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## Highlights

- The cost of the contract is \$156.3M over six years with \$136.5M or 87% due to salary increases and the cost of new positions making up most of the difference
- Full implementation of the reform changes negotiated in the contract must now be a priority of the BPS this year
- The inability to achieve more fundamental reform through negotiations should lead to legislative efforts to gain needed improvements

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## Boston Teachers' Contract Settled for 2010-2016

*Reform achieved is not a leap forward but more incremental change*

A strong sense of urgency to achieve meaningful systemic reform was associated with the collective bargaining negotiations between the Boston Public Schools (BPS) and the Boston Teachers Union (BTU) this year. Driving that sense was the belief that this agreement was the only means of ensuring the flexibility in staff selection, scheduling and extended time for Boston's traditional schools serving two-thirds of the student enrollment. Included in this group are 48 or 37.5% of the District's 128 schools that are designated by the state as underperforming (Level 3). The remaining students attend Boston's flexible In-district Charter, Innovation, Turnaround and Pilot schools, seven of which are also designated Level 3. The BPS schools need to be more competitive with the charter schools with their extended time and ability to select staff, especially since approximately 75% of the charter school enrollment in Boston transferred from BPS schools as parents and students seek options outside the District. The leap forward in reform for students was not achieved in this six-year contract which settled for incremental change with no opportunity to negotiate further reforms for another four to five years. More fundamental improvements would especially benefit state-designated Level 3 underperforming schools in Boston.

The BPS sought five major changes in this contract: school flexibility in teacher hiring, a teacher compensation structure that rewards effective teachers based on performance, a stronger teacher evaluation system, a greater voice for parents and students in school decision-making and an extended school day. These five areas were chosen because they are widely recognized by educators and researchers alike as some of the key ingredients for successful school turnaround. Some positive reform was achieved in this contract regarding school hiring flexibility, teacher evaluation and parent/student feedback, but the BPS dropped its proposal for extended time and agreed to delay discussion on its plan for an alternative teacher salary structure. Other key factors about the contract include:

- The state-required new teacher evaluation system should have the most impact. The parties adopted the state model with no modification of procedural steps so careful implementation and continuous professional development for principals and other evaluators are critical.
- New hiring flexibility for principals is the most meaningful BPS-initiated reform in the contract. Seniority and administrative placements are reduced but not eliminated.
- No agreement on extended time was disappointing, especially for the 41 Level 3 schools with no such flexibility. Designation of Project Promise schools will likely be limited given the cost.

## Cost of the Contract

The new contract negotiated between the BPS and BTU covers six years, in two, three-year contracts, from September 1, 2010 to August 31, 2016 and is estimated to have an incremental cost of \$156.3 million. The true cost will be higher when it accounts for expenses associated with the implementation of a more rigorous teacher evaluation program and extending class time at Project Promise schools if that option is implemented. Before these expenses are considered, the total cost of this six-year contract is less than the previous four-year [teachers' contract](#).

Salary increases over five years of the contract are estimated at \$136.5 million or 87.3% of the cost. The BTU agreed to accept the same salary package adopted by the 10 city unions that have settled so far (0% in FY11, 1% in FY12, 2% in FY13, 3% in FY14, 3% in FY15, and 3% in FY16). To mitigate the annual cost while not affecting the teachers' 12% raise over six years, the increases will start on November 1 of each year. Retroactive raises only account for \$3.7 million of the total cost. The next largest cost, hiring more support employees such as nurses, social workers and coordinators of special education student services, accounts for \$18.1M or 11.6%. Lead Teacher stipends for fiscal 2013 and fiscal 2014 will come directly from the federal government through *Race To The Top* grants, so that cost is not realized by the BPS until fiscal 2015.

Table 1

### Cost of 2010-2016 Collective Bargaining Agreement

Category	Amount in Millions	% of Total
Salary Increase	\$136.5	87.3%
New Hires	18.1	11.6%
Stipends, Lockers & Tuition Reimb.	1.7	1.1%
<b>Total</b>	<b>\$156.3</b>	<b>100%</b>

The contract's provision for a decrease in the maximum class size of two (to 26) in grade six and one (to 30) in grade nine for underperforming

(Level 3 and 4) schools is not expected to increase the projected costs because most of the affected classes were already under the new class size limit. Also, there are no changes to salary steps, graduate credit lanes, or pay grade additions to the teacher salary schedule that would increase costs.

## Teacher Evaluations

Student success depends on quality teacher evaluations since keeping good teachers in the classroom and exiting ineffective teachers will have the most impact on student outcomes. The BPS was obligated by state law to develop a new teacher evaluation system last year in the City's 11 state-designated Level 4 schools and this year for all schools. After negotiations on this topic stalled, the BPS moved forward to implement a model based on state regulations and influenced by negotiations at the subcommittee level. In the end, both parties agreed to implement the state Department of Elementary and Secondary Education's model contract for teacher evaluations without modifying the degree to which procedural steps are required.

