



**MFT PROPOSAL FOR ARTICLE 12:
WORKING CONDITIONS**

**Class Size, Caseloads, School
Supports and Workload Relief**



Presented on December 14, 2023

BE IT RESOLVED; THAT the parties agree to the following changes to the Collective Bargaining Agreement (CBA):

Article 12 Working Conditions

12.2 Caseload and Workload Recommendations.

12.2.1 Special Education Teacher Caseload Recommendation:

- a. It is recommended that staffing caseloads take into consideration the need to engage in the broad range of professional activities necessary to:
 - 1. Meet the intent of the Individuals with Disabilities Education Act (IDEA) by implementing appropriate and effective service options, and providing interventions designed to meet individual student needs,
 - 2. Implement evidence-based practices, and
 - 3. Meet mandated compliance, third-party billing, paperwork and other responsibilities.
- b. Workloads for specific special education programs are delineated in MN Rule 3525.2325. The following recommended caseloads are a goal to strive for while taking into consideration program, site, and individual student needs that determine the workload of special education teachers. The District will work towards reducing caseloads for special education staff.
- c. For students who receive direct special education for 60 percent or less of the instructional day, the school district must establish a board-approved policy for determining workload limits for special education staff based on student contact minutes, evaluation and reevaluation time, indirect services, IEPs managed, travel time, and other services required in the IEPs of eligible students. (See MN Rules 3525.2325 and 3525.2340 and MPS School Board Policy 5701.)

**CONCEPTUAL PROPOSAL REQUIRING COLLABORATION
WITH MPS - TO BE DETERMINED FOR THIS CONTRACT
BARGAINING SESSION (ends where noted)**

12.2.2 Special Education Workload Review: Special Education Teacher assignments for staff shall not exceed 1.00 - 1.25 points based on the following weighted formula. While MN Rules 3525.2325 and 3525.2340 specifically notes certain requirements of a special education teachers' workload, there are a number of other, unrecognized demands that require time, attention, and professional skill sets. These demands are noted, but not limited to the enumerated tasks under Comprehensive Case Management category in the table that follows.

- a. Workload Relief Considerations and Formula: A jointly constructed workload formula shall be put into place no later than August 15, 2024 or within 60 days of ratification of the 2023-2025 collective bargaining agreement, whichever comes



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sooner.

<u>Weekly Factors</u>	<u>Description with Estimated Amount of Time Associated</u>	<u>Percentage range for one week for a 1.0 FTE</u>
<u>Student contact minutes and Indirect services time;</u>	<u>1. Numerator: The total number of special education service minutes per week for all students served, which includes: providing specially designed instruction (direct & indirect)</u> <u>2. Denominator: The total number of minutes available for instruction during the week.</u>	.55 - .73
<u>Evaluation and reevaluation time;</u>	<u>480 -720 mins</u>	.35 - .52
<u>Management of Individual Educational Programs (IEPs)</u>	<u>180 -240 mins (Annual - initial)</u> <u>*Special Education Teacher caseload refers to the number of students for which a staff member is providing IEP/due process case management, including:</u> <ol style="list-style-type: none"> <u>1. students in the initial evaluation process with signed consent to evaluate;</u> <u>2. students with transfer IEPs, both in and out of state;</u> <u>3. Non-public school students with IEPs;</u> 	.13 - .17
<u>Travel time required for provision of services or management of IEPs</u>	<u>30 - 60 minutes</u>	.02 - .04
<u>Other services required by the IEPs of eligible students.</u>	Varies based on caseload	.17 - .3
<u>Comprehensive Case Management</u>	<ul style="list-style-type: none"> • <u>Collaborating with RSP, itinerant educators, Special Education Assistants, outside agencies, and others as mandated within an IEP.</u> • <u>Communicating with families and team members supporting student IEP</u> • <u>Planning, preparing, and assessing inclusion experiences and environments</u> • <u>Adjusting workload to accommodate shifts in student needs due to students transferring into and out of a school within a school year.</u> 	.28 - .33



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	<ul style="list-style-type: none"> • <u>Monitoring, assessing, and documenting individual student progress</u> • <u>Planning, preparing, supporting, and assessing efficacy of Behavior Intervention Plans (BIP)</u> • <u>Providing special education services, including comprehensive case management for non-public schools</u> • <u>Creating, modifying, and adapting curriculum</u> 	
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**CONCEPTUAL PROPOSAL REQUIRING COLLABORATION WITH
MPS ends here**

b. Dedicated Due Process and Case Management Time: All special education case managers will receive due process and case management time separate from preparation time during student day. Preparation time is not time for conducting special education evaluations, re-evaluations, or complying with procedural requirements. (See Article 2.4.1.b).

