believes that it is not necessary to address this issue at this time. It is willing to discuss this subject with the TFT when the program becomes more developed in this area. Presently, Horizons does not have data cables, file servers, or networks. The equipment provided to this program at the present time does not warrant an ETRT.

Recommendation - No change.

TFT Issue No. 29 - Teachers on Special Assignment

The TFT proposes that these instructional planning consultants be paid \$5,000 above their regular salary amount and shall work three weeks of extended time to be paid at their personal daily rate. Three teacher consultants work extended days beyond the regular teacher calendar year organizing and conducting planning and in-service sessions for school staffs. They work with an administrator consultant who receives administrative pay for the same work as the teacher consultants are doing. The days worked outside of the regular school year should be reimbursed at the consultant's daily rate of pay. The contract already provides that teachers who are on an extended time schedule shall be paid at the same rate as their personal daily rate during the regular school day. The administrator assigned as an instructional planning consultant works 28 days beyond the school year. The TFT proposal requests only 15 days for teacher consultants.

The Board has granted \$5,000 of additional pay if the services are needed. The Board proposes to pay extended time on an as-needed basis and does not want to be subject to a mandated schedule in the contract.

The Board exhibits allocate \$15,000 for this item to be used on an as-needed basis. Since this item has been paid in the past, it shall be subject to the across the board increase relative to salary and wages.

Recommendation - No change.

TFT Issue No. 30 - Non Public

A. The TFT proposes that the teachers in the non-public schools be subject to the same uniform leave policies as the other teachers. The request forms for obtaining a leave are inconsistent in the non-public schools. The non-public teachers have difficulties in notifying and coordinating their leaves with the administrators of the non-public schools. They would prefer to conduct their business with the central office of the Board instead of the administration of each non-public school.

The Board believes that the principal or administrator of the non-public school cannot be bypassed and that the request for leave should be submitted to that administrator. A separate arrangement was established with the non-public speech therapists but this arrangement cannot necessarily be established with the other non-public teachers.

Recommendation - No change.

B. The non-public teachers want access to the central printing services of the Board. Many of these teachers teach from van and portable sites with no copy machine available. They are not given extra supply money to obtain the copies they need.

The Board believes that the supply money has been made available and that it is up to the teachers to obtain the money.

Recommendation - No change.

C. Non-public teachers propose a uniform system for reporting absences through the central office of the Board. They believe that the Board should notify the administrators at the public schools and that this should not be the responsibility of the teachers. This is because non-public sites are numerous and they do not have consistent staffing patterns so that the teachers would have the

same individual to report to.

Like the leave issue above, the Board believes that the non-public teachers cannot bypass the non-public school administrators who have the responsibilities for their buildings.

Recommendation - No change.

D. The TFT proposes that the Board be responsible for moving materials, equipment and supplies from the vans to summer storage and that the Board provide boxes for packing the materials. The Board requires materials to be packed and moved each spring and fall. The teachers should not be required to do the packing and the unpacking. This work involves heavy lifting and could subject the teachers to unnecessary injuries.

The Board believes that assistance is available to the teacher from the central office if the teachers make prior requests. Also, these teachers may enlist the assistance of students.

Recommendation - No change.

E. The TFT proposes that non-public school teachers accrue building seniority for service in any non-public assignment, regardless of the location. The seniority would apply when there is a reduced enrollment transfer from a non-public assignment and from all other transfers, bidding, reductions, and preferencing within and among non-public schools in all classifications except for non-public teachers who are members of a system-wide department, in which case system-wide seniority shall apply. The TFT believes that these teachers are disadvantaged because they are not permanently placed within a building. They teach from vans and buildings separate from the school building. Regular teachers have building seniority which governs a reduction in force at a particular building. Non-public teachers need the same type of job security.

The Board disagrees with the position of the TFT. Presently its non-public teachers have

seniority rights if they are reduced in force. They have a right to transfer into a public school site if no other non-public school site is available. They can transfer into any public school site of their choosing. This is a benefit and alleviates the need for any further job security.

Recommendation - No change.

TFT Issue No. 31 -

The TFT proposes to increase the allocations for safety apparel and equipment for vocational teachers under Appendix M by \$10 for Group 1, \$15 for Group 2 and by \$55 for Group 3. These amounts have not been increased since 1992.

This Fact Finder cannot find a Board response to this issue; however, considering the fact that this budget has not been increased since 1992, it is recommended that it be increased by 10%.

Recommendation - Group 1 should be increased to \$44; Group 2 to \$66, and Group 3 to \$132.

## V. BOARD ISSUES

Board Issue No. 1

The Board proposes to change the language in I.A.3. relative to the placement of new employment positions in the bargaining unit. Presently, if the parties disagree as to whether the position should be placed in the teacher bargaining unit, the parties agree to submit to final and binding arbitration or to SERB, the question of whether the duties of the position are compatible with the duties already performed by bargaining unit members and do not involve supervision of bargaining unit members. The Board wants to submit this issue only to SERB because this issue is subject to the particular expertise of SERB. The TFT does not want to waive its right to have binding arbitration.

The TFT should not have to give up this right within the contract unless they are receiving something in return from the Board.

Recommendation - No change.

Board Issue No. 2

The Board proposes to eliminate Level 3 of the grievance procedure which permits the TFT to appeal the superintendent's decision in writing to the Board of Education. The Board states that this step was removed from the AFSCME contract and from the TAAP contract.

The TFT does not want to waive its right to a review by the Board of Education. The same reasoning which denied the Board's request in Issue #1 above is appropriate here.

Recommendation - No change.

