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# Solidarity!

## Elementary Music, Art, Physical Education, REACH; District Tries Another End-Run

MTI filed an Unfair Labor Practices Complaint (Prohibited Practices Complaint) *given the District's failure to implement Arbitrator Jay Grenig's Award of February 9, 2004 that the schedules for elementary specials teachers (music, art, physical education and REACH) could not exceed 1,350 minutes per week. Despite the Arbitration Award, the District has scheduled specials teachers for 1,380 minutes per week or 3,240 minutes (54 hours per year) BEYOND the Arbitrator's Award.*

The **Arbitrator ruled** that the long-standing District past-practice of assigning such staff a **maximum of 1,350 minutes per week to be a "standard"** which is contractually binding. **He ruled that the only way the District could change the 1,350 standard would be to gain MTI's concurrence.** MTI will not agree, given the negative impact on MTI members of any increase.

The District based its action to not implement the Arbitrator's Award, on its **alleged "repudiation"** of the standard during the 2007 Contract negotiations. Given the terms of the Arbitrator's Award that any revision in the "standard" must be by mutual agreement, **the District had no legal authority to act unilaterally.**

MTI Executive Director **John Matthews** said that the **District's failure to implement the Arbitrator's Award and to force litigation of this matter to a third hearing was a waste of taxpayers' money and a continued abuse of the specials teachers.**

During bargaining for the 2007-09 Teacher Contract, Wisconsin Association of School Boards Attorney Bob Butler, who was representing the Madison Metropolitan School District, advised MTI that the District was "repudiating" the agreed upon practice of assigning elementary specials teachers and would no longer be held to the 1,350 minute (22.5 section) limit. MTI Executive Director **John Matthews reminded Butler and then Supt. Rainwater that an Arbitrator, ruling on an MTI grievance over excessive District assignments to elementary art, music, physical education and REACH teachers, ruled that any change in the 1,350 minute limit required "mutual agreement" with the Union.** Matthews added that the Union was not willing to agree to an increase in the workload.

**The District later** reasserted its position and, commencing with the start of the 2007-08 school year, **in violation of the Arbitrator's Award,** began assigning some elementary specials teachers to 23 sections. **The District further complicated the matter when it, for the 2008-09 school year, began assigning most elementary specials teachers at least 23 sections, and some as high as 24 sections (1,440 minutes), or 90 minutes per week above the Arbitrator's Award.**

**MTI filed a prohibited practices complaint** (unfair labor practice) **over the District's refusal to abide by the previous arbitration award.** A mediation session was held on December 10, 2007 and when no agreement was reached, the WERC hearing on MTI's complaint was held September 4, 2008.

At the September 4 hearing, **MMSD Labor Relations staff reasserted their position that their was "no limit" to the number of classes they could assign elementary specials teachers and that the District could assign any teacher any number of classes.** The Union obviously disputed this position, maintaining that the previous arbitration award was clear by requiring mutual agreement to any change in the limit rather than unilateral action. The parties are now in the process of submitting briefs and then reply briefs and will then await a decision from the hearing examiner. In the meantime, MTI advises elementary specials teachers with concerns about their schedules (specifically insufficient travel time, infringed upon duty free lunch and/or more than two consecutive hours of class assignments) to forward copies of their schedules to MTI Staff Representative Doug Keillor for review.

MTI was represented in the case by MTI Assistant Director **Doug Keillor,** Attorney **Richard Thal** (Lawton & Cates), and **John Matthews.**

## Elementary Teachers Ask: Are Team Meeting Minutes/Agendas Required? Can the District Take Away My Planning Time?

MTI has received several inquiries as to whether there exists a **requirement to have agendas and minutes for team meetings.** **Agendas and minutes ARE NOT REQUIRED** under the terms and conditions of the MTI/MMSD Teacher Collective Bargaining Agreement. **Team meetings are only contractually required for K-5 teachers and may be held only during the planning time provision as set forth in MTI's Collective Bargaining Agreement, Section V-P-2.** Team Planning Time is for the purpose of teachers discussing or coordinating their curriculum as they deem appropriate. The District **CANNOT** control the agenda for team planning time; i.e. the time is for the **exclusive use** of teachers. **Under the terms of the Contract, there may be only one staff meeting per month, and then only "when necessary".**

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## Our Union Makes Us Strong!

