

**SUMMARY REPORT
ON THE
DEVELOPMENT OF A TRAINING PROGRAM PURSUANT TO
THE PROFESSIONAL EDUCATORS COLLABORATIVE CONFERENCING ACT
T.C.A. 49-5-601(c)**

**SUBMITTED TO
THE EDUCATION COMMITTEES
OF THE SENATE AND HOUSE OF REPRESENTATIVES
OF THE 107TH SESSION
OF THE TENNESSEE GENERAL ASSEMBLY**

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I. THE NEW ACT AND THE STATUTORY CHARGE

A. The Professional Educators Collaborative Conferencing Act of 2011 (Public Chapter No. 378)

On June 1, 2011, Governor Haslam signed into law Public Chapter No. 378 (Senate Bill 113). The Act, which became effective upon signing, replaces the Education Professional Negotiations Act ("EPNA") with the Professional Educators Collaborative Conferencing Act of 2011 ("PECCA"). Essentially, PECCA substitutes collaborative conferencing for Tennessee education professionals' traditional collective bargaining process. The stated purpose of the new Act includes, among other similar goals:

- fostering open, collaborative relationships between local boards of education and professional employees based upon mutual respect and mutual interests;
- supporting innovative pathways of communication among teachers and other professional employees, school boards, and directors to ensure a focus on teaching and learning;
- broadening such communication to include all professional employees' organizations (as determined by a confidential poll of the district's teachers and other professional employees) to ensure employees' rights to representation of their own choosing; and
- enabling local boards of education and professional employees to focus on their public obligation to achieve the highest possible education standards within their institutions

What is collaborative conferencing? Collaborative conferencing is the process by which local boards of education and their professional employees meet, either directly or through representatives designated by the respective parties, to confer, consult, and discuss matters relating to certain terms and conditions of professional service. The process of collaborative conferencing is governed by the principles and techniques of interest-based collaborative problem-solving, which includes the broad and free-flowing exchange of information, opinions, and proposals among the conferencing parties.

What is interest-based collaborative problem-solving? Although the term is not defined by the new law, interest-based collaborative problem-solving ("IBCPs") is an increasingly popular method of multi-party consensus-building negotiation that is based upon mutual interests and respect among the parties; the joint identification of problems to be addressed; the open, free exchange of information; the nurturing of creativity in the generation of options;

and a good-faith, non-adversarial approach to solving problems using agreed-to criteria - all of which is intended to lead to an understanding between the parties based upon consensus.

B. The Statutory Charge

During the first year of the 107th legislative session of the Tennessee General Assembly, the Board of Directors of the Tennessee Organization of School Superintendents ("TOSS"), consented to a legislative request to serve the legislature and the State of Tennessee by developing training materials in interest-based collaborative problem-solving in conjunction with key education stakeholder organizations in Tennessee. Accordingly, the new law, as codified, provides, in pertinent part at T.C.A. 49-5-601(c), as follows:

[A] training program in the principles and techniques of interest-based collaborative problem-solving for use in collaborative conferencing . . . shall be developed by . . . the Tennessee Organization of School Superintendents in conjunction with representative organizations of school leaders and administrators and professional employees' organizations by January 1, 2012, at which time a summary report of the training program and related materials, if any, shall be presented to the Education Committees of the Senate and the House of Representatives.

The new law further provides that the training program as developed is to be "implemented, as appropriate, within each local education agency no later than July 1, 2012," and that collaborative conferencing may only be conducted by a local board once such training has been implemented by the local education agency ("LEA").

In performance of this statutory directive, and in order to assist school boards and employees with the new collaborative conferencing process, TOSS brought together key education stakeholder organizations, along with several Tennessee-based academic and workforce relations consultants specializing in interest-based and related practices, to form a Collaborative Conferencing Act training development group ("the CCA group"). As discussed in more detail below, during the period from September through December 2011, and as envisioned and prescribed by the PECCA, the CCA group worked together to develop an IBCPS training program for use by Tennessee's LEAs in connection with the conducting of collaborative conferencing under the new Act.

This report now is being submitted by TOSS pursuant to the new law, Public Chapter No. 378.

II. THE CCA TRAINING DEVELOPMENT GROUP

Pursuant to its statutory charge under the new law, TOSS, through its representatives, invited key stakeholder organizations, including the Tennessee School Board Association, the Tennessee Educators Association, the Professional Educators of Tennessee, and the AFT to

participate as members of the group charged with the development of IBCPS training materials under the Act. In addition, TOSS, through its representatives, invited the participation of several Tennessee-based academic and workforce relations consultants specializing in interest-based collaboration, conflict management, and related practices. The following individuals participated in one or more of the meetings of the development group.