Board Issue No. 3

The Board proposes language requiring the parties to share the cost of an FMCS panel. The TFT objects to this proposal.

Previously, there were no costs to the parties to obtain lists or panels of arbitrators from FMCS. FMCS, however, has recently changed its policies and a fee is now required. This Fact Finder believes that it is appropriate for the parties to share the costs of the arbitration to be consistent with Section II.C.6.

Recommendation - The Board's proposal is accepted.

Board Issue No. 4 - Acceptance of Teacher Aide

The Board wants to amend the language in Section IV,G.8. which states that the acceptance of teacher aides shall be voluntary on the part of teachers. The Board is concerned with special education teachers and the requirements of IEPs which are developed by a committee and which may

require that a teacher aide be provided in certain circumstances. The TFT believes that this makes no education sense and could unnecessarily increase the cost of operating the district.

Presumably, the Board is concerned about complying with applicable laws and regulations with respect to the education of special education students. This appears to be a problem which needs to be dealt with on a case by case basis.

Recommendation - No change.

Board Issue No. 5 - Delete Pre-First Classes

The Board proposes to eliminate the two pre-first classes which were added during the last contract. The TFT believes that pre-first classes are necessary and perform a valuable service for these marginal students. The Board prefers to eliminate the pre-first classes because the State Department of Education has provided additional funding for all-day kindergarten. The pre-first grade classes are very expensive since the class size is limited to only 15 students per teacher. Moreover, the district is critically short of room for classes. It is the district's goal to complete the expansion of the full-day kindergarten program by the 1998-2000 school year. Because of limited funds, the pre-first grade program must defer to the all-day kindergarten plans.

It should be the Board's call as to the broad overall educational policies which will be adopted. The Board's judgement that full-day kindergarten should take precedence over resources allocated for pre-first classes appears to be a reasonable educational policy decision, notwithstanding the undisputed benefits that pre-first classes deliver.

Recommendation - It is recommended that the Board's proposal on this issue be accepted.

Board Issue No. 6 - Transfers

A. The Board has proposed language which would alleviate some problems relative to the

filling of job vacancies through voluntary transfers. Presently under Article VIII teachers have the right to transfer based upon their seniority. Positions which become available during the school year are posted and teachers may bid upon those jobs. In the spring, teachers interested in transferring to another school for the following year must complete a transfer form and submit it by April 30th. If a new position occurs prior to the close of school, it may be posted immediately, however, retirements cannot be posted until a formal resignation is received. Teachers, pursuant to state law, have until July 10th to resign. Under the terms of the present agreement, positions which become open after the end of the school year are held until August 8th for placement. This presents an administrative log jam for the Board because it must complete the majority of placement and hiring in a brief three week period in August, at a time when many teachers are on vacation. As a result, in August of 1997 there still remained 26 positions to fill. The proposed language of the Board further deals with another administrative problem which permits teachers who have seniority preference to amend their choices continuously as other job vacancies open up. The Board proposes that a teacher be limited to only refusing or accepting two positions within any given calendar year. The Board witness on this subject explained the laborious administrative process he must administrate when teachers can repeatedly substitute their choices after other vacancies open up.

The TFT has recognized some of these problems and has agreed to move back the August date until July 11th. This is a relevant date because teachers must notify the Board by July 10th of their intended retirements or resignations. The TFT states that the problem complained about by the Board only arises with system wide vacancies which is a small part of the workforce.

The July 11th date is reasonable and provides some assistance to the Board. Permitting teachers to have multiple choices for transfers based upon their seniority seems unreasonable, and an

administrative nightmare. The "three strikes and you are out" rule seems appropriate here.

Recommendation - Art. VIII A. 1. b. should be changed from August 8th to July 11th. Language should be inserted in this article that limits teachers to three opportunities to fill job vacancies by exercising their seniority in any given year. They must accept their third choice regardless of vacancies that later open up.

B. The second issue raised by the Board relative to transfers relates to site-based schools. In these schools the team has the right to interview teachers for placement. Presently teachers may transfer to the site-based school without any approval of the principal in the receiving school. The Board proposes a system which would select the candidate from the three candidates with the highest seniority. The TFT undoubtedly opposes this proposal because of its adverse effect upon seniority.

Recommendation - No change. It is not recommended that this proposal be accepted at this time. There was no evidence presented that the teachers who seek transfers into site-based schools are not acceptable to the principals. It very well may be that the teachers who want to teach at site-based schools are acceptable. The parties should deal with this issue if and when it becomes a problem.

#### Board Issue No. 7 - Priority Hiring

The Board proposes changes in the contract language which gives priority hiring rights to hourly teachers, tutors, substitute teachers and paraprofessionals before new applicants may be hired. Before employing new hires, the Board must first hire full-time hourly teachers, long-term subs and building subs who have worked 120 days; then paraprofessionals who have worked five years; and, then full-time hourly teachers, long-term subs and building subs who have worked 90-119 days. Full-time individual/small group instructors have priority for LD positions. Tutors working 27.5 hours

per week are placed on the priority hiring list based upon the number of days worked. The Board is concerned about its ability to attract available qualified minority candidates. The percentage of minority teachers has decreased. The Board believes that this is, in part, because of the priority hiring list.

The TFT objects to this proposal for a number of reasons. Minority hiring situations would not necessarily improve. There are many minority persons in the existing positions on the priority hiring list. Priority hiring lists do not exist in every certification area. Typically there are more applicants for fewer positions in art, physical education, social studies, business and English. There are vacancies in the other areas where the Board may hire from the outside. The priority hiring list is a seniority provision which was negotiated by the TFT and it has existed for many years.