1. The amount of dedicated due process and case management time provided for elementary teachers shall be a minimum of 275 minutes per five-day work week. This due process and case management time shall be within the defined student day and shall be divided into five days in increments no less than 45 minutes at a time.
2. The amount of dedicated due process and case management time provided for secondary (middle and high school, as well as Transition Plus) schools shall be a minimum of 275 minutes per five-day work week. This due process and case management time shall be within the defined student day and shall be divided into five days in increments no less than 45 minutes at a time.
3. The dedicated due process and case management time shall not reduce the amount of preparation time nor non-instructional time, including the duty-free lunch and non-instructional time.

c. Mentoring for Special Education Professional Educators: Licensed Special Education staff new to the profession or new to the District will receive mentoring and/or peer support during the first three (3) years of employment in the District based upon available peer support.

1. When possible, mentor support will be offered through a Special Education colleague at their work location who will be provided time in their workday to provide support or will be paid at their direct instructional rate for each hour worked for any work done outside of the contract day. This mentor support is provided on a voluntary basis and no Special Educator shall be compelled to provide mentoring support. If no Special Educator is available at



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the work location, the District will provide a mentor or peer support from another work location.

2. Educators working in Special Education under a Tier 1 or Tier 2 license will be prioritized for mentoring support until they have completed an education preparation program or tenure is granted, whichever comes first.
3. Mentoring support shall be provided for a maximum of 3 years prior to movement to Tier 4.

12.2.3 Special Education Staffing Parameters: The district will follow the staffing parameters for special education below. The parties agree to meet regarding specialized programs that do not fit the model below and discuss appropriate staffing. In order to support these recommendations, any caseload that exceeds the recommendation by 10% or more shall receive review and relief detailed in Article 12.4.6: General Education Class Size.

Federal Setting	Caseload	Special Education Staffing
<u>ECSE 3 - 6 year olds - self-contained classroom</u>	<u>6 - 8 students per classroom</u>	<u>1 ECSE teacher</u> <u>2 additional special education staff</u>
<u>ECSE 3 - 6 year olds, teachers providing supports in inclusive or general settings</u>	<u>12 - 16 students case managed</u>	<u>Special education teams may include an ECSE teacher and related services staff</u> <u>SEA support to be determined based on IEP needs.</u>
<u>Federal Setting I & II</u>	<u>16 - 20 students case managed</u>	<u>1 Special Education Teacher</u> <u>SEA support will be determined based on IEP needs</u>
<u>Federal Setting III (self-contained)</u>	<u>6 - 8 students</u>	<u>1 Special Education Teacher</u> <u>2 additional special education staff</u> <u>Plus a floater special education staff for every 2 classrooms to support breaks, lunches, etc</u>
<u>Federal Setting IV - (self-contained)</u>	<u>4 -6 students</u>	<u>1 Special Education Teacher</u> <u>2 Additional Special Education staff</u> <u>Plus a floater special education staff for every 2 classrooms to</u>



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		<u>support breaks, lunches etc</u>
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12.2.4 Related Service Professional Staffing Recommendations: The recommendations for Related Service Professionals noted in the language that follows shall be followed to the best ability of our sites and district. In order to support these recommendations, any caseload that exceeds the recommendation by 10% or more shall receive review and relief detailed in Article 12.4.6: General Education Class Size.

Audiologists: It is recommended that staffing caseloads of audiologists follow a ratio of 1:10,000 as a guideline at all general education settings across all grade levels.

Developmental/Adapted Physical Education Teachers: It is recommended that staffing caseloads of D/APE teachers follow a ratio of 1:40.

Licensed Deaf/Hard of Hearing Itinerant Services Teachers: It is recommended that staffing Caseload/Staffing of deaf/hard of hearing services teachers follow a ratio of 1:20.

Licensed School Nurses: It is recommended that the District staff Licensed School Nurses at a 1:750 ratio for students in regular education, and 1:225 students in special education.