- Randall Bennett, Deputy Executive Director & General Counsel, Tennessee School Boards Association
- Dr. Keith Brewer, Executive Director of the Tennessee Organization of School Superintendents
- Dr. Larry Bridgesmith, Senior Fellow and Associate Professor, Institute for Conflict Management, Lipscomb University
- Tim Brinegar, Director of Government Relations, Professional Educators of Tennessee
- Charles W. Cagle, Counsel to the Tennessee Organization of School Superintendents, Lewis, King, Krieg & Waldrop, P.C.
- Diane Dilanni, Government Relations Attorney, Project Consultant to Tennessee Organization of School Superintendents
- Dr. Tammy Grissom, Executive Director, Tennessee School Boards Association
- Lee Harrell, Director of Governmental and Labor Relations, Tennessee School Boards Association
- Dr. Mike Looney, Director At-Large, Tennessee Organization of School Superintendents, Williamson County Schools
- Dr. Al Mance, Executive Director, Tennessee Educators Association
- Brian McCarty, General Counsel, Tennessee Educators Association
- Dr. Bill McKee, Professor of Education and Public Service Management, Cumberland University

- Dr. John Peters, Professor, Department of Educational Psychology and Counseling, Director, Institute for Reflective Practice, University of Tennessee
- Dr. David W. Schumann, William J. Taylor Professor and Director, Tennessee Teaching and Learning Center, University of Tennessee
- Jeff Strickland, Esq., Professional Educators of Tennessee
- Gera Summerford, President, Tennessee Education Association
- Mark C. Travis, Esq., Director, Tennessee Labor Management Center

The Board of Directors of the Tennessee Organization of School Superintendents wishes to recognize the valuable contributions of each of the individuals listed above in connection with the joint development of the training materials presented herein and to express its gratitude for the support of their sponsoring organizations.

III. SUMMARY OF THE DEVELOPMENT PROCESS

A. The Development Meetings

Pursuant to its statutory duties under the new Act, TOSS convened several extended meetings of the Collaborative Conferencing Act training development group as follows:

- Monday, September 26, 2011 at the Nashville offices of Lewis, King, Krieg & Waldrop, P.C.
- Thursday, October 13, 2011 at the Nashville offices of Lewis, King, Krieg & Waldrop, P.C.
- Wednesday, October 26, 2011 at the Millennium Maxwell House Hotel in Nashville
- Tuesday, November 29, 2011 at Ezell Center, Lipscomb University, Nashville (sponsored by Lipscomb's Institute for Conflict Management)
- Thursday, December 13, 2011 at the Nashville offices of Lewis, King, Krieg & Waldrop, P.C.

Following the first two meetings, a working subgroup was formed to begin work on preparing draft proposed content for the training materials, along with possible implementation strategies based upon the discussions of the larger CCA group. The members of the working subgroup included (*in alphabetical order*): Dr. Larry Bridgesmith, Senior Fellow and Associate Professor, Institute for Conflict Management, Lipscomb University; Dr. Bill McKee, Professor of Education and Public Service Management, Cumberland University; Dr. John Peters, Professor, Department of Educational Psychology and Counseling, and Director, Institute for Reflective Practice, University of Tennessee, Knoxville; Dr. David W. Schumann, William J. Taylor Professor and Director, Tennessee Teaching and Learning Center, University of Tennessee - Knoxville; and Mark C. Travis, Esq., Director, Tennessee Labor-Management Center.

In addition, Diane Dilanni participated on behalf of TOSS on occasion, as did Gera Summerford on behalf of the Tennessee Education Association in the initial subgroup meeting. During the period of October through December, the subgroup met on numerous additional days, telephonically and in person, for purposes of drafting proposed models of training materials and suggested implementation strategies as recommended and discussed by the CCA training development group at its plenary sessions. The proposed materials were then presented to the larger group of stakeholder representatives for review and consensus.

B. The Development Process

During the first two meetings, the work group process consisted of broad discussions among stakeholders, along with simulations of a facilitated group process using the tools and techniques of a communication skills practice known as reflective practice. Essentially, the stakeholder group utilized interest-based problem-solving in its own discussions and deliberations in the formation of the training program, facilitated by the working subgroup. The group reviewed the history, development and utilization of interest-based processes from various academic and governmental resources. More specifically, national research on labor-management collaborative practices within public schools was presented by the specialists/consultants within the subgroup.

Throughout the process, various training models on interest-based negotiations, reflective practice, and conflict management were presented and discussed by the group. It is worth noting here that the group members included stakeholder-practitioners with substantial existing collaborative labor-management experience within Tennessee's public schools. In addition, all group members were encouraged to review and familiarize themselves with additional easily-accessible online materials regarding current research and potential training models for collaborative practices within public schools.

One most recent development in the field came from the U.S. Department of Education, which sponsored a February 2011 conference entitled *"Advancing Student Achievement Through Labor Management Collaboration"* along with co-sponsors from the American Association of School Administrators, the American Federation of Teachers, the Council of the Great City Schools, the Federal Mediation and Conciliation Service, the National Education Association, and the National School Boards Association. The conference brought together over 150 school districts from across the nation, and premiered twelve districts that were noteworthy for the partnership of their district, board, and teacher organizations. Several Tennessee educators were invited and participated in this conference. As a result of the conference, the U.S. Department of Education developed online resources in order to create a "community of practice" on using student-centered labor-management collaboration practices in public schools.