The Board has not presented a convincing enough case for this Fact Finder to accept its proposal in place of continued negotiations where the Board offers something to the TFT in return for its proposed language. Seniority provisions such as this are considered very important by unions and they have been placed in contracts usually after hard bargaining. The TFT must receive something from the Board in consideration for relinquishing the seniority rights.

Recommendation - No change.

Board Issue No. 8 - Deletes Special Education Payments

The Board is philosophically opposed to paying teachers a "bounty" for accepting mainstreamed special education students into their classrooms. This practice began as a means of encouraging teachers unfamiliar with special students to accept these students in their classrooms as part of the mainstreaming requirements of IDEA. The payments should no longer be needed because teachers should now be accustomed to instructing special education students and the language of the

new IDEA law has changed. The intent of IDEA is that all students are considered "regular education students", but some are receiving special services. In addition to the payment for accepting special education students, teachers receive payments for participating in individual education conferences. Some individual teachers have submitted requests indicating that they personally attended 60 conferences, when it has been highly questionable if they have personally participated. Participation in these conferences is difficult to verify. The district is currently spending between \$100,000 to \$150,000 on these special education payments. The Board is not necessarily concerned about the payment of money as much as it is concerned with the above philosophical issue.

The TFT argues that the payments are justified due to the increased workload. The TFT has proposed increases in these payments.

The Board witnesses stated that they would offer this money in other areas if the TFT agreed to remove these payments. The parties should continue to negotiate over this issue.

Recommendation - No change.

Board Issue No. 9 - Add New Overload Payment

Overload payments are made of \$75.00 for each student over 31 in a class. However, class sizes have been lowered because of certain instructional needs in certain areas. For example, advanced art classes have been set at 22 students and first year language classes are limited to 25 students. There is no provision in the contract for overload payments to be paid when the class sizes are under 31. Problems have resulted because the Board cannot make overload payments in these situations. If a Spanish class has 25 students and a new student enrolls, that student must either be denied enrollment or two Spanish classes must be created with the hiring of an additional teacher. Each of the new classes will have only 13 students. The Board proposes that it be permitted to make

overload payments in these situations.

The TFT objects to this proposal because it obtained an arbitration award in its favor over this precise issue, which prohibited the Board from making overload payments in classes that are under 31 in size.

The Board and the TFT should continue to negotiate over this issue in order to prevent students from being foreclosed from educational opportunities. Teachers could possibly accept or reject overload payments on the voluntarily basis when situations arise of this type. The Board's position is reasonable. It should not be required to hire extra staff who would only teach small classes.

Recommendation - No change.

#### Board Issue No.10 - Evaluation

The Board proposes changes in the teacher evaluation language because it believes it is foreclosed from input into the evaluation of teacher qualifications in certain cases and it is without any opportunity to evaluate a large number of teachers who are under permanent contracts. Teachers who are under a four year contract are evaluated only once during the last year of their contract for purposes of being recommended for a contract renewal. This involves only one classroom observation which is prearranged and the observation is limited to between 20 and 55 minutes. There are 2,621 teachers of which 1,088 are on a continuing contract and will never be formally evaluated for the rest of their teaching career. The Board believes principals must be involved in the evaluation process because they are held accountable for improving instruction and performance in their schools. The Board, therefore, has proposed an evaluation plan which incorporates standards used in private industry. One-third of the continuing contract teachers would be formally evaluated each year. The

purpose of these evaluations is not to impose discipline; the goal is to enhance and support the performance of the average teacher. If performance problems are identified, supportive and corrective services are implemented to avoid discipline, if possible.

TFT is philosophically opposed to the change proposed by the Board which is a return to the traditional evaluation approach used in the past. The TFT and the Board have been operating under the peer review system which has proved to be a model to other school districts around the state and the country. A return to principal evaluations would reinstate the conflict that existed in the past between labor and management. The TFT and management officials have cooperated on teacher competency issues and, as a result of this cooperation, many teachers have been terminated before they proceed in the system; others have been placed in the intervention component for assistance. To the TFT's knowledge, principals do not want to be responsible for teacher evaluations again. They neither have the time nor the expertise to deal with these issues.

The TFT, however, has recognized some points made by the Board, including its complaint that it has been removed from the evaluation process and from decisions which are made to refer teachers for assistance with consulting teachers, or to refer teachers to intervention. The TFT, therefore, has offered a counter proposal which provides that either the TFT Building Committee or the principal may refer a teacher to the Intern Board of Review for a performance review if it is alleged that teaching practices are not meeting the performance standards in the Toledo Plan Evaluation criteria. The Board of Review will assign a consulting teacher to review the referred teacher's practice. The consulting teacher will provide a written report to the Board of Review, the principal, the Building Committee and the teacher. A minimum of two observations will be required of the consulting teacher, and the report will be based on observed classroom performance in teaching

procedures, knowledge of subject and classroom management as specified in the Toledo Plan Evaluation Booklet. The Board of Review, by majority vote, may (1) assign the teacher to the School Consultation Program; (2) place the teacher in "assistance" which will be a mentoring relationship with an intern/intervention consulting teacher, or (3) decide that future further assistance is unnecessary. All other practices of teacher evaluation would remain unchanged, including the procedures for referral in placement intervention.