The state model was able to bring about some key changes. It allows Boston to conduct progressive evaluations driven by teachers' collaboration with evaluators as opposed to the past system which was viewed as less constructive. This change is an improvement because this cycle is focused on both improving good teachers and exiting ineffective teachers. It also allows for excellent teachers to differentiate themselves through four different Summative ratings instead of the prior two ratings.

In the new process, teachers start each five-part evaluation cycle with a Self Assessment, then meet with their evaluators to develop goals and a growth plan. Teachers receive continuous interim observations, feedback, and opportunities for development. At the end of a plan, a Summative Evaluation is issued, including a rating based on multiple measures outlined in a clear rating schedule. Better-ranked teachers can be placed on longer, more independent plans, while teachers who need more help are placed on shorter, guided

plans. Teachers with the most problems may be given plans with a minimum length of 30 calendar days, and at the plan's end may be terminated if they fail to improve.

The state model contract's success will depend on implementation. Many deadlines are in the language and there are ample opportunities for teachers to file grievances against ratings, which could complicate the evaluation process. The BPS has developed a web application for the evaluation process which tracks evaluation steps for each teacher and then assists evaluators in meeting timelines, BPS administrators and the central office in monitoring evaluations and targeting professional development, and teachers in tracking their own evaluations. Even so, the greater complexity of the state model and a teacher corps of 4,500 will require additional resources. Continued training will be important for evaluators to maintain consistency as ratings and the weight of student growth data largely relies on evaluator judgment.

### **Teacher Transfer and Reassignment**

The new contract provides a more flexible process for permanent teachers to secure a position if they voluntarily excess themselves from their current positions or are involuntarily excessed for a variety of reasons. The Post-Transfer Placement Process (PTPP) will be initiated after the normal transfer process is completed in March or April. PTPP will expand the number of qualified teachers able to bid on vacant positions and most staff decisions will be made through "mutual consent" of the school and teacher. As such, seniority is not a factor in this phase of staffing decisions.

Only permanent teachers with an overall rating of "Proficient" or above as of February 1, 2013 will be able to participate in PTPP which would strengthen the pool of eligible teacher candidates. Teachers not selected will still be administratively placed based on seniority and program certification by the Office of Human Resources (HR) in consultation with the principal up until late August. In the end, PTPP does make an important step forward in opening up the

process for schools to select teachers, but once all initial vacancies are filled by principals and their schools' personnel subcommittees do not have complete authority over decisions regarding which teachers will best fit in their schools.

**Transfer Process** – The school staffing process begins in March or early April with the normal transfer process in which permanent teachers are able to bid on five vacancies in their primary program area. If a vacant position receives only one bid, the school does not have to accept the teacher. If more than one teacher bids on a vacant position, the school can decide who to interview, but ultimately must select one of the candidates who applied. If a teacher does not accept a position or one is not offered, the teacher may return to his/her current position.

**Post Transfer Placement Process** – This new process is largely an extension of the regular transfer process. After the transfer process is completed and an updated list of vacancies is posted in April, permanent teachers who voluntarily excess themselves or are involuntarily excessed due to program changes can bid on up to five vacancies in their primary program area. Principals and personnel subcommittees can interview teachers expressing interest in vacant positions and through "mutual consent" can decide which teacher to select. However, the school must select one of the teachers who submitted a bid on a vacant position if the teacher was not selected for another position. Teachers participating in PTPP cannot return to their current positions since by upon entering the reassignment pool, their positions were bid on by other teachers. This process continues until the last teacher in the pool is placed. Those teachers not selected will be placed by HR.

To ensure that the teachers who participate in the PTPP are qualified, the contract stipulates that a teacher who has an overall rating of "Needs Improvement" or "Unsatisfactory" as of February 1, 2013 cannot enter the pool. This is an improvement over the previous contract which restricted teachers who received an overall

"Unsatisfactory" rating from entering into the excess pool.

**Rule of Three** – In the previous contract, permanent teachers involuntarily excessed were placed in an excess (reassignment) pool. Teachers could bid on up to three vacant positions in their program area in order of seniority and once a position received three bids, no further bids were accepted. The principal and personnel subcommittee then had to prioritize up to three teachers who applied and submit the ranking to HR for placement. If only one teacher submitted a bid for a position, the teacher would not be guaranteed to be placed in the position.

The PTPP provides more flexibility in that there is no limit to the number of teachers who may apply to a vacant position in their primary program area and be interviewed, and seniority does not play a role in this phase of the selection process. The school is required to select one of the teachers who expressed interest in a vacant position if not selected for another position.