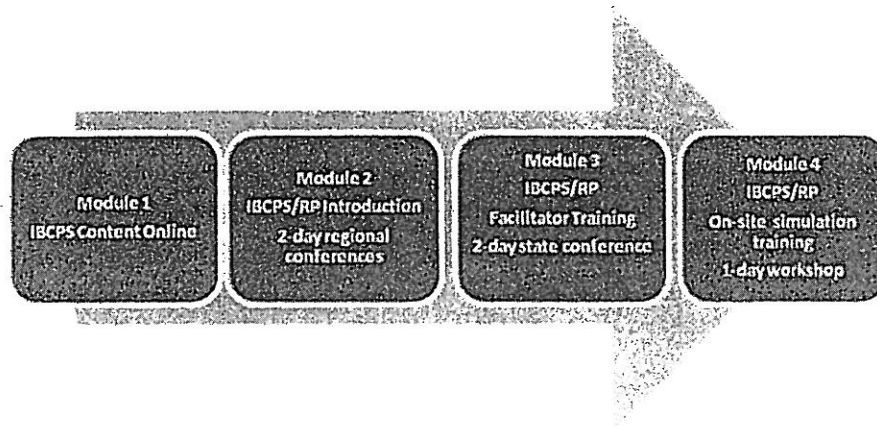
The third, fourth, and fifth meetings of the development group were devoted to seeking to address specific issues regarding content and implementation. The process was guided by the principles that had been articulated by the group during the first few meetings, and the

necessary design elements emerging from those stated principles. A brief summary of the most salient principles, and the attendant design implications, is set forth in the section below.

Following each meeting of the development group, detailed summary notes were prepared and distributed to each member of the group for his or her review and, to the extent requested, corrections where appropriate.

IV. Professional Educators' Collaborative Conferencing Act ("PECCA") Proposed Training Program Summary

The following is a summary of the training program in the principles and techniques of interest-based collaborative problem-solving ("IBCPs") for use in collaborative conferencing pursuant to the Professional Educators' Collaborative Conferencing Act ("PECCA" or "the Act"). It was developed by the Tennessee Organization of School Superintendents in conjunction with professional consultants and representative organizations of school leaders and professional employees' organizations, including the Tennessee Education Association, the Tennessee School Boards' Association; and the Professional Educators of Tennessee.



Module One: Online Information. An online presence which provides all interested parties with comprehensive substantive information about the Act, general information about IBCPS processes, summaries of relevant research in the field, and the communication and conflict management principles essential to successful utilization of the process.

Module Two: Regional Conferences. Two-day required regional conferences for those Local Education Agencies ("LEA's") who have petitioned and been approved for collaborative conferencing. Module Two will provide more intensive delivery and application of the information covered in Module One, as well as an introduction to the theory and application of "Reflective Practice" ("RP"), which serves as the communication foundation for IBCPS implementation.

Module Three: Statewide Conference for Training for LEA Facilitators. Research and best practices reveal that collaborative conferencing is far more likely to succeed if guided by a trained facilitator. A priority will be placed on training facilitators appointed from within the LEA. As appropriate or needed, the LEA may identify an outside neutral individual to receive facilitator training. This two day required training will help those individuals charged with facilitating LEAs, develop the skills necessary to guide their teams towards a successful collaborative conferencing outcome.

Module Four: On-Site LEA Training in Collaborative Conferencing. One-day on-site joint training at the local LEA level to further skills introduced at the regional conference. The training will consist of an overview/refresher of the material covered at the regional conference followed by an extensive participatory simulation and debrief. As with the other modules, this training is required unless there is consensus within the individual LEA to opt out of such training due to prior experience, training, and competence in IBCPS techniques.

First Year Parallel Assessment. A parallel assessment employing four LEAs (varying by size of school district and geographic representation), is recommended to thoroughly assess the Collaborative Conferencing training program and provide opportunity to make improvements as needed early in the rollout. This parallel assessment will also provide important documentation for state auditors and other interested parties.

V. RELATED MATERIALS

Details of the Collaborative Conferencing Training Program

This section of the report prescribes in some detail the proposed training for Collaborative Conferencing (CC) as set forward in the Professional Educators Collaborative Conferencing Act dated June 1, 2011 ("PECCA" or "the Act"). The content of the addendum is as follows:

- Preamble
- Guiding Values and Communication Principles
- Module One: Online Information
- Module Two: Regional Conferences
- Module Three: LEA Facilitator Training
- Module Four: On-site LEA Team Training
- Plan for Parallel Test and Detailed Assessment
- Collaborative Conferencing Training Program Schedule

PREAMBLE

Beginning on September 26, 2011 a group of stakeholders¹ impacted by the Professional Educators Collaborative Conferencing Act began meeting to discuss and recommend methods and means which would enable local school systems to comply with the Act. In their first meeting, a "strong consensus" was reached by the group that its charge was to "focus its efforts on interest-based collaborative problem solving (as set forth in the statute), and . . . to review and discuss other existing models consistent with Interest-Based Collaborative Problem Solving ("IBCPS"). After three months of meeting and delegated sub-committee work, what follows is a presentation of an initial level of detail from recommendations of the group relating to the values, principles, content, skills, and proposed training implementation for affected school systems charged with complying with the provisions of the Act.

