

Seattle Public Schools

Negotiations – 2009

District Proposal: Learning Improvement Day
Date Presented: May 14, 2009
Subject: Address the loss of one Learning Improvement Day
Contract Articles Involved: Article I, Section D; Article IV.

Purpose Statement:

Seattle Public Schools (SPS) proposes that the parties continue to discuss the loss of one Learning Improvement Day (LID) that was not authorized nor funded by the State Legislature for the coming school year. There is a dispute between the parties over the loss of this LID. SEA believes that the District is obligated to provide a 182 day contract that includes funding for a second LID even though the State Legislature did not authorize or fund the LID. SEA believes that SPS made a unilateral change to the working conditions of certificated non-supervisory staff that it represents and that SPS must bargain away the second LID. SPS' position is that because the LID is a part of the State salary schedule that the parties must revise the collective bargaining agreement to conform to State law. Legally, SPS believes that we cannot fund a second LID. There are alternatives to a LID, but the impact of the change needs to be negotiated between the parties.

Article I, Section D.2 provides that if there are changes in legislation, administrative code, or funding either party may initiate negotiations over the impact of the changes. Article IV, Section A.1 addresses the contract year for certificated non-supervisory staff, while Article IV, Section A.4 relates to the State Learning Improvement Days. SPS notified SEA on April 30 and again on May 12 that it was open to further discussions about the contract year in light of the loss of one LID. The parties met on May 13 to begin those discussions and this proposal is in furtherance of SPS' intent to negotiate the impact of the change that has occurred through legislative action.

SPS is proposing that neither SEA nor SPS give up their current legal position on the LID issue. This means that SEA reserves all its rights to assert that the District made a unilateral change in working conditions and can pursue an unfair labor practice charge. Similarly, SPS is not required to abandon its legal position on the LID issue. SPS' desires to address all financial issues as a whole rather than addressing the LID issue individually in advance of other matters that SEA may be proposing during negotiations. In light of this interest, SPS is proposing that the parties do the following:

1. Exchange proposals on all financial matters, including the LID issue, no later than May 29, 2009;
2. Use the bargaining sessions in early June to address these financial matters;

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3. Establish as a mutual goal that the parties will attempt to resolve these financial matters no later than June 24, 2009.
4. SPS agrees to extend the deadline for teachers to request a due process hearing to July 1, 2009.
5. The parties reserve all rights to argue their respective legal positions or pursue their legal options.
6. SPS agrees to use the same contractual form as it has used in the past two years.

SPS believes that this proposal will move the negotiations process on the LID forward, while addressing SPS' concern that one financial issue (LID) not be addressed in isolation from other financial matters associated with bargaining. This proposal meets SEA's interest in addressing the LID issue as quickly as possible.

Armando Cruz
5/19/09

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