

APPROVED
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Rockville, Maryland
September 24, 2001

The Board of Education of Montgomery County met in special session at the Carver Educational Services Center, Rockville, Maryland, on Monday, September 24, 2001, at 6:20 p.m.

ROLL CALL Present: Mrs. Nancy J. King, President
 in the Chair
 Mr. Stephen Abrams
 Mr. Kermit V. Burnett
 Ms. Sharon Cox
 Mr. Reginald M. Felton
 Mr. Walter Lange
 Mrs. Patricia B. O'Neill
 Mr. Dustin Jeter, Student Board Member
 Dr. Jerry Weast, Secretary/Treasurer

Absent: None

The Board of Education met with the Executive Board of the Montgomery County Education Association (MCEA) and discussed the following topics:

1. Overview of collaboration initiatives
2. MCPS budget – MCEA leadership concerns
3. Collective bargaining reform in Maryland

Mr. Mark Simon, president of MCEA, opened the meeting by reviewing the agenda items and introducing the MCEA Executive Board and Board of Education.

Mr. Simon placed on the table a discussion of the overview of **collaborative initiatives**, and how it was functioning within MCPS. He distributed three items: (1) a letter dated February 27, 2001, (2) an article *Leadership for Learning* by Tony Wagner, and (3) brochures about MCEA. The letter reminded the community of momentous achievements in the last contract. There is a universal sense that MCEA and MCPS are breaking new ground and accomplishing great things for students. *Leadership for Learning* describes the difficulty of change and the difference between ownership and compliance. Finally, the MCEA brochures have been handed out at back-to-school nights. Collaboration is the right thing to do, and has received broad accolades. It is above reproach. Collaboration is happening in 190 schools. The fear is that the process of setting real goals will be underestimated by the Board, administration, or MCEA. He thought the discussion at this meeting would engage on specific issues and examples. How are things going in schools as seen by MCEA board members? The training this summer focused on professional learning

communities. Schools are doing things that may sound good, but Mr. Simon was concerned with implementation of initiatives.

An MCEA executive board member pointed out that there was increased communication with parents with the school's progress reports. However, the implementation of the program was not done in a collaborative way. In fact, it was opposite to community building and professional learning communities. Teachers in several schools were told by the principal to send out progress reports, and it was not discussed as a faculty. This mandate creates a feeling among teachers that the report was burdensome as opposed to constructive communication. Mr. Simon emphasized that regular communication is a shared goal and should not be a mandate from administration.

Mr. Felton wanted to know the reaction of the teachers. An MCEA executive board member heard from MCEA representatives that on the first day of school they were told that reports would be sent every three weeks. This was not done with the collaboration of staff, and the reaction of teachers was "one more thing to do."

Mr. Abrams asked if schools fostered a latitude in collaboration in the school, and why was it working in some schools. An MCEA executive board member explained that their new principal is getting feedback on collaboration and has put it at the heart of leadership. Mr. Simon thought it was a challenge for the school system, especially in transition and positive signals about collaboration come from the Board and superintendent.

Mr. Felton inquired about how teachers responded where there was no collaboration. An MCEA executive board member stated that leadership team stated that it is mandated. When the principal and leadership team make a decision, there is a push back on the part of teachers. Now teachers are counting up the time it takes to do the reports, and there is opposition to it rather than making the task an effort to increase student achievement with parental involvement.

Mr. Felton asked what schools mandated school progress reports. An MCEA executive board member stated that there were differences from school to school – mandate to collaboration.

Mrs. King thought this was a big culture change; MCPS has to keep moving in the right direction. Mr. Simon did not know whether the tradeoffs are considered. Progress reports to students every three weeks is not good if staff does not know why it is being done. Everyone understands the need for communication, establishing priorities, and making judgments to do the job based on those priorities.

Ms. Cox asked about the school culture and the way things work in each individual school. She had spoken with staff, and they were thrilled with the progress reports. She was concerned that the top down, cookie cutter approach is not effective. She was interested in making sure individual schools are comfortable in the way things work, and there is a situation where the majority of teachers are comfortable. An MCEA executive board member pointed out that when staff comes together to work on a solution, there is

ownership on what they were doing. Staff many decide differently on the best way to solve a problem.

Ms. Cox asked if there was training on the collaboration process. An MCEA executive board member explained that there is a collaborative process. There was the old liaison committee, but this is a new model. The first issue this year was the progress report, and it was done with a lot of pressure to get it done in addition to the usual opening of school activities.

Mr. Felton knew this was a change in school culture. There will always be groups that will change faster, but schools adjusting more slowly to the change should be identified. The Board and administration will keep endorsing collaboration. Mr. Simon remarked that any initiative can be implemented in top-down process, or teachers can be invited to participate working out the details. An opportunity to reach a consensus together is what MCEA is seeking. It is important that the Board signals its desire for schools to become professional learning communities.

Mr. Simon asked other MCEA executive board members if they had examples of where collaboration was well done or the difference it makes of getting it right. Several people reported their experiences, including evaluation of employee surveys, open communication with administration, training, brain storming, direct involvement of the improvement plan, department plans for this year, development team worked with each department for initial plans, opportunity for ownership as the curriculum is revised, and making sure that the curriculum designers see importance of the MCEA councils.