The recommendations of the group consist of four modules as noted above. Each module as described below consists of learning objectives, content, and methods of delivery. This proposed training package complies with the requirements of the Act. The training program includes online information for public exposure and Local Educational Agency ("LEA") team preparation (Module 1), two day regional workshops in IBCPS and Reflective Practice ("RP") communication strategies (Module 2), a two day state wide workshop in LEA facilitator training (Module 3), and a one-day on-site simulation training for the LEA Team (Module 4). In addition, it is recommended that a parallel assessment be conducted the first year.

It was not the charge of the group to determine funding mechanisms, but various potential options exist to fund the implementation options through General Assembly allocations, federal funding sources and local foundations dedicated to public education support.

¹ The group consisted of representatives of the Tennessee School Boards Association, the Tennessee Organization of School Superintendents, the Professional Educators of Tennessee, and the Tennessee Education Association as facilitated by public representatives from the University of Tennessee, Cumberland University, Lipscomb University, and the Tennessee Labor-Management Center.

GUIDING VALUES AND COMMUNICATION PRINCIPLES

Certain values and communication principles underlie both the training process and Collaborative Conferencing. They include the following:

- Commitment to the CC Process – Participants agree to conference in good faith with a mutual understanding and commitment toward obtaining a Memo of Understanding.
- Respect for Representation Function - Participants understand that members of the LEA CC represent the interests of a larger and broader group of individuals.
- Legitimacy and Equality– Participants understand the legitimacy of each other's concerns and interest (even if they don't agree), and treat each other as equals in the process.
- Active Listening – Participants understand the value of listening carefully to each other as reflected in their commitment to engage constructively with one another.
- Responsibility – Each participant is responsible for getting one's own needs met and for seeking to meet the other participants' needs, working in a timely manner.
- Honesty – Each participant commits to candidness, putting aside risk and optimizing the potential for creating viable solutions.
- Creativity – Each participant commits to finding creative alternatives as needed.
- Reinforcing Constructive Dialogue – Each participant agrees to take the "high road," reinforcing mutual constructive dialogue.
- Arriving at a Consensus – Participants will work to reach agreement on a consensus voting process and actively engage in the decision process.
- Dealing with the Media and the Public – Participants agree that any disclosure of information to media sources or the public will occur through mutual agreement of the participants.
- Freedom to Disagree – Participants should honor each other's right to disagree with others' positions and options, and dialogue in good faith to reach compromise solutions.

MODULE ONE: Online Information

Description: Module One contains basic information related to the Act, IBCPS, and RP communication skills.

Rationale: This web-based information serves two purposes. First, it provides LEA participants with an initial level of information. Second, it provides the public at large with information ensuring a high level of transparency.

Learning Objectives: After reviewing the content online, participants will

1. Gain knowledge of the Act
2. Gain initial knowledge of the principles of Interest-Based Collaborative Problem Solving (IBCPS)
3. Gain initial knowledge of Reflective Practice (RP) communication strategies

Table 1: Online Information

Topic	Content	Methods
Act	Detailed written presentation of the information contained in the Act	<ul style="list-style-type: none">• Documents already posted at the TN Department of Education website• Overview document to be posted (pdf)
IBCPS Process Skills	Presentation of the basics of IBCPS process skills	<ul style="list-style-type: none">• PowerPoint document
RP Communication Strategies	Presentation of introductory Information on RP communication skills	<ul style="list-style-type: none">• PowerPoint document

Organization: PowerPoint slides will be employed to provide information through a passive web presence (*i.e.*, information is accessible online) for IBCPS and RP material. A summary document of the Act is also available and will need to be posted (see Addendum). Individual LEA CC participants are required to review this material before attending the subsequent training modules.

Content: IBCPS and RP

Section One: Description, Issues, Assumptions and Principles

- Key Differences Between Traditional and IBB Models
 - ❖ Interests vs. Power and Rights
 - ❖ Outcome, relationship, durability
 - ❖ Training, preparation, structure/environment, communication, negotiation strategy, documentation, formalization
- Conditions for Successful Utilization
 - ❖ Recent negative experiences
 - ❖ Willingness to share information
 - ❖ Sufficient time
 - ❖ Environmental changes
 - ❖ Respect for legitimacy
 - ❖ Acceptance by decision makers and constituents
- Advantages Of IBCPS
 - ❖ Solutions more durable
 - ❖ Improved organizational performance
 - ❖ Improved working relationships
- Challenges of IBCPS