The TFT's countered proposal deals at least superficially with the Board's concern that principals are foreclosed from having input in decisions where teachers may need the assistance of consulting teachers and in intervention referrals. The TFT, however, rejects any proposal which involves periodic evaluations by principals of teachers with continuing contracts. This Fact Finder has considered all of these issues and believes that the institution of a formal evaluation administrative bureaucracy for all of the continuing contract teachers is problematic. The evaluation of every continuing contract teacher on any type of regular basis would be extremely time consuming and involve a tremendous amount of paperwork. This Fact Finder is familiar with similar procedures in large private companies. Many times, the forms are completed by supervisors in a perfunctory manner without providing substantial benefits to either the employer or the employee. The evidence in this case disclosed that the principals and administrators may observe the performance of teachers in the classroom on an informal basis at any time, subject to reaching the point of harassment. There is no reason to believe, therefore, that informal observations by principals of teachers who are suspected to have problems and who may need assistance would be less productive than perfunctory evaluations of every teacher on some regular basis.

The problem which needs to be addressed in more substance is the concern that

administrators are foreclosed from providing their input into teacher performance. The TFT's proposal which attempts to deal with this issue provides a good start, but it does not go far enough to provide the necessary input from administrators who are also responsible for the educational product of the schools. It is clear from the TFT proposal that the principal may on his or her own, refer a teacher to the Intern Board of Review for a performance review and the principal would receive a written report which is provided by the consulting teacher to the Board of Review. Thereafter, the Board of Review, by majority vote may (1) assign the teacher to the school consultation program; (2) place the teacher in assistance which will be a mentoring relationship with an intern/intervention consulting teacher; or (3) decide that further assistance is unnecessary. The problem with the first option, however, is that under present terms and conditions, the principal is not informed as to the progress under the school consultation program. It is recommended that the consultant meet with the principal and provide to the principal the results of the consultant's observation and investigation and the principal should be advised of the plan of action which is proposed to assist the subject teacher. The meeting between the consultant and the principal and all related matters must be kept confidential. In the event the teacher is placed in assistance or in intervention with a mentoring relationship, the mentor must be required to meet with the principal in order to provide the results of the mentor's observations and opinions with respect to the performance of the teacher. The mentor should advise the principal, upon request, whether or not the teacher is successfully addressing and complying with the plan of action which has been recommended. All communications between the principal and the mentor must be kept confidential. The principal should be able to recommend intervention by making a request directly to the Intern Board of Review based upon the evidence which the principal has received from the consultant.

Under these circumstances, the decision of the Board to accept or reject the principal's recommendation for intervention shall require five votes of the nine member board instead of six votes which are required when it is the recommendation of the consulting teacher that a particular teacher be referred to intervention. This procedure would be applicable to all teachers who are beyond the four year contract status. The purpose of these recommended changes is to insure that the principal will have a material impact on decisions which are made relative to the need for assistance by any particular teacher or the need for intervention.

Recommendation - The TFT's proposal is accepted with the above mentioned modifications.

Board Issue No. 11 - Student Teachers

The Board proposes to change the language regarding which teachers are selected to receive student teachers. Presently, teachers with three years teaching experience are eligible to be assigned a student teacher and provided that they complete certain student teacher course work as approved by the Federation and the Board. Once they are approved they are eligible to be placed on an assignment rotation list. Usually they are selected to receive a student teacher based upon their seniority. If they refuse a student teacher opportunity they would be relegated to the bottom of the list. The Board's proposal would add an additional requirement that teachers who request student teachers should be evaluated and approved by an administrator and an intern consulting teacher to be eligible for a student teacher. These evaluations, according to the Board, are necessary in order to insure that suitable teachers are provided to student teachers.

The TFT believes that there are no problems with the student teacher procedures. Student teachers receive very little compensation. No teacher who was placed in intervention can receive a student teacher. The Board's proposal is cumbersome and time consuming.

The Board failed to present hard evidence that the present selection system has produced unsuitable teachers. There was some mention of complaints by a university but the details of this situation were never explained. Accordingly, since there has not been persuasive evidence that the system is broken, there will not be any recommendation that it be fixed.

Recommendation - No change.

Board Issue No.12 - Elementary, Junior High Day

The Board's request to extend the duty day for elementary teachers from five hours and forty-five minutes to six hours and fifteen minutes was discussed in connection with the TFT's proposal for more planning time for the elementary teachers. It was recommended that the elementary teachers be relieved from teaching art one hour every other week in order to free up planning time for the elementary teachers. The Board's proposal to lengthen the work day in exchange for paying a .5% increase to all of the teachers was not recommended.

Recommendation - No change.

Board Issue No.14

The Board proposes language to change the manner in which the elementary school year ends. Currently, schools follow past practice to end the school. Most schools have a final full day, at the end of which students who take the bus to school receive their grade cards. Following this day, the teachers have a work day, followed by a last day of school at which students come in for one hour to receive their report cards. The Board proposes that the teachers have a full day of school for all students, followed by one work day to end the year. This would add almost a complete day to the school calendar and would standardize the school year for students who have different means of transportation.

The TFT views this proposal as an attempt to force all of the teachers to sit in school after all work, grades, and keys have been turned in. The existing practice has been the current policy for many years.

This proposal should be further negotiated. There was not sufficient evidence presented to the Fact Finder which would compel a change in past practice.

Recommendation - No change

Board Issue No.15 - Delete Sick Leave Recalculation

The Board proposes to delete the entire sick leave recalculation program in order to save cost. The Board is willing to discuss a new program with the TFT.

The TFT counter proposed to expand the sick leave recalculation program making it available to those with fewer than 200 days of sick leave. This program permits teachers who qualify to redeem a portion of their accumulated sick leave and obtain compensation.

The parties should continue to discuss their positions and the Board's proposed new program should be considered.

Recommendation - No change.