Music Therapists: It is recommended that the District staff music therapists at a ratio no greater than 1:23 students.

Occupational Therapists: It is recommended that staffing caseloads of occupational therapists follow a ratio of 1:25.

Physical Therapists: It is recommended that staffing caseloads of physical therapists follow a ratio of 1:25.

School Psychologists: It is recommended that staffing caseloads of school psychologists follow a ratio of 1:~~1,000~~ **850** as a guideline at all general education settings across all grade levels.

School Social Workers: Every school will have a minimum of 1.0 School Social Worker. It is recommended that staffing caseloads of school social workers follow a ratio of 1:600 as a guideline at all general education settings across all grade levels. Caseloads for school social workers shall follow a ratio of 1:250 at the 10% of elementary and Pre-K-8 schools with the highest proportion of students who qualify for educational



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benefits. If the District is unable to fill a social worker vacancy, it will not be considered a violation of this article and will not be subject to grievance.

~~**Special Education Resource Teachers:** The District shall require buildings to staff special education resource teachers at a ratio of 1:20 but no greater than 1:23 students during the spring budget allocation staffing process. The Special Education Department shall enforce this ratio through the budget tie-out process. The District will work toward the reduction of maximum recommended caseloads for Special Education Resource Teachers from 1:23 to 1:20 as budget constraints allow.~~

Speech Language Clinicians: It is recommended that the District staff speech language clinicians at a ratio no greater than 1:23 students.

Vision Services Teachers: It is recommended that staffing caseloads of vision services teachers follow a ratio of 1:22.

~~12.2.2.5~~ **Licensed School Counselors Caseload Allocation Licensed School Counselors:** It is recommended that the District staff licensed school counselors at a 1:250 ratio for secondary counselors, and 1:400 for elementary counselors.

12.2.6 Early Childhood Special Education (ECSE) and Early Intervention (EI) Caseloads: Workloads for specific early childhood program alternatives are delineated in MN Rule 3525.2340 Subp.5. Taking into consideration roles within ECSE/EI, site, and individual students needs that determine the workload formula of special education teachers, the District will work with union stewards, program administrators, representatives from all role areas of the program, at least yearly, towards reducing caseloads for special education teacher in order to reach mandated caseload requirements from the State as listed below.

A. birth through two years: 12 students per teacher;

B. three through six years: 16 students per teacher;

C. birth through six years: 14 pupils per teacher.

District early childhood special education (ECSE) classes must have at least one paraprofessional employed while pupils are in attendance. The maximum number of pupils in an ECSE classroom at any one time with a teacher and a paraprofessional is eight. The maximum number of pupils in an ECSE classroom at any one time with an early childhood team is 16.

12.2.7 Caseloads for Effective Mental Health Team Staffing: Students learning and working in our learning places and spaces have a wide variety of mental health needs that require support so that they may have the best educational experience possible. To effectively address these diverse needs, schools shall staff at the minimum levels noted below.

a. Licensed School Counselors:



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- i. The District shall hire 3.0 FTE licensed school counselors, divided into six (6) 0.5 FTE counselors assigned to 6 elementary schools in greatest need based on Free and Reduced Lunch status and HHM status.
- ii. Every secondary school shall have a minimum of a 1.0 FTE Licensed School Counselor.
- b. **Licensed School Nurses:**
 - i. Licensed School Nurses: Every elementary school over 250 students shall have a minimum of a 1.0 FTE Licensed School Nurse
 - ii. Every secondary school and K-8 over 250 students shall have a minimum of a 1.0 FTE Licensed School Nurse
 - iii. Every secondary school and K-8 under 250 students shall have a minimum of a 0.5 FTE Licensed School Nurse
- c. **Licensed School Psychologists:**
 - i. Every elementary school over 250 students shall have a minimum of a 1.0 FTE Licensed School Psychologist.
 - ii. Every secondary school and K-8 over 250 students shall have a minimum of a 1.0 FTE Licensed School Psychologist.
 - iii. Every secondary school and K-8 under 250 students shall have a minimum of a 0.5 FTE Licensed School Psychologist.
- d. **Chemical Dependency Counselors/Technicians:**
 - i. Every secondary school and K-8 over 250 students shall have a minimum of a 1.0 FTE Chemical Dependency Counselor or Chemical Dependency Technician.
 - ii. Every secondary school and K-8 under 250 students shall have a minimum of a .50 FTE Chemical Dependency Counselor or Chemical Dependency Technician.
 - iii. Elementary schools may request chemical dependency support from district student support services staff.
- e. Sites who staff these positions at higher ratios shall not be required to reduce to these minimum staffing requirements.
- f. If the District is unable to fill a vacancy in any of these related service professional categories, it will not be considered a violation of this collective bargaining agreement.
- g. Partnerships with outside agencies and organizations shall be in addition to, not in lieu of these minimum staffing requirements.