- ❖ Time-consuming (training and process)
- ❖ Cost
- ❖ Leadership turnover
- ❖ Preconceived bias
- ❖ Constituent objections
- ❖ Lack of trust
- ❖ Continual follow-up and nurturing
- Guiding Principles and Key Assumptions
 - ❖ Assumptions:
 - ✓ Parties are interdependent and have common goals
 - ✓ Parties have common interests
 - ✓ Parties will have some separate goals and interests
 - ✓ Separate goals and interests are legitimate
 - ✓ Joint problem-solving expands area of mutual interests
 - ✓ Organizational effectiveness can be enhanced
 - ✓ Mutually-developed standards move decision-making away from power and rights
 - ❖ Principles:
 - ✓ Focus on interests, not positions
 - ✓ Separate the people from the problem
 - ✓ Invent options for mutual gain
 - ✓ Use fair and objective criteria for reaching consensus
- New Terminology
 - ❖ Issue
 - ❖ Interests
 - ❖ Options
 - ❖ Positions
 - ❖ Standards/criteria
 - ❖ Consensus

Section Two: Research

- Cornell University School of Labor and Industrial Relations: "Interest-Based Bargaining in Education" (2003)
 - ❖ Primary Motivators for Use of Interest-Based Bargaining in Education
 - ✓ Frustration with existing practices
 - ✓ Dissatisfaction with outcomes achieved in traditional practices
 - ✓ Existence of other opportunities for collaboration in the organization
 - ✓ Pressure from economic or legal/legislative changes
 - ❖ Effect of Interest-Based Bargaining on Bargaining Outcomes
 - ✓ More realistic outcomes
 - ✓ More focused attention on fewer issues
 - ✓ Increased attention to overarching educational policy issues

- ✓ Better (or at least not reduced) wage outcomes
- ✓ Higher quality of solutions – more durable and usable
- ✓ Contract language less controlling, easier to use
- ✓ Spillover effect in post-bargaining work, and monitoring of outcomes
- ❖ Factors Supporting Interest-Based Bargaining
 - ✓ Stable professional management relationship and/or motivation to change
 - ✓ Number of issues limited to most important problems to be solved
 - ✓ Focus on substance of outcomes
 - ✓ Training and facilitation
 - ✓ Financial/economic stability
 - ✓ Constituent/stakeholder confidence
 - ✓ Realistic Expectations
- ❖ Factors Impeding Use of Interest-Based Bargaining
 - ✓ Existing hardened public positions on important issues
 - ✓ Use of relationship to force change
 - ✓ Avoidance and accommodation of conflict over substantive issues
 - ✓ Use as tool to mask hidden agenda
 - ✓ Withholding of information
- Rutgers University School of Management and Labor Relations: “Collaborating on School Reform” (2010). Long-Term Collaborative Partnerships - Common Themes and Patterns:
 - ❖ Contextual motivation or pivotal event initiating change
 - ❖ Strategic Priorities:
 - ✓ Emphasis on teacher quality
 - ✓ Focus on student performance
 - ✓ Substantive problem-solving, innovation, and willingness to experiment
 - ❖ Supportive System Infrastructure
 - ✓ Organizational structure that values and supports collaboration
 - ✓ Shared governance and management of district and strategic alignment
 - ✓ Collaborative structures at all levels
 - ✓ Joint learning opportunities
 - ❖ Sustaining Factors
 - ✓ Long-term leadership
 - ✓ Community engagement
 - ✓ Support from Board and teacher organizations
 - ✓ Supportive and enabling contract language

Section Three: Communication and Conflict Management Skills

- Communication Principles
 - ❖ Listen and communicate in a climate of “good faith.”
 - ❖ Respect each other’s right to participate and communicate without fear of intimidation or threat.
 - ❖ Treat each participant as an equal in this dialogue.

- ❖ Be sincerely interested in what others have to say (practice the Golden Rule)
- ❖ Allow others to “shoot for the moon” without fear of judgment or detrimental consequences
- ❖ Identify and take the “high road” in expressing oneself.
- ❖ Help others to identify the “high road.”
- ❖ Commit to being present in the moment (eliminate possible distractions – *e.g.*, electronic devices)
- Reflective Practice
 - ❖ Climate Building --- Creating an environment in which participants have a sense of safety and respect, supportive of a collaborative relationship among all participants.
 - ❖ Questioning --- Asking questions that help participants identify their assumptions, clarify their thoughts, and develop fair and balanced expectations of the collaborative process.
 - ❖ Listening --- Skillful listening to participants’ mental models, wants, assumptions, and values.
 - ❖ Focusing --- Seeing and hearing what each participant says and how they say it, moment to moment, individually and jointly.
 - ❖ Thinking --- Identifying and suspending one’s own frames, assumptions, values, and biases, in order to understand one’s own and the other person’s viewpoints and actions.
 - ❖ Acting --- Taking next steps based on critical reflection of one’s own and others’ thoughts, feelings, and actions.
 - ❖ Facilitation --- Enabling conditions that create and sustain dialogue by participants.
- Communicating Specific Content
 - ❖ Communicating Interests – where possible, expresses a common interest
 - ✓ Framing an interest
 - ✓ Owning the interest
 - ✓ Interests are expressed in neutral (non-positional) terms, such as “attract and retain high quality teachers”; or a more specific one might be “provide adequate planning time within the instructional day.”
 - ✓ Generating “options” as possible solutions for the “interest”
 - ❖ Communicating and deliberating over options
 - ✓ “Shoot for the Moon” but include options that are believed to be acceptable
 - ✓ Consider the extremes
 - ✓ Apply standards and criteria to provide a rational way of eliminating options