Board Issue No.16 - Workers' Compensation - Transitional Work

A. The Board currently participates in the State Worker's Compensation Program under a retrospective rating program which is a modified form of self-insurance. The Board pays a lower premium in exchange for assuming greater risk for additional billings based on experience. Currently, an injured employee or an employee who is assaulted can receive payments for certain sick days or assault leave days and then submits to the Board the warrant for compensation he/she receives from the Bureau (which is only 66-2/3% of the wages paid or, 72% of the wages paid). The compensation

paid is charged to the Board's experience. The Board pays for the leave but is only reimbursed a maximum of 72% of the amount paid. Additionally, the Board incurs charges to its experience rating for which it must subsequently reimburse the Bureau. The proposal submitted calls for a cooperative effort to reduce worker's compensation costs through managed care. An employee retains his/her right to file a claim and receive medical benefits from the Bureau. The wage continuation is paid by the Board in lieu of workers' compensation being paid which avoids charges to the Board's experience thereby lowering the Board's exposure for additional payments under the retrospective rating program. The employee receives full wages and benefits while participating and cooperating with the Board's physician or the employee may retain his/her own physician and the parties mutually benefit from transitional work assignments if the employee is able to work.

The TFT rejects this proposal analogizing it to the rejection of State Issue No.2 which was on the November ballot.

Recommendation - No change.

B. The Board proposes to change the current language relative to assault leaves. The TFT opposes changing this language because it believes that the assault leave language has been proven to be satisfactory.

Recommendation - No change.

## VI. ECONOMIC ISSUES

The parties have submitted for consideration a voluminous amount of statistics, data, charts, graphs and materials in support of their respective economic proposals. For the sake of brevity, their respective positions are summarized as follows:

The Board believes that it must operate its budget and finances in a very conservative manner.

In comparing Ohio cities to one another, Toledo has the lowest property value per pupil and the lowest tax revenue per pupil; however, Toledo has the second highest residential tax rate and the fourth highest student population. Accordingly, Toledo taxpayers are paying dearly for educational services. It is unrealistic to believe that more revenue will be received from tax revenues in the near future. State revenues will increase over the 96-97 level. The State legislature has approved a 3.9% increase in Foundation revenues for 98-99. This will add approximately 4.7 million dollars to the Board revenues. The DeRolfe case recently decided by the Supreme Court provides a cloud of uncertainty over the funding process for Ohio public schools.

The State further placed restrictions with respect to how certain funds may be spent. House Bill 412 requires, beginning in 98-99, a reserve fund of 1% of revenue. There is a further requirement that 4% of revenues must be spent for instructional supplies and text books and 4% must be spent for capital maintenance. There is a three year phase-in for these requirements. Once Toledo's revenues grow to a certain point the 1% reserve fund will be kicked in. This will require approximately 2.5 million dollars to be placed into reserve. The restricted funds for supplies and for capital maintenance would be approximately 9.2 million dollars each.

The current tax levy of 6.9 mills expires on December 31, 1999. The Board will lose approximately 15.9 million dollars unless the levy is renewed. Furthermore, the Board has experienced fluctuations in the receipt of tax revenues from the auditor over past years. This is due to erroneous projections or estimates on collections from the auditor's office. Therefore, based upon estimated revenues and expenses, the Board will begin 97-98 with a 9.5 million dollar surplus of unencumbered funds and end with an 8.6 million dollar surplus. The Board projects ending the 1998-99 year with a two million dollar surplus and by year three the Board projects a deficit if there is no

increase in revenues. The Board projects that a 1% increase in across the board salaries and wages would cost approximately one million dollars in 1997-98 and 1.5 million dollars in each of the next two years. Based upon this background, the Board proposes a 3% across the board wage increase for year one and a reopener for years two and three due to the uncertainty of revenues.

The TFT criticizes the Board's analysis as being overly conservative. They point out that over past years the Board has consistently under estimated its surpluses. The tax revenues from the auditors office will undoubtedly be more than that projected by the Board. The Board has averaged an unencumbered balance of seven million dollars per year since 1993. The State monies have been consistently more than that projected by the Board. Over the past four year period monies from the State Foundation have increased by 35% or over 7% per year.

In terms of expenses, there is an item for purchased services in the amount of \$600,000 for school improvement plans. This is a discretionary fund of the administration and may be spent in a number of ways including increases in certain wages and benefits.

The Board has erroneously discounted the importance of the DeRolfe decision. The purpose of the decision is to redistribute State money to school districts where the funds are needed. The Board will receive more revenue as a result of this decision and not less. The Toledo salaries are less than all of the Ohio cities of substantial size, including districts such as Parma, South-Western, Canton and Youngstown. The average salaries of Toledo teachers are below that of Dayton and Akron and Toledo has received the lowest percentage of increases over the last five years. This is notwithstanding that Toledo is the fourth highest in student enrollment among the cities. Of the eight school districts in Lucas County, Toledo ranks sixth. The Toledo proposal of 6.1%, 4.5% and 4.5% is an attempt to restore equity to the Toledo teachers relative to their counterparts within the county

and with cities of similar size.

A review of a number of contracts in the county and among the cities which show percentage increases evidence a fairly narrow range of percentage increases. Sylvania will receive 4% for 97-98 and 98-99 (they received a zero increase for 96-97); Oregon will receive 2% for 97-98, 3% for 98-99 and 3% for 99-00; Columbus shows 3% for 98-99 and 3% for 99-00; Washington shows 2.5% for 97-98 and 3% for 98-99; Dayton shows 3% for each year beginning with 97-98; Akron shows 3%, 3% and 2% for years beginning with 97-98; Maumee shows 3% for 97-98 and 3% for 98-99; and, Springfield shows 3% from 96-97 to 97-98. The figure of 3%, therefore, is clearly the predominate average increase paid to teachers in comparable districts over the next few years.