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12.4.6 General Education Class Size Caps:

- a. **Class size caps** will be as follows:

Grade-level ¹	70% FRL ² and above	Below 70% FRL ³
Pre-kindergarten ⁴	20	20



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Kindergarten⁺	22	27
1st & 2nd Grade⁺	22	28
3rd Grade⁺	25	34
4th Grade—5th Grade⁺	30	36
6th Grade—8th Grade²	40	42
9th Grade—12th Grade²	40	44

Grade level	70% FRL¹ and above	Below 70% FRL¹
Pre-kindergarten	14	14
Kindergarten	16	20
1st Grade-3rd Grade	20	24
4th Grade-5th Grade	24	28
6th Grade-9th Grade ²	28	30
10th Grade - 12th Grade ²	32	36

~~— 1 Class sizes at the elementary level do not include specialists due to inclusive practices and other instructional practices.~~

¹ Free and Reduced Lunch

² Class sizes at secondary level are specific to English, Math, Social Studies, and Science

- b. **Regular Reporting and Adjustments:** Accurate class size reports will be provided to the Staff Adjustment Committee based on enrollment per course or classroom. The Staff Adjustment Committee will meet several times in the fall to make needed adjustments on class sizes and caseloads. Thereafter, additional meetings will be scheduled quarterly or more often as needed. The Labor-Management Placement Committee will be convened should any teacher reassignments be recommended by the Staff Adjustment Committee and MFT after jointly reviewing student attendance and other relevant data.
- c. **Class Size Committee:** The parties acknowledge that circumstances could arise where exceptions to the above class size averages or caps may be made. Such cases may include efforts to keep families together, enrollment patterns, population shifts, a decrease in state or federal funding, an unusual variation between school enrollments at different grade levels or to allow the district to avoid creating split grade level classes.



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Teachers will not be asked to exceed these limits individually. The issue must be brought to the Class size committee for resolution.

All schools will form a class size committee. The committee shall be composed of the following voting members:

- School Principal
- Associate Superintendent (or appointed designee)
- A teacher from an affected classroom or other staff member in the affected license area. This person will be chosen by the site steward.
- A building steward OR another licensed staff person appointed by MFT.
- Two (2) parents, to be appointed by the school's PTA or PTO (If there is no active PTA or PTO, the parents will be appointed by the principal and the building steward. If the principal and steward are unable to agree on two parents to appoint, the principal will appoint one parent and the steward will appoint the other.) Lack of parent involvement will not preclude the committee from developing recommendations.

Prior to the first week of school, the site stewards and principal shall examine an enrollment report describing the enrollment of each section being offered at the school. The stewards and principal will try to eliminate as many issues as they can prior to convening the Class Size Committee.

All affected teachers will be invited to attend the Class Size Committee to participate in the discussion of possible solutions including, but not limited to:

1. Co-teaching models
2. Additional ESP support
3. Balancing class sizes among grade levels or subject area
4. Adding licensed staff through the staff adjustment process or reassigning non-classroom licensed staff to classroom positions
5. Reducing non-instructional duties
6. Additional weekly preparation time
7. Other methods created collaboratively by the ~~site, District, and MFT~~ by the Class Size Committee



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8. The District has the option to place students in classrooms that exceed the cap. At the end of the year, if a classroom Average Daily Membership (ADM) report indicates that the number of students for the school year exceeded the established cap set forth above, the teacher in the classroom shall receive \$500 per ADM, rounded up to the closest whole student, above the cap.
 - a. DDL classroom enrollment must be considered when assigning elementary students to non-DDL same grade level classrooms so as not to exceed classroom caps.