Section Four: Process/Steps

- Preparation/Pre-Problem Solving
 - ❖ Canvas constituents; appoint committees; fact-finding
 - ❖ Representation
 - ❖ Procedural agreements or ground rules
 - ❖ Legitimize all perceptions

- Identify Issues/Problem Definitions
 - ❖ Problem definition
 - ❖ Define issues
 - ❖ Avoidance of positions
- Interest Identification/Analysis
 - ❖ Identify and clarify all interests
 - ❖ Joint fact-finding
 - ❖ Analyze cause and effect impact
- Creating Acceptable Standards/Criteria Development
 - ❖ Clarify interests
 - ❖ Agree on performance criteria as a basis for defining success
 - ❖ Factor Analysis (feasibility, benefit, acceptability)
- Developing Options/Generating Alternatives
 - ❖ Generate alternatives
 - ❖ Invent options
 - ❖ Avoid obstacles
- Achieving Settlement/Decision-Making
 - ❖ Test options against standards
 - ❖ Ratification
 - ❖ Implementation
- Follow-Up
 - ❖ Formalizing the MOU
 - ❖ Monitoring and evaluation

MODULE TWO: REGIONAL WORKSHOPS

Description: Module Two builds off of the information provided in Module One providing significant detail and opportunity for some initial practice.

Rationale: Module Two provides at least a subset of LEA participants (to be identified by the individual LEAs) with detailed knowledge of IBCPS process and RP communication strategies. These are skill based and participants will work directly with training facilitators to develop a more thorough understanding of the process and skills.

Learning Objectives: At the end of this regional workshop participant will...

1. Gain knowledge of the importance of, and how to develop a set of operating agreements (*i.e.*, ground rules).
2. Gain insights into the key values and RP communication strategies that are critical to the success of collaborative conferencing.
3. Gain insights into what the research and best practices regarding IBCPS tells us.
4. Gain insights into the information within the ACT.
5. Develop skills through small group practice on several components of IBCPS.

6. Gain exposure and initial insights into RP communication strategies and how they are used in IBCPS.

Table 2: Regional Workshops

Content	Knowledge and Skills	Methods
Developing Operating Agreements	How to generate operating agreements	<ul style="list-style-type: none">• Presentation• Benchmarking• Brainstorming
IBCPS best practices	Knowledge of IBCPS research and best practice elements	<ul style="list-style-type: none">• Presentation and discussion
Act	Detailed understanding of the information contained in the ACT	<ul style="list-style-type: none">• Presentation and discussion
IBCPS Process Skills	Specific IBCPS process skills	<ul style="list-style-type: none">• Presentation and discussion of stages• Presentation and discussion of process tools and techniques• Experiential exercises to apply these principles, tools and techniques
RP Communication Strategies	Introductory Insights into RP communication strategies	<ul style="list-style-type: none">• Presentation• Basic usage exercise

Content: Includes detailed knowledge and practice building off of the topical structure provided in Module One.

MODULE THREE: LEA FACILITATOR TRAINING

Description: Facilitators, upon completing the first two modules, need to be further trained in multiple areas to include the knowledge of the Act, IBCPS process, Reflective Practice communication strategies, facilitation skills applied to collaborative conferencing, conflict management, and decision making. This training would involve multiple initial facilitators being trained at one time at a two day statewide workshop. If it is affordable, it is recommended to LEAs that the on-site facilitator be neutral. This training is required for all LEA facilitators.

Rationale: The literature, experts, and best practices in IBCPS are consistently in agreement that the training and use of facilitators (preferably neutral) is critical to completion and success of collaborative conferencing. A trained facilitator will have in-depth knowledge and skill set training in both the IBCPS process and Reflective Practice. The facilitator aids in constructing a team focus while at the same time reinforcing a civil discourse.

Learning Objectives: At the end of this training facilitators will...

1. Refine knowledge and skills developed in Option A and Option B training and apply them to specific aspects of multi-party negotiation.
2. Learn to use the RP tools and IBCPS skills in an enhanced integrated fashion applied to multi-party negotiation.

3. Gain an understanding of the role of a facilitator of multi-party negotiation, including meeting expectations, ethical considerations, and responsibilities.
4. Develop expertise in facilitating multiple party group dynamics, including conflict resolution.
5. Develop skills in consensus building.
6. Gain experience in making facilitator decisions in real-time negotiation environments.
7. Improve their understanding of how to adjust their practice according to assessment results and feedback.