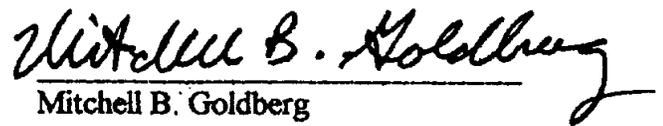
Considering all of the evidence presented, and the recognition by both parties, that Toledo is having difficulty attracting qualified graduates who are minorities, there should be some increase recommended over the average in order to make Toledo attractive compared to other similar districts and cities. This is true particularly with the beginning salary. A 3.3% increase would bring Toledo's starting salary to \$25,233 which would be similar to Akron at \$24,529 for 97-98 and Dayton at \$25,953. The figure would be well above Washington at \$22,993. Toledo would still trail each of these districts in the middle part of the salary scale such as the level for a masters degree with ten years of experience. However, the present contract contains many forms of additional compensation for many of the teachers. These include payments for additional education, payments for taking special education students, automobile expense reimbursement, tuition reimbursement, overload payments, supplemental contract payments, etc. Accordingly, many teachers receive compensation well beyond that set forth in the salary schedules.

Recommendation - It is recommended that for the three year contract, the Board shall pay

across the board increases of 3.3% in year one, 3.2% in year two and 3.1% in year three. The following is also recommended relative to certain proposed economic issues of the TFT (Issue No. 20):

1. Graduate hours should remain at 60; the proposal of the TFT to increase it to 90 is not accepted.
2. The proposal related to continuing educational credits is not accepted.
3. The mileage cap under XXXV D. shall be increased from \$150 to \$200 as a cap.
4. The proposal under XXXV F. for a language change is not accepted. There shall be no change in the language.
5. The proposal under XXXV G. to increase the percentages in paragraphs four and five is not accepted. There shall be no change.
6. The proposal under XXXV H. to compensate for sick days accumulated in excess of 370 days on December 1st of each year is not accepted. There shall be no change in the language.
7. The proposal under XXXV Q. which offers teachers an early retirement option is not accepted. There shall be no change in language.

Respectfully submitted,

  
\_\_\_\_\_  
Mitchell B. Goldberg  
Fact Finder

Date DECEMBER 15, 1997

## I. Tentative Agreement Teachers

### ARTICLE I - RECOGNITION

- C-3 exclusive organizational rights recognized by SERB
- D-1 delete first pay period for payment of union dues
- E-4 delete entire reference to Site-Based Management schools
- E-6 change Federation president/representative or his teacher - to: his/her teacher
- E-8 delete PTA, replace with "parents"
- E-9 use bold type for "athletic budgets and expenses"
- F-2 reimbursement for release time and memo of understanding
- F-2 teachers appointed to (removed: full-time) positions with the Federation
- F-7 move to Article XXX
- G-1 add "disability" to non-discrimination clause

### ARTICLE II - GRIEVANCE PROCEDURE

- B Informal Procedure for grievances
- B-1-d grievances filed in Federation's name considered Level 2
- B Level 2 - add in Level 1 if applicable
- C-4 arbitrator will only hear one (1) grievance unless series of related occurrences, then consolidate
- D-4 change "Assistant Superintendent, Personnel" to "Deputy Superintendent"
- D-13 move to Article XL - C

### ARTICLE III - SENIORITY

- D ESL teachers to have system-wide seniority
- F-4 seniority lists for summer school, International Studies, adult ed and hourly teachers

### ARTICLE IV - TEACHING ASSIGNMENTS

- New joint committee to review Advanced Placement
- B-1-b teacher openings occurring as a result of retirement, death, resignation or transfer
- B-1-g insert bold type: "There is no grade level seniority."
- G International Studies Center - teachers assigned full time when possible; HR will maintain seniority list
- B-4 newly assigned teachers must honor decision on split classes
- C change "and" to "of"
- F-1 DDT, DD/BD, MD/BD may be rotated or bid by seniority
- F-2 reference to Personnel Office. ASDO models refer to Article XLVIII.  
Proposed changes in status or disability composition shall be announced by May 15
- F-3 MD/BD and MD/MF shall be posted as such

- G-4 change "four-year provisional certificate" with "two-year provisional license"
- G-12 changed "executive director" to appropriate school improvement leader
- G-15 changed "executive director" to appropriate school improvement leader
- G-16 planning periods missed because of ..... field trips,.....will not be rescheduled
- G-19 specialist shall relieve homeroom teacher if an assembly is in progress
- G-20 teaching classes in lieu of planning time shall be voluntary
- H a copy of such posting will be forwarded to the Personnel Office and to the Federation
- H-2 teachers scheduled 3 planning periods in one day may appeal through the Federation to the School Improvement Leader

#### ARTICLE V - ELEMENTARY SCHOOLS

- A newly employed teachers and all teachers who transfer will be provided approved desktop supplies and Board adopted curriculum materials and appropriate furniture, core inventory agreed to by Board and Federation
- I student test results will be made readily available on a timely basis
- K \$515 annually to each elementary school for proficiency test instructional materials
- L change "office of elementary education" to "principal"
- M deleted pilot kindergarten reference
- O change "executive director" to "appropriate School Improvement Leader"
- O guidelines for scheduling elementary specialists are subject to change after discussion among the principal, specialist, and bldg. rep.
- O-2 every effort will be made to schedule planning periods for art specialists at primary building and evenly distributed over two-week period
- O-5 if a room is available for music or art, teacher system seniority and amount of time determine who is assigned
- V kindergarten teachers who have different students in a.m. & p.m. shall have 45 min. between sessions
- R scheduling problems go to a joint review committee for resolution
- U Title I programs and services at individual bldgs. will be determined by mutual agreement

