

OEA Contract Convention Notes from Cluster Meetings

April 3, 2004, Oakland High

These notes were transcribed directly from the butcher paper notes taken in cluster meetings at the Contract Convention. In cases in which an arrow was drawn and it seemed more meaningful than a dash or another form of punctuation, “[arrow]” is typed here. The names of individual OEA members are listed before a specific proposal in cases where names were listed on the butcher paper notes kept in that cluster meeting.

Additional proposals submitted to the Bargaining Team or Contract Action Team are also included here. A reference, “see notes,” appears in the notes of Clusters 1A and 1B, under “Every school as a paid librarian...”, but these notes were not with the butcher paper. If anyone has them, please send them so they can be included with the rest of this.

Craig Gordon, Mandela High teacher and site rep

Clusters 4B, 4A, 6A, 2B

High School

Small school language

Settlement during school year, adequate notification, by the by-laws
Transparency of content of contract
The way contract is presented and voted on

Adult Ed

No health care caps

Breaks

Middle School

Class size

Salary

Medical Benefits - more

Retirement – including health benefits

Re-instate annuity

No staffed cafeteria (change)

ECE/Elementary

Feedback about Principal

Return 4%

No cuts in Medical care

- No additional charges
- Retirement benefits

Restore staff prepped

No forced transfers
Return yearly raises, COLA
Pay for volunteer days
Equitable sharing of bilingual stipend – teachers/translators – disclosure
Return CLAD stipend
Restore calendar
CAP SDC class size @ 10

Specifics on “Highly Qualified Teacher”
For points ---- Longest list of inservices

Grievance campaign now – due process
No more cuts to Special Ed. – Increase staffing
Early retirement – 2 + 2 and 2% @ 55
Incentives to keep veteran teachers
Results Based Budgeting
Class size reduction for the 4th and 5th grades
Support custodians, not shifting their work onto teachers

Clusters 5-6 (?)

General

- Faculty Councils – maintain/strengthen language
- RBB – enrollment projections too low will result in losing staff / “replacements” will NOT be acceptable later when it’s proved projections were too low.
- Demand full current staffing
- Consolidation – teachers rights due to consolidations
- With RBB – will cost to cover classrooms come out of site funds
- Language around hiring substitutes sub pool gets “closed” – Need more in system
- Need better system for assigning subs
- STIP subs

CI 5-6

Elementary

- Specialty Prep – Back to 2 preps staffed per week. (eliminate “common” prep.)
- Increase financial penalty for missed preps (amount teachers are paid)

Specialty prep in areas like PE, library, art, music

Support kids’ learning by fostering different types of learning - research shows kids perform better with these included in their learning day and learning from different adults.

Cutting teachers due to RBB flies in the face of OUSD rhetoric around retention of qualified teachers, especially when this is based on unreliable demographic projections.

CI 5-6

- Number of preps – some doing 3 (primarily due to High Point)
- Possibly connecting preps to textbooks
- Class size – especially 1st semester @ master schedule. Better job of staffing.
- Increase rates of pay when you have to cover someone’s class.

cl. 5-6

General

- Job sharing within contract (should be within contract (should be addressed within contract) Look at Berkeley Unified’s contract.
- Restore 4% and 6 days

- No caps on medical
- Co-payments on prescriptions being abused
- RBB – seniority issues, etc. – implications of implementation in transfer rights, absence records
- Training in First Aid/CPR for all certificated members
- Custodial/safety issues – language should be stronger
- Better ways to share resources more equitably – supplies, money, copying, etc.

CI 5-6

General

- 2 + 2 Retirement
- Strengthening grievance process
- Other retirement options
- Working conditions – outside phone line in all classrooms
- Keys to restrooms, working areas
- Revisit, clarify and strengthen grievance process to hold OUSD to contract
- “Union members” NOT “unit members”
- Don’t even meet with the district until we clean up our own contract ratification process
- District has failed, has never notified students of criminal background – violation of Ed Code.
- No new contract while old contract not observed.
- Retirement – boycott until the OUSD adopts the 2/2 State Plan. They have no motive to adopt this if we voluntarily retire.
- Allow district to do individual negotiations with retiring teacher.

Clusters 2A, 3A, 5A

Elementary

- Autonomy (RBB) – more democracy re: budget – plan allows teachers/school to solve problems
- Prep – when is a common prep?
- Allow schools to make own schedules, solve own issues (minimum days, preps)
- Allow schools to plan around special needs and curriculum (e.g., OCR not appropriate)
- Closing school a demeaning process (probably will happen next year). Probably will happen next year. Must be proactive regarding future closings; feel isolated – support dwindled.
- Non-teachers, inputting/deciding on budget.
- Sudden influx of \$, no time to spend thousands of dollars. What’s source, given the deficit? Why didn’t we know earlier? Why such last minute notice?

