

Minutes of
Okeechobee County School Board Meeting
Legislative Hearing
August 16, 2013

The Okeechobee County School Board met as a legislative body to consider 2012-13 collective bargaining agreement items at impasse for the Instructional Personnel Contract between the Superintendent of Schools and the Okeechobee County Education Association #1604. The following members were present: Chairman David Williams, Vice Chairman India Riedel, Joe Arnold, Gay Carlton, and Malissa Morgan. John McClure, Special Counsel to the Board was also present. Also present were Superintendent Ken Kenworthy and Tom Conely, School Board Attorney representing the Superintendent. Present and representing the Okeechobee County Education Association were Dianne Falvo, Treasure Coast Unit Service Director of the Florida Education Association, and Tom Bonasera, President of the Okeechobee County Education Association.

Chairman Williams called the meeting to order and set the following points of procedure for the hearing:

- This is a public hearing conducted by the School Board of Okeechobee County, Florida ("School Board") pursuant to §447.403, Florida Statutes, to resolve impasse(s) in negotiations between the Superintendent of the School District of Okeechobee County, Florida ("Superintendent") and the Okeechobee County Education Association ("OCEA") involving unresolved issues in the 2012-13 Collective Bargaining Agreement for Instructional Personnel.
- The Superintendent declared impasse and invoked the statutory impasse procedures set forth in Chapter 447, Florida Statutes. OCEA requested that the parties proceed with a Special Magistrate Hearing which was conducted on April 29, 2013. Both parties and members of the School Board have received copies of the Report and Recommendations of the Special Magistrate. OCEA rejected the recommendations made by the Special Magistrate for Article VIII.F. and XII.E.(1), both pertaining to Planning Period. The Superintendent rejected the Special Magistrates' recommendations for Article XI.A., pertaining to Step Increase and Longevity Stipend and Article XI.D., pertaining to Differentiated Pay.
- Pursuant to §447.403(4), Florida Statutes, both parties have submitted to the School Board their recommendations for settling the impasse issues. This hearing is now required pursuant to §447.403(4)(c), Florida Statutes, in order that each party is afforded the opportunity to explain their positions to the School Board with respect to impasse issues.
- This proceeding is open to the public to observe, but it is a labor proceeding with specific statutory requirements. Only the two parties, the Superintendent and OCEA, will make presentations to the School Board.

The following is a summation of the positions of both parties on items at impasse and the Board's vote on those items. Presenters were Superintendent Ken Kenworthy, Ms. Dianne Falvo, and Mr. Tom Bonasera. Superintendent Kenworthy called Tracy Downing, former Principal of Seminole Elementary School, as a witness. Witnesses called by Okeechobee County Education Association were the following instructional personnel: Karen Charlton, Math Teacher at Yearling Middle School; Lisa Harwas, 1st Grade Teacher at Seminole Elementary School; and Eddie Matchett, Social Studies Teacher at Okeechobee High School.

Introductory Remarks: Tom Bonasera, President of Okeechobee County Education Association (OCEA), presented opening comments for OCEA. Superintendent Kenworthy presented opening remarks for the District. Both parties provided background information leading to the Legislative Hearing and set the stage for their presentations to the School Board.

Items at Impasse:

- Article VIII.F. Planning Period / Article XII.E.(1) Evaluation/General Rules

Special Magistrate's Recommendation: That the following language be adopted:

Article VIII.F. ". . . Meetings shall not be scheduled during a teacher's planning more than four (4) times per month. Meetings for the purpose of this provision shall include, but not be limited to, grade level meetings, department meetings, IEP meetings, team meetings, parent conferences, group planning times, professional development meetings, training meetings, curriculum meetings,

evaluation conferences. *An additional single planning period per month may be utilized for evaluation conference. This restriction shall not . . .*

Article XII.E.(1) *Evaluation conferences may be scheduled during teacher planning periods and shall be subject to provisions as provided under Article VIII.F., Planning Period.* (No change)

OCEA's Position/Recommendation: That no changes are made to current contract language dealing with use of teacher planning for evaluation. (Reject Special Magistrate's Recommendation)

Superintendent's Position/Recommendation: That the contract be amended so that conferences concerning the evaluation may be conducted during the planning period without being counted as one of the four allowed by the contract. (Accept Special Magistrate's Recommendation)

Presentations were made by both parties in support of their positions on *Planning Period* issues at impasse. OCEA based its presentation on planning time being crucial to good instruction, necessary to maintain positive teacher morale, and that other times are available to conduct teacher conferences related to evaluation, i.e. before and after school. The Superintendent explained the need for administrator access to additional planning periods in order to meet the requirements of the evaluation process as stated in the Instructional Personnel Contract. Superintendent Kenworthy stated that hiring substitutes so that the required meetings with teachers can be accomplished is not only an unnecessary cost, but unfair to students not to have their teacher in the classroom.