#### ARTICLE VI - HIGH SCHOOL/JUNIOR HIGH SCHOOLS

- A newly employed teachers and all teachers who transfer will be provided approved desktop supplies and Board adopted curriculum materials and appropriate furniture, core inventory agreed to by Board and Federation
- J teachers may leave their building during lunch
- K high schools shall have a computer coordinator

#### ARTICLE VII - TEAM TEACHING

- B extra compensation for team leader may be jointly agreed upon by the Board and TFT
- F deleted reference to "multi-unit"

## ARTICLE VIII - TRANSFERS

- A-12 delete "multi unit or"
- B-1 bold type for "building seniority"
- B-9 change "be credited" to "apply"
- C-1 teacher must have certification and teach 3 periods in 7-12 or 50% in K-6 to fill a system-wide department vacancy at a school; bold type "System-wide department seniority"
- D-5 vacancies in special ed. will be posted by June 1

## ARTICLE IX - TUTORS/HOURLY TEACHERS

- B-11 deleted reference to PIC program
- C bold type "Full-time hourly teaches and tutors"
- D bold type "Full-time hourly teachers and tutors"
- D-14 change "may" to "will" grant one day personal leave per school year
- F-4 Individual/Small Group Instructors shall work the calendar year of their respective schools
- H-2 change 80% to 100% - of regular contract salary for ABE-GED teachers; add uncertified must obtain certification within 5 years or terminated
- H-4 change 80% to 100% - of regular contract salary for ABE-GED teachers; add uncertified must obtain certification within 5 years or terminated
- J-7 reference to COTA/PTA

## ARTICLE XIII - DISCIPLINE

- H visitation of classrooms - who, for how long, and conditions
- I visitors must sign in and wear identification badge on school premises

## ARTICLE XIV - SCHOOL FACILITIES

- F available computers will be available for use by teachers
- I deleted reference to coffee-makers
- J bold type: Regular usage of the public address system shall be confined to no more than twice daily
- N deleted reference to day-care center
- Q communication system maintained in all modular classrooms detached from school building

## ARTICLE XV - BUILDING SUPPLIES

- D change school year reference dates
- G Mayfair/Youth Treatment Center separate accounts for instructional materials

## ARTICLE XVI - PROPERTY

- E teachers to have access to classrooms 2 wks after and 2 wks before school starts, provided it does not interfere with construction/cleaning; notified if not available

## ARTICLE XVIII - EVALUATION

- A-2 revised evaluation standards published
- D bold type continuous building subs or paraprofessional references

## ARTICLE XIX - SUBSTITUTES

- U continuous building subs with 4 yr. degree allowed unpaid leave to complete licensing per Memo of Understanding

## ARTICLE XX - GRADING

- C deleted reference to computerized grades

## ARTICLE XXII - DISCIPLINE

- D teacher will be advised of criminal/parole status of students and student's disciplinary record to extent law allows
- F quick response plan for fights and disturbances updated annually
- K deleted Federation to be included if legislation requires Board to act regarding corporal punishment
- L teachers notified/permitted to attend pupil personnel disciplinary hearings; may be accompanied by TFT representative
- Q school/community programs to be established for behavior problems

## ARTICLE XXVI - INSTRUCTIONAL PROGRAMS

- A-1 teachers to serve on committees relating to staff/professional development
- H administrators to submit time sheets within 30 days of completion of committee service - then paid on next regular payroll

## ARTICLE XXVII - SCHOOL CALENDAR

- C general dismissal teacher stays until pupils leave or end of day whichever is first
- N year-round school pilot to be explored

## ARTICLE XXIX - DEPARTMENT CHAIRPERSON

- A-4 cross-reference of department chairperson
- A department chairpersons elected in odd-numbered years - additional reference
- B-2 ESL teachers shall elect system-wide chairperson
- B-7,8 deleted 2 dates originally in contract

## ARTICLE XXX - LEAVES

- A-6 payment for professional meeting attended within 30 days of submitting documentation
- p. 101 personal growth leave - for work outside of field of education
- E emergency leave funeral of staff member
- H return from STRS disability leave, placed as reduced enrollment transfer
- I move I of Article XXXV to this article; move Article I, F-7 here  
Sick Leave Recalculation Program is frozen
- p. 104 Sick Leave recalc frozen; parties to meet and discuss new program by 9/1/98

## ARTICLE XXXI - SUMMER SCHOOL

- C-9 summer school - emergency, jury duty-court leave OK with pay; military leave OK without pay

## ARTICLE XXXII - NIGHT SCHOOL

- H night school - emergency, jury duty-court leave OK with pay; military leave OK without pay (no professional leaves granted)

## ARTICLE XXXIII - PERSONNEL FILES

- p. 113 deleted reference to Employee Assistance Program

## ARTICLE XXXV - SALARY SCHEDULE, BENEFITS

- Q delete reference to \$300 payment.
- new parties agree to explore STRS buyout and/or VESA (voluntary Employee Separation Program)

## ARTICLE XXXVI - VOCATIONAL EDUCATION

- p. 125 vocational shop replaced with T and I; home economics replaced with Family and Consumer Science (housekeeping only)

## ARTICLE XXXVII - ATHLETICS

- B modify to head power volleyball; modify junior high coaching positions to include four assistant coaches; managers for city championships tournaments
- C-9 mileage for coaches for interpretation meetings; additional mileage reimbursement upon approval
- C-12 no dual capacity Trainer/Equipment Manager - grandfathered
- E-2 capitalize "School Athletic Committee" (housekeeping only)
- E-4 add reference to Article I, E-9 for athletic expense disclosures (housekeeping only)