Mr. Simon introduced the topic of the **MCPS budget** and MCEA leadership concerns. He wanted to underscore how fragile the initiatives were. Issues of time and workload will make the difference between success and failure. Therefore, class size reductions and little bits of time created for staff are very important. He hoped that these fragile elements of time and class size were the highest priorities for the Board.

Mr. Abrams noted that data confirmed the success of the kindergarten curriculum with all-day and half-day kindergarten. The Board fought hard to stay the course, and it will do the same for class size and staff support. However, the Board will be dealing with a more difficult budget environment, and the Board will have to double efforts. Mr. Simon knew there would be tough decisions. Staff should acknowledge where money spent has proven effective since there are areas where there is not proven value added. Mrs. King and Mr. Felton suggested that teachers and MCEA identify those areas where programs were not successful.

Mr. Simon introduced the topic of **collective bargaining reform in Maryland**. It was an embarrassment to MCEA that the Board opposed the MSTA supported legislation. The

legislation would have modernized the collective bargaining law that included language to establish a new "permissive" category of subjects of bargaining, defined as "all matters that are mutually agreed to by the employer and the employee organization other than illegal subjects of bargaining." He asked the Board what in the MSTA collective bargaining bill was problematic for them.

Mr. Felton thought that if a bill on collective bargaining is put on the table, everything in the contract should open up for negotiation. Mr. Simon was concerned that it took 15 years to embrace interested-base bargaining, and the school system should not fight state law in order to do what is right.

Mr. Felton disagreed, and he thought every item is negotiable. The concern from MCEA is that there were many items in the contract that MCEA did not want to recast. Mr. Simon was pleased there was a final agreement with the Board and the recent negotiations were good. However there are no reassurances that the old state law would not be used to appeal to courts, and what had been done could be illegal. What MCPS might want to do in the future, a Board in another county could appeal.

Mr. Abrams replied that the *Livers* decision was part of the legislation. The inclusion of "discipline and discharge for just cause" in the definition of mandatory subjects of bargaining for noncertificated employees is another attempt to reverse the *Livers* decision of the State Board of Education. Montgomery County uses a process of advisory arbitration in such cases. With *Livers* on the table, there is a big problem. The legislation would take jurisdiction away from Maryland State Department of Education (MSDE) and put it under the State Labor Relations Board. In theory, that change throws out labor law precedents and makes decisions subject to an administrative board. MCEA's intent was to provide certainty in the process. That is a philosophical difference between the Board and MCEA. Mr. Abrams did not share Mr. Simon's concerns that someone could make a subsequent challenge. Under current law, there is no prohibition for any county to enter into a similar contract.

Mrs. King noted the recent collaboration on the contract and stated that any attempt to legislate would take the life out of the initiative.

Ms. Cox asked about collaboration under the bill where items were mandated by the state. One interpretation of the bill is that MCPS would not be able to make decisions since it would go to State Labor Relations Board. Mrs. King thought it removes collaboration from the collective bargaining process.

Mr. Simon stated that there were two things in the law. One was due process that would shift from MSDE to the State Labor Relations Board, and the other was the permissive category. The language is not a mandate, and he believed it is a misunderstanding and

question of fact.

Ms. Cox thought it was an issue of what is in the contract. The teachers would have input, and she believed parents should have input. Mr. Simon replied that the Board has mandated parental involvement. Ms. Cox asked if the Board could mandate parental involvement under the proposed collective bargaining law. Mr. Simon replied that involvement of staff does not speak to the lack of parents in the decision making process. Making commitments to teachers or employees does not exclude parents. Separately, the Board can make any commitment to parents it deems appropriate. Mr. Abrams commented that the parents would be a third party without legal standing in the contract. Mr. Simon thought there was a great deal of communication with parents, and there is involvement through various mechanisms. Ms. Cox remembered the parents' experience with the QMCs when there was language in the contract to involve parents in the decision making process.

Mr. Simon stated the desire of MCEA to be on the same side as the Board concerning permissive language. He wanted to work with the Board to make the law acceptable to both parties.

Mrs. O'Neill stated that involving the State Labor Relations Board was a huge issue in the bill. Mixing labor issues with education is not a good approach. She believed in collaboration and the give and take of bargaining. With the new high school assessments, the school calendar would not be under the control of the Board. Also, the Eastern Shore issue needs to be a separate piece of legislation.

Mr. Abrams was concerned with discussing parts of the bill that were unacceptable by the Board at this point. Bills are crafted for political considerations. The Board cannot react to legislation until it is written, and the Board has not had time to study its contents and directives. Mr. Simon thought the Board and MCEA could work together.

Mr. Abrams asked why the legislation was necessary for Montgomery County. The current contract is legal, and the Board was authorized to negotiate it. Mr. Simon encouraged the Board to look at it from MCEA's point of view. Mr. Abrams suggested the same approach for MCEA.

Mr. Simon concluded the discussion with the statement that it was helpful to identify the issues.

The meeting ended at 7:35 p.m.

PRESIDENT

SECRETARY

JDW:gr