- Cleanliness, low moral
- Retaliation for speaking out.
- Walk out if no 4%. Pre-emptive strike (but low morale)
- Autonomous schools: 20:1 ratio
- Slow RBB process down – may be positives re: school empowerment
- OEA – stop process, not top-down. Must involve community, people affected. OEA should demand halt
- Barbara Kerr’s modified RBB – slippery slope. Can only bring worse condition given current tyranny wary of agreeing to RBB

Elementary

- How to communicate real politics of RBB to community organizations sites turned in on selves; can’t reach out
- Need to be district-wide protections re: RBB
- Sites isolated: need to share what’s happening re: RBB
- Gap between RBB and contract: principals pressure teachers to transfer since they can’t get rid of high-cost teachers (e.g., Lowell); make life miserable
- Re: partial RBB – e.g., leave out salaries and benefits and ADA [arrow] better situation
- Small schools no longer “autonomous” – still must do OCR. Autonomy based on API – must be earned
- RBB in other districts / SF: FTEs next year based on \$ (check with SF teacher)
- Bilingual stipends: clarify “willing” to do 10 hours – unclear in contract – different procedures at different sites
- Counseling, clerical, custodial affected by RBB in some schools vs. tenured teachers. OEA must talk to other unions.
- Need budget template for each school, make them transparent, compare
- Need more veteran teachers
- Flatland schools should have same amount of \$ as hill schools (which also have more fundraising)
- Alternatives to school closures: special ed. Schools; move students from overcrowded schools (modernized schools may be converted to charter schools by Ward)
- Buy-back days? Dist. didn’t come through last year.
- Flatlands appear to have more \$, but no consistency [arrow] inequity

Elementary [continued]

- Attacks on West Oakland property
- School budget autonomy – devoted minimum days (site resp. – inc. work load)

Contract Suggestions from Lincoln Elementary School

- Stipend/compensation (in prep or I.A. time, if not money) for combination/bilingual classes.

Report Cards

- Full-time I.A. or stipend for classes with over 20 students.
- Conference days for at least first 2 report cards.
- Devote one Minimum Day a month for grade circuits to plan together, not just for OCR. The Minimum Day before the end of each report card period should be aside for doing report cards.
- Standardize report card grades from elementary on up (A,B,C,D,F).
Computerize elementary report cards as is done for high school.
- **Question:** if District asks for 2nd unstaffed prep, how will that be worked out without adding additional instructional minutes? In that case, teachers will be paying for their own prep.
- **Question:** Does labor law apply to teachers, or are only classified employees entitled to a 10 minute break every 2 hours? This needs to be clarified in the contract; K teachers assumed that they were entitled to a 10 minute morning and afternoon break even though they don't have yard duty.
- **Clarify:** How much prep time do K teachers have? Unofficially, 1 hour. Specify in contract. How much of their undesignated time (about 40 min.) can be used at the principal's discretion and for what purposes? Does the state mandate team teaching regardless of whether one or two K teachers share a room?
- **Clarify:** What triggers the designation of bilingual classes? Specify. In one case, the principal changed the designation of a bilingual classroom (with a majority of bilingual students) to SEI under pressure from one parent whose child was transferred into that room. The principal should honor the requests of the majority of parents.

Benefits

- Switch from STRS to PERS: The City of Oakland was able to negotiate lifetime medical for employees and their spouses.
- Switch from Health Net to Blue Shield (also the choice of the City of Oakland): prescriptions are much cheaper - \$10 vs. \$50 under Health Net.
- Institute a cafeteria-style of benefits as is done in other school districts by allocating a certain number of dollars which, if not used for benefits, can be added to salary. E.g. New Haven. This avoids double coverage.

Middle

- RBB reducing size of staff – capped population of stud.
 - 90% of budget next year
- Principals putting pressure on senior staff to lower school costs
- Capping healthcare – defensive position
- No ability to hire
- Budget Template made by union, shared by all schools, to allow more transparency, more evaluation
- Go to Sue Whorley and protest
- Start w/ not enough teachers, but get one in Oct. if necessary
- State level – weighted formula (Riordan) (Oakland is a test) to be tried at state level
- Changes in budgets must be bargained!
- CTA president in favor of weighted formulas (RBB)
- Central Labor Council opposed school closures
- Unhappy about having to teach High Point
- RBB dependent on principal – if good or bad, but all are cuts and dangerous
- Not enough communication amongst teachers
- Principals not trained on finance, RBB will be a mess.
- McClymons changing to SAS
- Counselors 1:500 (concern) now [arrow] 1:1000
- Stronger middle school language in contract
- Teachers teaching 3 preps or 4 preps
- Class size overages all year
- Difficult getting subs
- Year-long vacancies
- Teachers covering classes during their preps
- Credentialing issues

High School

- Lawsuit: defacto destruction of educational equity – travel to new school
- Educate parents re: rights to educational access – P.T.A. already compensating for gaps
- Can't put \$ sigh on education: e.g., costs more to educate kids with learning problems
- Difficult home situations shouldn't be penalized
- Principals untrained to handle budgets – must contract out for financial coach

Clusters 7A and 7B

Elementary

- Unstaffed prep doesn't work. Two staffed prep returned.