- E-6 asst. coach not a voting member for termination of head coach in same sport
- E-7 add reference to School Athletic Committees responsibilities: A Reference Guide for School Athletic Committees (new)
- F-2 change "coaching" to "athletic" (broader usage)
- F-2-c positions outside bargaining unit reposted 3/15/98 and 9/15/98
- F-10 split supplemental athletic contract will be re-posted in its entirety (memorandum of 7/94)
- G written input on secondary athletic directors by TPS Director of Athletics to School Athletic Committee
- H-1 delete "effective September, 1992"
- H-2 super seniority means only that building reps and athletic directors are exempt from staff reductions  
new supplemental position of Equipment Manager for women

#### ARTICLE XL - PAYROLL CHANGES

- H chair of committees must submit time sheets within thirty days
- I delete "Effective January 1, 1993"
- L delete reference to Federation approval from IRS
- N severance pay taken over 3 years must elect to do so 60 days prior to date of retirement

#### ARTICLE XLI - TEACHER IN CHARGE

- A substitute for teacher-in-charge to be named by Federation

#### ARTICLE XLIV - MUSIC

- G junior and senior high school band, choir, and orchestra directors selected by joint committee
- G (new) realignment of position upon being vacated - reposting & preferencing
- G interview process to fill assistant directors in high schools

#### ARTICLE XLVI - READING DEPARTMENT TEACHERS

- all substitute "Title" for "Chapter"
- p 157 reading department grade range designation
- D change title to Assistant Superintendent, Curriculum & Instruction
- J committee to discuss reading curriculum, staff development and testing

#### ARTICLE XLVIII - SPECIAL EDUCATION

- A-3 bldg. committee & principal review assessment priorities
- A-4 IAT guidelines/payment/in-service detailed
- A-5 teacher referrals to IAT outlined
- A-6 MFE report made available to school/teacher
- A-7 teacher given copy of MFE within 30 days following completion
- A-8 student's teacher participate in IEP conference

- A-9 bldg reps provided Psychological Services Summary and status of students referred for MFE
- A-11 deleted reference to joint committee for selection of Observation/Intervention teams
- B-5 student transfers who received sp ed services to be promptly provided services
- B-6 teacher recommends placement of students 8 weeks prior to end of school
- B-10 student located in another unit after 3 years in same unit with same teacher
- B-11 removed reference to additional DH Transitional Units
- B-12 delete B-12 and include in L-6
- B-15 ASDO proposals shall be developed collaboratively
- C-3 mainstreaming DD and LD elementary music, phys ed, and art
- F-3 if requested, teachers will prepare proposed IEP for students who enter after initial IEP period
- F-5 IEP forms provided at least 4 weeks prior to IEP conference days
- G eliminate number 1 before paragraph
- H-10 teachers/specialist of DD/BD, MD, MD/BD, SBD and DDT units provided training in management of aggressive student behavior and yearly updates
- J-3 speech therapists will be provided separate and adequate facilities
- J-7 population of students of speech therapist shall be equitable
- J-8 speech language assessments will be completed for all students with parental permission granted by April 15
- K. physical and occupational therapists - incorporate previous COTA and PTA agreements
- L-2 head teachers at MCO, Ryder, Mayfair and McKesson work total of 3 wks extended time
- L-3 changed Program Review and Evaluation Procedures to: School Improvement Review
- L-6 MD/BD and MF units shall be posted as such
- L-8 removed reference to Level A or B
- L-14 Medicaid documentation in separate Memorandum of Understanding
- L-15 medically fragile (MF) definition
- L-16 teachers notified in writing of students w/ Do Not Resuscitate (DNR) order; teachers not required to perform services required by law to be performed exclusively by nurses
- L-17 training to be provided for all personnel assigned to provide services to medically-fragile
- AP B checklist for procedures for potential SBD referrals

Appendix Guidelines for SAT

ARTICLE XLIX  
AUDIO-VISUAL & ED TECH RESOURCE TEACHERS/TRAINERS

- B reference to Ed Tech Resource Teachers and Educational Technology Trainers payment

## ARTICLES L - LIBRARIES

- F elementary library secretaries work same work year as librarians and shall not be assigned non-media duties except per past practice
- H change "Executive Director" to "Assistant Superintendent, Curriculum & Instruction"
- I delete reference to cataloging services
- P ½ time position at Mayfair will continue and be combined with another assignment without reducing services to other locations
- S letter from Dr. Kendrick to verify librarian doesn't clean books or pack/move materials

## ARTICLE LII - SCHOOL CONSULTATION PROGRAM

- p. 182 changed phone number

## ARTICLE LIV - SCHOOL NURSES

- E update of language re: W. Lehrer's letter of 1/26/93
- V medically fragile students defined
- V teachers notified in writing of students w/ Do Not Resuscitate (DNR) orders
- V teachers of MF students provided access to nurses via radios or other communication
- V teachers not required to provide services required by law to be performed by nurses
- V training to be provided for all personnel assigned to provide services to medically-fragile

## ARTICLE LVI - HORIZON TEACHERS

- A delete reference to cluster sites
- B delete reference to phase out of multi-grade classrooms

## ARTICLE LVIII - TEACHERS ON SPECIAL ASSIGNMENT

- C delete reference to date of 9/1/92

## NEW - NON-PUBLIC SCHOOLS

- H non-public teachers shall have delivery of school mail to their homes
- I communications system maintained in units which are detached from school building
- New copy of non-public school budget to Federation