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MTI's web page - [www.madisonteachers.org](http://www.madisonteachers.org)  
MTI's email - [MTI@madisonteachers.org](mailto:MTI@madisonteachers.org)

## MTI SIMS Task Force Continues It's Work

While at its May 20 meeting, the MTI Faculty Representative Council adopted a motion recommending that *all* MTI members refrain from utilizing/implementing SIMS until an MTI Task Force concludes its work and reports its findings and recommendations regarding SIMS. The District's inservice on September 16 will include training on SIMS. Participation in entering SIMS data, at this time, is voluntary. The Task Force will be making a status report to the Faculty Representative Council at the September 23 Council meeting.

The **MTI SIMS Task Force** consists of ten (10) teachers from across all instructional levels, as well as MTI staff members. The Task Force commenced its work by requesting that any teacher with concerns about SIMS forward same to the Task Force. The Task Force then met on June 24 and July 17 to discuss the questions and concerns expressed by teachers regarding SIMS, and to formulate a series of questions which were then sent to District Administration. On August 11, the **MTI SIMS Task Force met with Superintendent Nerad**, both Assistant Superintendents, and various other District administrators to discuss the questions developed by the Union's SIMS Task Force. *Verbal responses were provided, and the parties agreed to meet again. Although MTI staff have had a few brief discussions with District management, the next meeting between MTI's SIMS Task Force and District management, including Supt. Nerad, will be held September 29.*

Following the August 11 meeting, MTI shared concerns in writing with Superintendent Nerad:

### Top 5 Student Learning Condition Issues

1. More time spent on recording information *equates to less time available for actual teaching.*
2. More time spent on recording information *equates to less time to build relationships with students.*
3. More time spent on recording information *equates to less time collaborating with other staff members.*
4. Additional intervention requirements may unnecessarily *delay students from getting obviously needed services.*
5. Record of interventions previously utilized may lead teachers to *"track" or "label" students based on preconceived notions.*

### Top 5 Teacher Working Condition Issues

1. Extensive data entry time *equates to additional demands on teachers*, who already find too many demands on their time (e.g. no classroom teachers were involved in the development).
2. *Outdated (ancient) technology makes new technological processes cumbersome*, if not impossible.
3. *Inequitable impact based on class size and learning level* (e.g. elementary schools have 15 students in some classes, 27 in others; middle school and high school teachers may have a teaching load of 135 students or more).
4. SIMS was developed to *aid in administrative data collection, rather than as a useful tool for teachers.*
5. *Teachers question whether SIMS could be used to evaluate teachers based on # of interventions*, success of interventions, etc.

As agreed during the meeting of MTI's SIMS Task Force

with the District, **the District is informing teachers that the mandatory use of SIMS has been delayed until the second semester.** Further information will be forthcoming following the September 29 meeting.

## EA-MTI General Membership Meeting September 24

Members of MTI's educational assistants' bargaining unit will meet on **Wednesday, September 24, at 4:00 p.m., at MTI headquarters.** The purpose of the meeting is to update members on the status of 2008-10 Contract negotiations and other matters of concern to members of the bargaining unit. *(Reminder - there is no parking on the MTI side of Williamson Street.)*

## Accommodate Fasting Muslim Students during Ramadan

Muslims worldwide will celebrate the Islamic holy month of Ramadan. Ramadan is the ninth month of the Islamic lunar year, and this year it began September 2. The Madison Metropolitan School District serves a substantial Muslim student population and asks that the staff take cognizance of students who have obligations resultant from their Muslim faith. During Ramadan, Muslims are required to fast from dawn until sunset. (Fasting is defined as abstaining from eating, drinking, and smoking.) Most Muslims rise before dawn to eat a meal and break their fast after sunset. *Many Muslim students in middle and high school will be fasting during Ramadan because it is required beginning at puberty. Some 4<sup>th</sup> and 5<sup>th</sup> grade Muslim students may also be fasting all or part of the holy month if they choose to do so. It may not be obvious to staff when students are fasting. Given their fasting, students may ask to be excused from sitting with other students while the others are eating lunch or to take more breaks during physical education classes.*

Eid al Fitr, which means festival of breaking the fast, is celebrated the day after the month of Ramadan has ended. On this day, Muslims celebrate the end of the month-long fast by going to the mosque for prayers, giving gifts, and visiting family and friends. The Eid al Fitr will most likely be celebrated October 2. *Muslim students may take the day off school to celebrate the holiday with their families.*

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## Calendar of Events/Deadlines

- **Tuesday, September 16**  
School Closed for Staff Development
- **Wednesday, September 17, 4:15 p.m.**  
MTI VOTERS Political Action Committee at MTI
- **Tuesday, September 23, 4:15 p.m.**  
MTI Faculty Representative Council at SCFL
- **Wednesday, September 24, 4:00 p.m.**  
EA-MTI General Meeting at MTI