



Working with your administrator to select the schedule that works best for your school site.

LEA Position Paper & Contract Language

When our contract was written, it did plan for the future – in some ways better than others.

During the month of March, all schools in the district will begin the process of discussing their school schedules for the next school year. This is a discussion that should take place when the entire staff is available to participate and everyone should have their turn to be able to present their ideas and recommendations. Some schools may attempt this process in a small committee selected by the administrator, which we believe violates the intent of our contractual agreement. We believe that this process should be done in a democratic fashion with the whole staff participating either through the election of committee members and a school-wide vote or during whole-staff meetings with a school-wide vote. If, however, the discussion moves into the area of increasing instructional minutes or significantly changing the working conditions of the members of our bargaining unit, it must immediately be brought to the bargaining table because it is a mandatory subject of bargaining and LEA is the exclusive representative of all bargaining unit members in negotiations.

Within our contract, Article 9-Work Day helps to provide guidelines for the development of a school schedule.

Section 9.12 states: “The District retains the right to configure the instructional day, including passing time and homerooms, within the limits stated in this Agreement. Scheduling of the school day shall be determined by the Principal with input from the School Site Council and the staff.”

In order to protect members’ rights, it is very important to keep in mind the specific limitations in the contract for their particular grade level. It is also important for all members to keep in mind the impact their choices may or will have on other members within the district and the long-term implications of their decisions.

Limitations Common to All Levels:

“The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law.”

*We interpret this section to mean that the Principal must tell their staff the required number of minutes according to Ed Code and any options available to their staffs through Waivers, Options, Special Funding, etc.

Specifics for Kindergarten:

“Configuration of the instructional day shall be determined by the school site staff for purposes of determining how schedules may be staggered or non-staggered in accordance with State law.”

“Kindergarten teachers shall not be required to assist in grades 4 or 5, except at the option of the Kindergarten teacher.”

*It is our belief that because the configuration of the instructional day shall be determined by the school site staff for purposes of determining how schedules may be staggered or non-staggered, this should be done in a democratic fashion with the whole staff participating either through the election of committee members and a school-wide vote or during whole-staff meetings with a school-wide vote. If, however, the discussion moves into the area of increasing instructional minutes or significantly changing the working conditions of the members of our bargaining unit, it must immediately be brought to the bargaining table because it is a mandatory subject of bargaining and LEA is the exclusive representative of all bargaining unit members in negotiations.

Specifics for Grades 1-3:

“No day shall have fewer than 240 minutes.”

“All stagger minutes shall be included within the calculation in accordance with State law.”

“Up to fifty (50) minutes may be used for staggered reading time.”

“Staggered reading time shall be included in the calculation of the total amount of instructional time as provided in Ed Code 46205.”

46205. (a) For purposes of this article, instructional time for school districts conducting early-late instructional programs in kindergarten and grades 1 to 8, inclusive, shall be computed by adding the total amount of instructional time provided in each portion of the early-late instructional programs to the amount of instructional time offered when all pupils in the class are scheduled to attend. It is not the intent of the Legislature to disrupt or restrict early-late instructional programs for pupils in kindergarten and grades 1 to 8, inclusive.

(b) This section shall be applicable only if the early-late instructional program was in operation during the 1983-84 fiscal year, except that the Superintendent of Public Instruction may approve, based on educational reasons, the application of this section to programs commencing operation after the 1983-84 fiscal year.

(c) Notwithstanding any other provision of law, this section is not applicable to any class in any grade level for which class size reduction funding is received pursuant to the Class Size Reduction Program contained in Chapter 6.10 (commencing with Section 52120) of Part 28; provided, however, that this section may be applicable to any class in any grade level for which class size reduction funding is received pursuant to subparagraph (A) of paragraph (2) of subdivision (b) of Section 52122 if a school district operated under this section prior to July 1, 1996.

Keep in mind that Education Code 52122 states:

“(g) Any school district that chooses to reduce class size through the use of an early-late instructional program is ineligible to also use Section **46205**, relating to the computation of instructional time for purposes of the Incentive for Longer Instructional Day and Year, in any grade level for which class size reduction

funding is received pursuant to this chapter; provided, however, that any school district that operated under Section 46205 prior to July 1, 1996, may receive class size reduction funding pursuant to Option One in any grade level for which class size reduction funding would otherwise be received pursuant to Option One.”