Table 3: Facilitator Training

Content	Knowledge and Skills	Methods of Training
(All training in Module Two, plus):		
Role of Facilitator in Interest-Based Collaborative Problem Solving -Multi-party interest-based negotiation vs. (two-party) position-based negotiation. -Scenarios -Expectations -Goals -Ethics and Responsibilities	<ul style="list-style-type: none"> • Understanding the Act • Understanding of role and, duties related to IBCPS process • Understanding similarities and differences in types of negotiation, implications for representatives and neutral facilitator • Familiarity with goals of collaborative conferencing • Awareness of ethical standards and responsibilities • Knowledge of how groups work, internal and external forces affecting group performance (e.g., trust, respect, openness to others), and how to facilitate member interactions 	<ul style="list-style-type: none"> • Presentation and Discussion • Video examples • Case-based discussion of groups and how they work • Techniques for building trust, respect among group members • role playing • Scenario-based problem solving. • Apprentice training with experienced facilitators • Real time coaching • Apprentice training via co-facilitation • Critical reflection on performance • Critical reflection on performance • Apprenticing • Real time assessment and group feedback • Individual and group coaching
Facilitating Group Dynamics	<ul style="list-style-type: none"> • Familiarity with indicators of disagreement, lack of consensus, position-taking, entrenchment 	
Conflict Resolution	<ul style="list-style-type: none"> • Knowledge of ways of moving to agreement 	
Consensus Building	<ul style="list-style-type: none"> • Skillful facilitation leading to conflict resolution 	
Decision Making	<ul style="list-style-type: none"> • How to move groups to consensus. • How to use consensus building techniques • Understanding decisions facilitators make • Knowing when and how to recognize opportunities to move group forward • Skill in assessing progress, getting feedback, adjusting approach to working with groups 	
Assessment		

MODULE FOUR: ON-SITE LEA TEAM TRAINING

Description: Participants will be provided training in IBCPS and RP communication strategies. This will include knowledge of each strategy and opportunities to practice applying these strategies to the collaborative conferencing context through a simulation experience. As with the other modules, this training is required unless there is consensus within the individual LEA to opt out of such training due to prior experience, training, and competence in IBCPS techniques.

Rationale: The purpose of training in RP as it relates to IBCPS is to enhance the communication skills of participants in collaborative conferencing. To engage in RP means to act on the basis of recurring critical assessment of one's own and others' thoughts, feelings and actions and to act collaboratively on the basis of individual and joint understanding.

Learning Objectives: At the end of this workshop participant will...

1. Gain a deeper understanding of the seven basic tools of reflective practice
2. Identify when RP tools can be employed and why in IBCPS.
3. Identify how the RP tools can be employed in an integrative fashion to enrich the dialogue.
4. Gain direct experience with the seven basic RP tools applied directly to CC.
5. Gain insight and experience in how to work directly with their LEA CC teams on decision making and conflict management scenarios.
6. Gain an understanding and appreciation of how the IBCPS/RP process works through simulation practice.
7. Gain direct experience with IBCPS tools and techniques
8. Create a constructive working environment with their LEA CC teams.

Table 4: On-site LEA Team Training

Content	Knowledge and Skills	Methods
RP: Listening	Connecting threads, suspending agendas and assumptions	<ul style="list-style-type: none"> • Video examples • Facilitate fishbowl or group work • Simulations based on actual cases of negotiations, collaborative understanding • Role plays and coaching based on actual collaborative agreements • Role playing and coaching in simulated interest-based problem solving cases
RP: Questioning	Asking back; open ended questions	
RP: Focusing	Constructing individual and joint understanding	
RP: Thinking	Identifying and responding to one's own and others' assumptions and interests	
RP: Acting	Taking next steps based on individual and joint understanding	
RP: Climate Building	Establishing conditions of trust and respect for others' views	
RP: Facilitating	Making decisions and acting based on multi-party interests	<ul style="list-style-type: none"> • Intermittent presentation • Facilitated simulation employing all IBCPS steps <ul style="list-style-type: none"> - Brainstorming (e.g., Affinity exercise) - Case-based conflict resolution exercises
1. RP Tools Applied to the IBCPS Process 2. IBCPS Communication specific skills	RP Tools noted above Voicing an interest or problem Proposing an option Making a decision Resolving Conflict	

		<ul style="list-style-type: none"> • Facilitated simulation with integration of RP tools and skill development for all group members • Coaching • Practical exercises • Individual and group feedback <p>Retrospective assessment of IBCPS/RP skill development</p>
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Content: Training activities focus on one or more of the Reflective Practice communication strategies, depending on the length of training:

1. Climate Building --- Creating an environment in which participants have a sense of safety and respect, supportive of a collaborative relationship among all participants.
2. Questioning --- Asking questions that help participants identify their assumptions, clarify their thoughts, and develop fair and balanced expectations of the collaborative process.
3. Listening --- Skillful listening to other participants' expressions, wants, assumptions, and values.
4. Focusing --- Seeing and hearing what each participant says and how they say it, moment to moment, individually and in concert with others.
5. Thinking --- Identifying and suspending one's own assumptions, values, and biases, in order to understand one's own and other participants' viewpoints and behaviors.
6. Acting --- Taking next steps based on critical reflection of one's own and others' thoughts, feelings, and actions.
7. Facilitating --- Enabling conditions that create and sustain dialogue by participants.