- End subs, not fully-credentialed covering staff prep.
- Having to cover for lack of subs
- Combination classes – eliminate!
- Lower class size in grades 4 and 5
- Library staffing per Cal. School Lib. Assoc. Standards

EC – p. 110 – 22.12.2.4 Eliminate last bullet

Middle

- Article 12 – rethinking consolidation language
- Library concerns in writing turned in.
- Class size enforcement
- Re-establish 500-1 counseling load.
- 1 certificated Library Media teacher per secondary school

High

- Waiving 2 prep limit [give extra conference period to teachers required to teach more than two subjects] – Craig Gordon/High School caucus language
- Balderston – list of specific changes to the contract
- Health benefits trade-off concern
- Library Media teachers have lunch and prep periods like classroom teachers; also that before/after school extended hours be paid; consider 5 days before and after “regular” school year to open library from 1st day of school
- Library Media teachers staffing as per CSLA standards

Other

TSA’s – Last year District switched salary payment from schedule from 11 months;
p. 122 – We want our full 11 or 12 months salary reported to STRS

- Increase reimbursement for gas to be realistic or provide District cars
- Substitute teacher shortage – pay equal
Increase disincentives [?]
- Consolidation
- Continuing problem of subs covering specialized classes
- Certificated staffing for SDC classes – not a series of subs drawn from school

Other – Part II

- Reimbursement for opting out of benefits
- RBB – ageism
- Website – bargaining updates (Carl)
- Clusters 7A, 7B & 8: 4:15 Castlemont April 29th - Leadership stay until 6:30 pm

Clusters 1A and 1B

Elementary/ECE

- Barbara/Piedmont – teachers put on administrative leave and involuntary transfers to “philosophical differences” on curriculum
- Special Ed – class sizes increased (severely disabled students – up to 14, up to 17 in high school). SH teachers dev. Proposal contract language. Speech therapists up to 74 in caseload. RS up to 28 (state limit) No collaboration time with classroom teachers.

Barbara Range – ECE

- Substitutes being placed in long-term positions; use high school language
- “Teachers-in-charge” – effort to change duties w/out bargaining. Need contract language. Due to loss of site administrators.

Ann/Peralta

- Healthcare!
- 4%
- RSP teachers losing time with students
- Teachers doing custodial work due to cuts in custodians.
- Academic freedom
- Two staffed preps

Middle

Jean/Claremont/librarian – District trying to close libraries through RBB. Attempt to replace certificated teachers with clerks. “Every secondary school has paid librarian”... see notes

Eileen – Hillcrest (K-8)

- Meeting of teachers: #1 Health care; any more cuts – move or strike
- Keep salary on table (Bond) not just 4%’s
- Special ed. Services – restore to Spring 2003 levels.

High SchoolMike/H.S. caucus/Oakland Tech – see draft

- “small autonomous schools”: forcing high schools into SAS – using involuntary transfers. Require 2/3 majority to approve SAS.
- Class size – impacted by RBB (ADA-based funding)
- Transfers – right to transfer being cut. Some told can’t transfer because too senior, to expensive
- 40% of teachers working during preps
- DEMAND BARGAINING OVER RBB

Craig

- Prep limit –extra conference period if teacher has three subject preps (exceeding limit of 2)
- [a teacher adds] one-third to half of teachers like having 3 preps – the proposed language provides choice for these teachers
- Class size language – see H.S. Caucus notes

Tanya

- Need public campaign to parents
- Aggressive grievance campaign
- End state takeover/RBB/No Child Left Behind

Please look at entire HS caucus proposal – ask for summary of all concerns/all clusters.

Proposals

1. Another general membership meeting (Contract Convention) with more build-up.
2. Focus on interest/caucus group meetings
3. Focus on discussion @ Rep Council. Turn over to Bargaining Team (see by-laws, Article 7, Section 1)
4. Cluster-based might bring new voices
5. Cluster-based car caravan or other cluster activities
6. Parent march to district or City Council
7. Focus on workdays to fix up school.