*It is our belief that because the Configuration of the instructional day shall be determined by the school site staff for purposes of determining how schedules may be staggered or non-staggered, this should be done in a democratic fashion with the whole staff participating either through the election of committee members and a school-wide vote or during whole-staff meetings with a school-wide vote. If, however, the discussion moves into the area of increasing instructional minutes or significantly changing the working conditions of the members of our bargaining unit, it must immediately be brought to the bargaining table because it is a mandatory subject of bargaining and LEA is the exclusive representative of all bargaining unit members in negotiations.

Specifics for Grades 4-5:

“No day shall have fewer than 240 minutes.”

“There will be three reporting periods, fall, spring, and at the end of the year.”

“Student instructional time shall be 240 minutes, excluding lunch and recess.”

*Because contractually, student instructional time shall (must) be 240 minutes per day, you should attempt to make your schedule conform to this. If you create a schedule that has instructional minutes over 240 minutes, you could be in violation of the contract unless following the contract would be in violation of Current Education Code.

“There shall be eight (8) minimum days for “Parent Conference days” in the Fall. There shall be four (4) minimum days for “Parent Conference days” in the Spring.”

Specifics for Grades 6-8 (Middle School)

“The teachers shall be notified by the Principal of the allowable passing time each year.”

“Homeroom periods may be counted as instructional time.”

“The length and number of instructional periods for each school site shall be at the discretion of the local school site, with the approval of the Superintendent.”

“Every teacher shall have a preparation period each day.”

“Homeroom/advisory periods shall be at the discretion of the local school site with the approval of the Superintendent or designee and shall not result in an increase in the total number of instructional minutes.”

*It is our belief that because the length and number of instructional periods for each school site shall be at the discretion of the local school site, this should be done in a democratic fashion with the whole staff participating either through the election of committee members and a school-wide vote or during whole-staff meetings with a school-wide vote. If, however, the discussion moves into the area of increasing instructional minutes or significantly changing the working conditions of the members of our bargaining unit, it must immediately be brought to the bargaining table because it is a mandatory subject of bargaining and LEA is the exclusive representative of all bargaining unit members in negotiations.

Specifics for Grades 9-12 (High School)

“The teachers shall be notified by the Principal of the allowable passing time each year.”

“Homeroom periods may be counted as instructional time.”

“The length and number of instructional periods for each school site shall be at the discretion of the local school site, with the approval of the Superintendent.”

“Every teacher shall have a preparation period each day.”

“Homeroom/advisory periods shall be at the discretion of the local school site with the approval of the Superintendent or designee and shall not result in an increase in the total number of instructional minutes.”

*Again, it is our belief that because the length and number of instructional periods for each school site shall be at the discretion of the local school site, this should be done in a democratic fashion with the whole staff participating either through the election of committee members and a school-wide vote or during whole-staff meetings with a school-wide vote. If, however, the discussion moves into the area of increasing instructional minutes or significantly changing the working conditions of the members of our bargaining unit, it must immediately be brought to the bargaining table because it is a mandatory subject of bargaining and LEA is the exclusive representative of all bargaining unit members in negotiations.

In conclusion, we believe that our members should actively participate when and if their school site begins discussions about a school schedule. Sometimes, an idea might be discussed which causes a significant change to the working conditions for themselves or other bargaining unit members. If this becomes a serious discussion, it should be halted and brought to the district and union bargaining teams to be discussed at the table. Remember that an increase to instructional minutes is a violation of our current contract and that significant changes to an employees working conditions or compensation are two of the “mandatory subjects of bargaining” which must be discussed at the bargaining table by the exclusive bargaining team. A group of members may not bargain an issue away from the bargaining table or it is a violation of the recognition clause of our contract.

If you find yourself in a situation where you believe the group is “bargaining away from the table”, it is important to state your beliefs and encourage the group to change topic away from that current discussion.