Board Deliberation: After presentations, including statements by witnesses, and rebuttal by both parties, School Board Member Joe Arnold stated that he would prefer to find common ground regarding teacher planning time. He suggested a compromise that would preserve the total allotment of planning time for teachers over the year while providing flexibility for the District to have access to an additional planning period in months where there are more evaluation conferences to be completed. For instance, if the District requests use of an additional planning period in one month for an evaluation conference, then they would give up access to one less planning period in another month.

OCEA requested a five-minute recess to discuss the proposed compromise. After reconvening, further discussion took place. Superintendent Kenworthy expressed a concern about tracking the use of planning periods for every teacher in the district. Several Principals in the audience were called upon for their opinions. They also expressed concern about making an already complicated process (evaluation procedure) more difficult by having to track planning periods. Mr. Arnold stated that he believes it is important to preserve planning time for teachers. Board Member Malissa Morgan stated that planning time is essential for teachers to provide meaningful instruction and that it is important for teacher morale to know that planning time is protected. Vice Chairman Riedel commented that she has been told by a number of teachers that planning time is a necessity, and that she also understands that it is important for administration to have access to teachers for professional development, evaluation requirements, etc. Board Member Gay Carlton stated that she can see both sides of the issue and that everyone will need to be flexible and reasonable to make the suggested compromise work. Chairman David Williams stated that he is in favor of Mr. Arnold's suggested solution to the planning time issue if both sides feel that they can make it work. Dianne Falvo stated that OCEA would be in favor of the compromise, and Superintendent Kenworthy stated that the District would be in favor also.

Joe Arnold, with the assistance of Special Counsel John McClure suggested the following revised language for Article VIII.F. Planning Period:

"Planning time shall be defined as individual teacher planning and preparation, individual teacher evaluation and grading of students' work, and other similar tasks associated with the immediate demands of classroom teaching. Each teacher on the secondary level shall be provided one daily uninterrupted class period during the normal work day, free from supervision of students, and each teacher on the elementary level shall be provided one daily uninterrupted period of not less than forty (40) minutes during the normal work day, free from the supervision of students, for planning. Principals shall preserve planning time reserved in this section for the stated planning

Minutes of
Okeechobee County School Board Meeting
Legislative Hearing
August 16, 2013

~~period. Meetings shall not be scheduled during a teacher's planning more than four (4) times per month.~~ Meetings shall not be scheduled during a teacher's planning period in excess of the following:

<u>August – 2</u>	<u>December – 4</u>	<u>April – 5</u>
<u>September – 5</u>	<u>January – 4</u>	<u>May – 3</u>
<u>October – 5</u>	<u>February – 5</u>	<u>June – 2</u>
<u>November – 4</u>	<u>March – 5</u>	

Meetings for the purpose of this provision shall include, but not be limited to, grade level meetings, department meetings, IEP meetings, team meetings, parent conferences, group planning times, professional development meetings, training meetings, curriculum meetings, evaluation conferences, etc. This restriction shall not apply to brief consultations regarding student discipline, student services, administrative inquiries or any meeting initiated or requested by the teacher.

This provision shall supersede any other provisions concerning work hours and planning period.

Board's Resolution: Both parties voiced agreement to the proposed language. Gay Carlton made a motion that Article VIII.F. be revised as stated above, and India Riedel seconded the motion. Chairman Williams called for a vote, and the Board voted as follows:

<u>In Favor</u>	<u>Opposed</u>
David Williams	Malissa Morgan
India Riedel	
Joe Arnold	
Gay Carlton	

- Article XI.A Salary Schedule (Step & Longevity Stipend) / Article XI.D. Differentiated Pay

Special Magistrate's Recommendation: That OCEA's proposals as to step increases, longevity stipends and differentiated pay be adopted.

OCEA's Position/Recommendation: That step payment is made for the 2012-13 school year in addition to a \$600 increase in longevity pay for those on the top step of the salary schedule. That the Differentiated Pay supplement for teachers at Title I schools increase from \$400 to \$600 per year and the number of schools receiving this supplement increase from one (1) elementary school to four (4) elementary schools.

Superintendent's Position/Recommendation: That instructional personnel salaries and longevity stipends for the 2012-13 school year be frozen at the 2011-12 level. That the Board maintain current contract language as it relates to the Differentiated Pay Plan.

Presentations were made by both parties in support of their positions on step increase, longevity stipend, and differentiated pay supplements for teachers at Title I schools. Superintendent Kenworthy presented data showing that the District's expenses are continuing to exceed its revenue. Therefore, the fund balance continues to decrease, because it is being used to make up the shortfall in revenue. Additionally, the driving factor in determining the District's revenue is student enrollment which continues to decline at a steady pace. Further, the 2012-13 budget is closed, and any salary increases will have to be taken out of the 2013-14 funds. Ms. Falvo's presentation included OCEA's stance that the District has a history of over-budgeting and under-spending, thereby creating a financial picture that appears to be in more dire circumstances than it truly is. OCEA's opinion and position is that the District has maintained a very healthy fund balance and can afford the salary increase that they have requested. Regarding Differentiated Pay, Superintendent Kenworthy stated that he is not in agreement with OCEA's claim that teachers at schools with high free and reduced lunch rates work harder than teachers at any other school in the District. Teachers at Okeechobee Achievement Academy are already receiving a supplement of \$1,000.00 per year, and all Title I schools in the District receive an additional \$100,000.00 per year above what other schools receive. Regarding the purchase of snacks, snacks for after school programs/tutorials