High School Caucus Recommendations for New Contract Language

Add as last bullet of 7.6.1 “Faculty Council” (pg.9)

Any proposal to convert or break down a school into one or more “small autonomous schools” must first be brought to the Faculty Council for discussion. The F.C. shall then present the proposal to the entire faculty for thorough discussion with its recommendation to accept or reject the proposal. The faculty must vote to accept or reject any proposal to reorganize the school into one or more “small autonomous school(s)”. The F.C. shall conduct this election by secret ballot and certify the result. A 2/3’s majority of the staff voting must approve a proposal to reorganize their school into one or more “small autonomous school(s)” before such a reorganization can be implemented.

Replace 15.3 (pg.71) with:

It is the District’s responsibility to provide adequate staffing at each site based on each site’s student enrollment so that contractual class size maximums are not exceeded. Staffing must be increased immediately whenever a site determines that it cannot satisfy the programmatic needs of its students while keeping within the above stated contractual class size limits.

Add at the end of 10.3.2 “Secondary Substitute Duty” (pg.20)

Teachers will not be required to accept a substitute teaching assignment more than once in any given marking period.

Add to 12.2.1.1 (pg.39)

Any vacancy not filled by the third week of any semester shall be placed on a master list to be provided to the OEA and each school site by the fifth week. As other vacancies occur, this listing shall be updated on a bi-monthly basis.

In 12.2.1.2 and 12.2.1.5 (pg.39) replace:

the word “or” (between “electronically” and “in writing”) shall be replaced with the word “and”. The same change shall occur in 12.2.1.3 between the words “written” and “electronic”.

Add to 12.2.2.2.a (pg.39)

A STIP substitute member shall not be assigned a position that is permanently open beyond the second week of a semester nor remain in one more than 30 days. Should the latter situation transpire, the STIP substitute shall automatically be offered a temporary contract.

Add to 12.7.6 (pg.43)

Any attempt at employer-initiated transfer involving a difference over agreement or philosophical acceptance of a new curricular or reform policy shall be deemed punitive and automatically rejected.

Add to 12.6.6 (pg.42)

Denial of a application to transfer cannot be based on years of service status or any other financial factor linked to site-focused funding (such as RBB).

**PROPOSED LANGUAGE TO STRENGTHEN CONTRACTUAL PREP LIMITS
IN SECONDARY SCHOOLS**

submitted by OEA High School Caucus
at April 3, 2004 OEA Contract Convention

(All proposed new language is underlined.)

Add the following under **Article 12 Definitions**:

A preparation is any course that differs in content from other courses taught and therefore requires preparation time. Any course with a distinct course description in school course listings or is described as a distinct course of study district guidelines or state frameworks is considered a separate preparation, even if two courses are combined in one class period with one teacher.

12.10.2 is existing language

12.10.2 The desirability of minimizing the number of different preparations is recognized. Except in exigent circumstances and appropriate to the educational program, the preparations for elementary classroom teachers shall be limited to official enrollees in one class. For secondary teachers, the preparations shall be limited to two.

Add the following language

12.10.2.1 Should the staffing requirements of a school or program within a school make it impossible to adhere to the two-preparation limit and if a teacher waives the two preparation limit protection, the teacher will be compensated with an extra conference period for each preparation exceeding the limit.

12.10.2.2 At the point when it becomes mathematically impossible to compensate each additional prep over two with an extra conference period, a teacher will be exempted from the extra-duty requirement described in 10.2.8. The teacher will also be compensated at her/his per diem rate pro-rated for the additional conference periods that would be provided if there were room in the schedule, minus five hours per month.

12.10.2.3 Teachers desiring three or more subject preparations may request a waiver to 12.10.2.1 and 12.10.2.2 through Faculty Council. If Faculty Council determines that the teacher has taken the initiative in seeking the additional subject preps and grants the waiver, no compensation for the additional prep(s) is required.

12.10.2.4 The contract provisions in 12.10.2.1- 12.10.2.3 are intended to balance a site's program needs with protection of teachers' rights to a limited workload. Under no circumstances can any teacher be required to teach more than two preparations in return for additional conference periods and/or monetary compensation.

Under no circumstances will a teacher already assigned to a particular site or program be reassigned involuntarily for refusing to waive preparation limit rights.

Add under 7.6.2 (Faculty Council Function)

- Accept or reject teachers' requests for waivers of the subject preparation limit as described in 12.10.2.3

Proposed Language to Enforce Class Size language submitted to Bargaining Team at OEA Contract Convention April 3, 2004 (submitted individually at Contract Convention, not yet considered by High School Caucus)

15.2.3 If the District fails to achieve class size maximums within ten (10) days it will publish a full page announcement in major local newspapers, including the *Oakland Tribune* and *San Francisco Chronicle*, within ten (10) additional days listing the sites and the number of overcrowded classrooms at each site. It will republish such full page announcements every two weeks until all classes are at or under the contractual limit.