**Administratively Placed Teachers** - Teachers who participated in the PTPP but did not obtain a position will be offered one of the remaining vacancies, if any, in their primary program area in order of seniority or to a suitable professional capacity by HR. These teachers could be placed by HR with little involvement by the principal. These teachers will remain eligible to fill vacancies as they occur up to November 1. This process did not change from the previous contract.

### **Parent/Student Voice**

The role of parent and student involvement in school decision-making is enhanced in this contract. A joint BPS/BTU/Parent/Student Steering Committee established to develop and implement policies and guidelines now will include five parent and two student members. School Site Councils in high schools will now include two students, an increase of one. The role of the School Site Councils

will include review and comment on the entire school General Fund and External Fund budgets.

A Subcommittee of the Steering Committee established to review and respond to complaints that school decision-making is not implemented in accordance with the contract now will include two parents appointed by the Citywide Parents Council (CPC) and two students appointed by Boston Student Advisory Council (BSAC). The personnel subcommittee in each school has a role in hiring teachers, and now one student will serve on the personnel subcommittee in each high school.

### **Teacher Salary Incentives**

The BPS pushed for a new salary structure that would have ended automatic raises just for years of service and graduate credits, and it would have given the BPS more control over what professional development would be eligible for salary increases. This would have been a new schedule where salary increases are more tied to performance than they have been. However, the BPS and BTU instead only modified teacher eligibility for advancement along the salary schedule for teachers who are hired after September 1, 2013. If any teacher hired after this time is rated Unsatisfactory in a performance review, he will not receive an annual step increase. Also, a teacher will not advance lanes beyond Master's +15 unless he has taken courses that have received prior approval from the BPS.

The BPS and BTU also agreed to form a Joint Labor-Management Committee (JLMC) to discuss an alternative teacher salary schedule, such as the one that the BPS had originally proposed, that rewards effective teachers. However, the JLMC will not even begin to discuss alternative compensation models until after September 1, 2013. This is an important opportunity to help the BPS gain a tool that attracts and retains the best teachers.

Overall, the salary structure proposed by the BPS would have allowed talented teachers to earn salary increases faster, and underperforming

teachers would have been earning raises more slowly relative to the current salary schedule.

### Extended Time

Extended time for student enrichment and additional instruction when needed for students up through eighth grade was an objective of the BPS and supported by the BTU, but the two parties could not agree on the amount of payment or length of added time and consequently no agreement was reached on this issue. Additional time is important for the BPS since most BPS students receive [less instructional time](#) than their charter school peers. Elementary students in the BPS receive 5 hours and 10 minutes of instructional time daily, amounting to approximately 930 hours of annual instruction time, the statewide minimum.

The BPS had originally proposed an additional hour to the teacher workday, with no increased pay for teachers because they work some of the shortest hours and receive some of the highest teacher salaries in the state. The BTU indicated a willingness to support extended time, but wanted teachers to be paid at the contractual hourly rate. Early in the process, the Bureau had calculated that the cost of an additional hour of time for teachers and paraprofessionals at the contractual rate in all BPS schools (excluding itinerant teachers) totaled [\\$38.3 million annually](#).

The final proposal from the BPS was to increase the school day by 45 minutes which would have added the equivalent of 26 school days of instructional or enrichment time per year. When the parties could not agree on this plan, the BPS took extended time off the table in hopes to reach agreement on the other unresolved matters.

As an alternative, Superintendent Johnson has pledged to designate an undecided number of schools as Project Promise schools. The Superintendent can designate a school as a Project Promise school which allows for two additional hours to be added to the teacher work day, and teachers are paid at the contractual hourly rate.

### Conclusion and Recommendations

The leap forward in reform for students was not achieved in this six-year contract and there will be no opportunity to negotiate further reforms for another four to five years, all of which makes it imperative that the improvements that have been negotiated be fully implemented by the BPS. The first priority should be the new teacher evaluation system. The parties adopted the state model without modification which has several timelines in the contract that will make successful implementation more challenging and especially in this first year will require the collaborative effort of the BTU. To ensure success, additional resources will be needed for evaluators and added support for HR, Labor Relations, and the computerized performance evaluation tracking system. In October, 97% of the teachers submitted their Self Assessments.

The creation of a joint committee to study an alternative teacher compensation program to reward effective teaching is delayed until after September 1, 2013. This move should not be the equivalent of a legislative study committee where proposals can languish and eventually die. This committee should be established and set to go on September 1, 2013 with a new agreement ready to be implemented on September 1, 2014.

Work should continue on the development of plans to provide extended time with enrichment opportunities and instruction as needed for elementary and middle school students working with existing nonprofit organizations. The limited number of Project Promise schools that may be established will not meet the full need of the BPS.

The incremental change that was achieved through collective bargaining this year raises the serious issue of whether further legislative action is required to address the reform needs of urban districts with a large percentage of state-determined underperforming schools. Boston cannot wait another four to five years to bring necessary reform to its Level 3 schools.