ARTICLE IX: WORK DAY

- 9.1 Teachers and other employees as professional people, have a wide variety of responsibilities that cannot be limited to the formal hours of instruction in the classroom. All unit members are expected to fulfill their professional obligations.
- 9.2 It is reasonable to expect school personnel to be available to students, parents, and other community members just prior to and immediately following the hours of instruction and in general to carry out the duties and responsibilities as outlined in their job description.
- 9.3 The District may require unit members to perform annually the following non-teaching duties necessary to the operation of the site:
- Faculty meetings
 - Parent Conferences
 - Back-to-School Night
 - Yard, recess and bus duty
 - Department, curriculum and articulation meetings
 - School Site Council
 - Legally mandated activities, including but not limited to IEP, SST, and 504 meetings, WASC and PQR activities.
- 9.4 By September 30th of each school year, a meeting shall be scheduled for all staff including administration to determine:
- 9.401 What activities shall occur at the site. The staff shall determine the value of the activities to the school community.
- 9.402 Equitable distribution of activities at the site. After determining those activities which may occur, the staff shall determine a method for equitable distribution of those activities among the entire staff, taking into consideration other non-teaching responsibilities under 9.3. If too many people wish to perform the same activities, the staff shall come up with a method for tie-breaking.
- 9.403 If the process set forth in section 9.4.2 does not result in all valuable activities being covered, the Principal may ask the staff to reconsider how to have those activities covered.
- 9.404 If a new activity arises after the distribution of activities has occurred, the parties shall utilize the steps in sections 9.4.2 through 9.4.3 to value and distribute the activity.
- 9.5 In order to fulfill this responsibility all classroom teachers shall be available at the school site at least 30 minutes prior to the beginning of their first scheduled class or period. In those cases when the first class or period is scheduled prior to 8:00 a.m. the 30 minutes before class or period requirement may be administratively modified. However, such modification will not lengthen or shorten the teacher work day. Normally, the teacher will remain at work no fewer than six and one-half (6 and 1/2) hours excluding duty free lunch.

- 9.6 All other full-time employees shall have a work day consistent with that of the classroom teachers.
- 9.7 The principal or his/her designee may assign additional time in order to accomplish the responsibilities listed above. In exercising this management function the duties and the time shall be reasonable and in keeping with past practice.
- 9.8 Temporary adjustment in the above work day shall be approved by the immediate supervisor.
- 9.9 It is recognized that there may be some variances with this time. However, wide variances should be justified by the employee's immediate supervisor.
- 9.10 Part time/Itinerant Teachers
- 9.1001 Unit members who work at two sites shall have a meeting with the administrators from both sites to establish a schedule and calendar for the year related to the performance of non-teaching duties as set forth in 9.3.
- 9.1002 Part time members shall be entitled to prorate "their other non-teaching duties" in accordance with the percentage of time worked of a full-time equivalent. Part time teachers and their administrators may mutually agree that part time teachers will perform additional duties and that they will be compensated for those additional "other non-teaching duties" beyond their pro rata share of duties.
- 9.11 Substitute Service by Regular Teachers -- This section applies only to those emergency situations in which the District is unable to obtain substitute teachers. This section does not apply to field trips, outdoor education, or other nonemergency situations.
- 9.1101 Regular elementary classroom teachers shall be paid the special hourly certificated rate when directed by their Principal to be responsible for up to 16 students assigned to an absent classroom teacher. The special hourly certificated pay rate is doubled when there are 17 or more additional students.
- Such service for 30 minutes or longer shall be paid as a whole hour. Service less than 30 minutes shall not be paid.
- (Example: One hour and 30 minutes shall be paid as two hours of service. One hour and 29 minutes shall be paid as one hour of service.)
- 9.1102 Secondary employees called upon to substitute during their preparation period shall be paid the current special hourly certificated rate. The employee shall not be required to make up the additional class period to complete the school day requirement on site.
- 9.12 The District retains the right to configure the instructional day, including passing time and homerooms, within the limits stated in this Agreement. Scheduling of the school day shall be determined by the Principal with input from the School Site Council and the staff.

9.13 Kindergarten

9.1301 The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law. The following additional guidelines shall also apply:

9.1301.1 Configuration of the instructional day shall be determined by the school site staff for purposes of determining how schedules may be staggered or non-staggered in accordance with State law.

9.1301.2 Kindergarten teachers shall not be required to assist in grades 4 or 5, except at the option of the Kindergarten teacher.

9.14 Grades 1-3

9.1401 The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law. The following additional guidelines shall also apply:

9.1401.1 No day shall have fewer than 240 minutes.

9.1401.2 All stagger minutes shall be included within the calculation in accordance with State law.

9.1401.3 Up to fifty (50) minutes may be used for staggered reading time.

9.1401.4 Staggered reading time shall be included in the calculation of the total amount of instructional time as provided in E.C. 46205.