Minutes of
Okeechobee County School Board Meeting
Legislative Hearing
August 16, 2013

are available free of charge from the Food Service Department. Some form of differentiated pay for teachers at Title I schools will be required by law beginning in the 2014-15 school year, at which time the issue can be revisited at the bargaining table. Ms. Falvo stated that teachers at the four schools with 80% or greater free and reduced lunch rates report that they spend their own money on the needs of their students and spend more time on instruction-related activities than teachers at other schools. She suggested that the cost of increasing differentiated pay and extending it to three additional school sites would be \$86,556.33, and that it could be easily taken from the District's fund balance. Ms. Falvo also stated that she believes that the District's cost of providing health insurance is over-budgeted and that salary/differentiated pay increases could be taken from those funds.

Board Deliberation: Vice Chairman Riedel stated that the District has quality teachers and that she wants to compensate them. However, as a School Board member, she also has a responsibility to keep the School District fiscally responsible and solvent. She stated that it is indisputable that 26% of the fund balance was used last year to make up the shortfall in revenue and that another 21% of the fund balance will be used this year to make up the revenue shortfall. Therefore, she could not vote in favor of increasing salaries until the District's revenue covers its expenses. Ms. Riedel added that she is very appreciative of the new money coming for 2013-14 that will flow directly to the instructional staff. Chairman Williams stated that he is in agreement with Ms. Riedel's statements. He commented that this is the first time that he recalls the school district having a salary freeze. Mr. Williams said that the parties should move past 2012-13, get back to the bargaining table, and give increases to the teachers in 2013-14. Joe Arnold commented that Okeechobee is lagging behind other districts in its economic recovery. The State of Florida has the highest mortgage foreclosure rate in the nation, and Okeechobee has the highest rate in Florida. Mr. Arnold said that he appreciates everything that teachers do for the district and students, and that fortunately this school district has been able to continue with raises in the past few years when other districts had salary freezes. Malissa Morgan stated that this decision before the School Board is especially difficult for her, because she understands what it takes to be a teacher. She also agreed that the Board has to be fiscally responsible. However, continued Ms. Morgan, the District has a teacher salary schedule that should guide the budgeting process. She commented that the District has great teachers, but the District is also losing great teachers because they are not being compensated. Gay Carlton stated that she is seeing the District having to dip into the well to cover expenses and that if it continues doing that, the well will be dry. She commented that while the Board would love to be able to increase salaries for last year, it cannot continue to dip into reserves. A school district, like a private business, must keep money in reserve to stay fiscally stable.

Board's Resolution: A motion to accept the Superintendent's recommendation that instructional personnel salaries, including longevity stipends, for the 2012-13 school year be frozen at the 2011-12 level was made by India Riedel and seconded by Joe Arnold. Chairman Williams called for a vote, and the Board voted as follows:

<u>In Favor</u>	<u>Opposed</u>
David Williams	Malissa Morgan
India Riedel	
Joe Arnold	
Gay Carlton	

Board Deliberation: Board Member Joe Arnold stated that he believes the Board needs to freeze salary increases including Differentiated Pay for 2012-13. Chairman David Williams commented that in the private sector, his employees have not had a raise in almost four years and that he would have to vote against an increase in Differentiated Pay. Vice Chairman India Riedel stated that her stance on increasing Differentiated Pay is the same stance as she stated for salary increases. Malissa Morgan commented that she is also in business in the private sector and understands the recent economic difficulties, although it is difficult to put a dollar sign on the impact. Gay Carlton commented that right now teachers at the school with the highest free and reduced lunch rate are receiving a supplement, and that if the District continues adding supplements based on free and reduced rates, there is no end. Eventually all the District's schools could meet the 80% or greater rate.

Minutes of
Okeechobee County School Board Meeting
Legislative Hearing
August 16, 2013

Board's Resolution: A motion to accept the Superintendent's recommendation that the Board maintain current contract language as it relates to the Differentiated Pay Plan was made by India Riedel and seconded by Joe Arnold. Chairman Williams called for a vote, and the Board voted as follows:

In Favor

David Williams

India Riedel

Joe Arnold

Gay Carlton

Opposed

Malissa Morgan

There being no further business for discussion, on a motion by Joe Arnold, seconded by Gay Carlton, the Board adjourned the legislative hearing at 8:20 p.m. The next meeting of the School Board will be the second public hearing for 2013-14 millage rates and the 2013-14 budget as well as a regular business meeting on Thursday, September 5, 2013, 6:00 p.m., at 700 SW 2nd Avenue, Okeechobee, Florida.

Copies of the presentations made at this hearing are available upon request.

OKEECHOBEE COUNTY SCHOOL BOARD



David H. Williams, Chairman

ATTEST:



Ken Kenworthy
Superintendent of Schools