When called to convene, the Class Size Committee shall meet before the first day of students attending in the fall. The committee will review class size data for the classes approaching or exceeding class size averages and/or caps. The committee will develop a plan on what to do about each potential class, or grade level in elementary, with a class size issue. Possible solutions will be presented to the affected teachers for their feedback and/or possible approval.

MFT agrees not to grieve such an exception, when approved by a majority of the Class Size Committee, for the remainder of the school year for which the exception is made only if the committee's recommended remedies are implemented within thirty calendar days after the meeting. All exceptions expire at the end of each school year.

If all other internal site level class size solutions have been exhausted, and it is determined that additional staffing is necessary, then a recommendation to the Superintendent and/or their designee will be made within five (5) school days. If the final agreement is to hire additional support, then the new posting will take place within ten (10) school days of the approval. If after thirty (30) days, no hire has taken place, a short term sub will be placed into the classroom pending the assignment of the support staff. MFT agrees to not file a grievance if this is followed.

The parties agree to submit any disputes not resolved after Level II of the grievance process to grievance mediation and reach a resolution through grievance mediation.

Prior to the end of a marking period, the site stewards and principal shall examine class size data for the upcoming marking period. If there are new class size issues, they will work together to solve these problems. If needed, the Class Size Committee shall be reconvened with affected teachers being invited to attend to discuss possible solutions.

~~d. Adjustments outside the regular monitoring process: Teachers will contact the principal to communicate when class size exceeds the cap outside the regular monitoring process by the Staff Adjustment Committee. The Principal will contact their Associate Superintendent to report any class size that exceeds the caps.~~



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~~Other options: If specific class sizes exceed the established caps and are not addressed by the Staffing Adjustment Committee, one of the following options may be implemented by the District with the goal being a cost-neutral option:~~

- ~~1. Co-teaching models~~
- ~~2. Additional ESP support~~
- ~~3. Balancing class sizes among grade levels or subject area~~
- ~~4. Adding licensed staff through the staff adjustment process or reassigning non-classroom licensed staff to classroom positions~~
- ~~5. Reducing non-instructional duties~~
- ~~6. Additional weekly preparation time~~
- ~~7. Other methods created collaboratively by the site, District, and MFT~~
- ~~8. The District has the option to place students in classrooms that exceed the cap. At the end of the year, if a classroom Average Daily Membership (ADM) report indicates that the average number of students for the school year exceeded the established cap set forth above, the teacher in the classroom shall receive \$500 per ADM above the cap.~~

~~f. **Implementation:** MPS will implement the solutions and communicate them to affected staff, students, and families.~~

~~g. Vacant Positions: If a class size exceeds the cap due to the District's inability to fill a vacancy, it will not be considered a violation of this article and will not be subject to grievance.~~

~~h. Instructional Model Changes: MPS and MFT agree that class size caps will be reviewed and adjusted if MPS' instructional model evolves and new models are created.~~

~~i. Evaluation: The Staffing Adjustment Committee will meet to decide the best way to assess the impacts of class size. Possible areas of impact study might be the following:~~

- ~~1. Student Achievement—What measurable and relevant impacts class sizes had on the achievement of students in the district.~~
- ~~2. Fiscal Resources—What measurable and relevant impacts class size had on the financial health of the district.~~



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~~3. Enrollment—What measurable and relevant impacts has class size on the enrollment of the district.~~

~~j. Inapplicable Situations: The class size cap provision will not apply if any of the following apply:~~

~~1. The District fails to renew any operating, class size, capital projects, or other voter approved referendum.~~

~~2. Average Daily Membership (ADM) falls below 20,000 as reported by the Minnesota Department of Education.~~

~~3. The percentage of students who qualify for educational benefits within the district fall below the state average.~~

~~4. Moody's, Standard and Poor's (S&P) or Fitch Ratings lowers its rating on District debt to below investment grade or rates any district bond issue below investment grade.~~

~~5. The District is in statutory operating debt (MN Statute § 123B.81)~~

k. **Effective Date:** Class size caps for each school year will take effect on October 1 of that school year and will extend until the end of that school year.

~~l. District Rights: The District retains all rights to create and modify budgets, allocate resources, project enrollment, place students, create or eliminate positions, and any other matters of inherent managerial policy.~~

For the District:

By: _____

Its: _____

Date: _____

For the Union:

By: _____

Its: _____

Date: _____