9.1402 The number of stagger and non-stagger days shall be determined by the school site staff.

9.1403 There shall be at least two parent conference periods per year. Configuration of the parent conference periods shall be determined by the school site staff.

9.1403.1 Student instructional time shall be 240 minutes, non-staggered time exclusive of lunch and recess.

9.1403.2 There shall be four (4) days for "Parent Conferences" in the fall and four (4) in the spring, including kindergarten.

9.15 Grades 4-5 (Elementary Schools)

9.1501 The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law. The following additional guidelines shall also apply:

9.1501.1 No day shall have fewer than 240 minutes

- 9.1501.2 There shall be at least two parent conference periods per year. Configuration of the parent conference periods shall be determined by the school site staff.
- 9.1501.3 There will be three (3) reporting periods, fall, spring, and at the end of the year.
- 9.1501.4 Student instructional time shall be 240 minutes, excluding lunch and recess.
- 9.1501.5 There shall be eight (8) minimum days for “Parent Conference days” in the fall.
- 9.1501.6 There shall be four (4) minimum days for “Parent Conference days” in the spring.
- 9.1501.7 These days shall be used for conferences related to the promotion or retention of students, curriculum linkage testing, other problems that might affect student progress, and/or by teacher or parent request.

9.16 Grades 6-8 (Middle schools)

- 9.1601 The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law. The following additional guidelines shall also apply:
- 9.1602 The teachers shall be notified by the Principal of the allowable passing time each year.
- 9.1603 Homeroom periods may be counted as instructional time.
- 9.1604 The length and number of instructional periods for each school site shall be at the discretion of the local school site, with the approval of the Superintendent. Every teacher shall have a preparation period each day. Homeroom/advisory periods shall be at the discretion of the local school site with the approval of the Superintendent or designee and shall not result in an increase in the total number of instructional minutes.

9.17 Grades 9-12 (High schools)

- 9.1701 The teachers shall be notified each year by the Principal of the total number of instructional minutes required by State law. The following additional guidelines shall also apply:
- 9.1702 The teachers shall be notified by the Principal of the allowable passing time each year.
- 9.1703 Homeroom periods may be counted as instructional time.

- 9.1704 The length and number of instructional periods for each school site shall be at the discretion of the local school site, with the approval of the Superintendent. Every teacher shall have a preparation period each day. Homeroom/advisory periods shall be at the discretion of the local school site with the approval of the Superintendent or designee and shall not result in an increase in the total number of instructional minutes.
- 9.18 Variations in the length of the school day
- 9.1801 With the approval of the Superintendent or his designee, the length of a school day may be different from the established day through a special request to the Superintendent's Designee.
- 9.1802 The following serve as guidelines for establishing variations from the regular length of day:
- 9.1802.1 Lack of school facilities.
- 9.1802.2 Need to meet individual student needs that require a long term change in the length of the day.
- 9.1803 A special request must be made by the site administrator that includes a justification for the requested change. The request must include the following information:
- 9.1803.1 The student need(s) that necessitates a different instructional day.
- 9.1803.2 The specific outcomes that are anticipated as a result of implementing a different instructional day.
- 9.1803.3 A list of alternatives that have been considered and a rationale for selecting the proposed schedule.
- 9.1803.4 A description of the evaluation design to determine if the desired outcomes have been achieved.
- 9.19 The District shall provide three 40 minute preparation periods per week for regular classroom teachers in grades 1, 2, and 3, and two for science preparation teachers, excluding the first week of school. The District shall provide five 40 minute preparation periods per week for regular classroom teachers in grades not covered by the Class Size Reduction Program, excluding the first week of school. Preparation periods may be adjusted for minimum days. Preparation time for part-time science preparation teachers shall be pro-rated.
- 9.1901 Preparation periods on Monday or Friday, for teachers in grades covered by the Class Size Reduction Program, may be rotated from year to year and the method of that rotation shall be at the discretion of each school site.
- 9.20 The school site shall provide a break for the teachers on recess/playground duty so that they can attend to personal necessities.

- 9.21 Participation in any overnight education programs shall be voluntary and shall not be a requirement of the teaching assignment. Teachers shall not be expected to pay for the cost of the overnight trip, nor to organize fundraising activities for this program. Prior to scheduling any overnight activity, the teachers shall be involved in the planning and decision making of that activity.