The training model is based on several key assumptions about how adults learn and some of the most effective methods for training educators and other professionals. Below are the four key assumptions:

- ✓ One of the most effective forms of learning consists of **making meaning of what we already know and do**. This includes knowledge gained from reflecting on past experiences and knowledge yet to be developed by reflecting on and in new experiences. With due recognition of the value of learning information directly from expert teachers and trainers, particularly in technically-oriented practices, the RP training approach emphasizes the kinds of learning that result from the professional's own knowledge about what works and doesn't work in their practices. Thus, training activities afford participants opportunities to think about what they do, consider ways in which they may do things differently, act in new ways they select, and reflect on the results of their new experience. Activities are designed to help participants identify and reflect on their past actions and the assumptions that helped drive these actions. Activities also help them reflect on and in their actions during the training. So, they stand to learn from reflecting on both their past actions and their real-time actions.
- ✓ Although RP is often confused with introspection or individualized meta-cognition, the current model is also based on the assumption that **reflective practice is an individual activity that one cannot do wholly alone**. Thus, training workshops are designed as collaborative learning experiences, in which each participant learns by reflecting on their own experiences AND from reflecting on other participants' experiences. They also learn WITH other participants, as they

jointly develop new ideas and ways of enhancing their practices. Workshops thus enable individuals and groups to learn, resulting in a powerful learning experience for each participant than if he/she acted entirely alone. This is done in dialogue with other experienced practitioners. Workshops permit busy practitioners to slow down their actions, think with others about their unique practice, and jointly create new ideas for their practices. Each participant's experiences that occur before arriving at a workshop session is a potential topic for dialogue, as is what he or she does in each moment of their workshop experience (*e.g.*, past experience in collective bargaining can be critically examined in light of what is different about participating in collaborative conferencing).

- ✓ **Learning new ideas and ways of practicing requires time to reflect on one's actions.** There is a pace to learning this way. Thus, workshops sessions are spread over a specific, paced, period of time, during which participants are able to step back from their intensive workshop training sessions and reflect on their experiences in these sessions. There might be a few days or a few weeks between workshops or other group experiences, so that participants can have an opportunity to apply some of the things they learned as they return to their actual practices. Some examples of these experiences will serve as the focus of the next workshop session. This is designed to benefit the participant who experienced the example, but other participants will also learn from the examples.
- ✓ Training in RP emphasizes a special mode of discourse. The assumption is that **dialogue is the preferred mode of communicating used by participants who are genuinely interested in understanding one another.** Also, when participants engage in dialogue with one or more other persons in order to understand what they mean, each person is encouraged to open themselves to others' influence and, if so, they are very likely to learn something about themselves as well as the other persons. This dual nature of dialogue is ideal for learning from one's own and others' practical experiences.

Training Methods:

Training in RP has several unique features. These include: (1) A reliance on Collaborative Conferencing participants' own experiences as the foundation of further training; (2) A provision for structured dialogue among participants; (3) The use of facilitator modeling to demonstrate how participants may engage in RP; and (4) A process that participants can use to engage in aspects of RP during Collaborative Conferencing. The next sections will elaborate on these and other features of the RP training program.

The training format includes small group workshops and coaching. Each workshop session begins with an overview of RP but turns quickly to a focus on participants' experiences with bargaining and/or Collaborative Conferencing and on how participants experience the workshop itself. The intent is to help participants learn what they already know and to help them construct new knowledge and skills related to each workshop topic. Participants will learn from and with one another as they anticipate applying their new knowledge and skills to their daily work.

Workshop activities are structured so that participants experience the doing of RP while being coached by workshop facilitators. Workshop facilitators will model effective RP techniques while providing for participants to have hands-on experience in applying techniques and learning to facilitate others' RP experiences.

Participants in the training activities not only learn how to incorporate these skills into their practice, but they also learn to help others reflect on their own behaviors. Together, they learn by bringing research and written accounts of other people's Collaborative Conferencing experiences to their own situation and sort through what it means for their engagement in Collaborative Conferencing.

The workshop facilitator and participants develop and maintain an environment where all are respected and respectful, trusted and trusting, and engaged in collaborative processes. While nurturing a culture of respect, participants practice relational responsibility and act in ways that sustain dialogue.

Parallel Assessment

Purpose and Rationale: The Parallel Assessment will provide a means of thoroughly assessing the Collaborative Conferencing training program and provide opportunity to make improvements as needed early in the rollout. This parallel assessment will also provide important documentation for state auditors and other interested parties.

Participants: Four LEAs spread across the state representing urban, suburban, small city, and rural districts respectively.

Collaborative Conferencing Training Program Schedule

Module One: Online Information – Early February 2012

Module Two: Regional Workshops – Estimated 5 workshops to be conducted in late February/March 2012

Module Three: LEA Facilitator Training –late March/April 2012

Module Four: On-site LEA Team Training – Estimated 19 workshops - late April, May and June 2012

Parallel Assessment – February through June 2012

First Year Anticipated Maximum Costs

Table 6 below lists costs for the first year of collaborative conferencing.

Table 6: First Year Budget

<u>Training Component</u>	<u>Item</u>	<u>Maximum Cost</u>	<u>Totals</u>
Module One: Online Information	Materials	Minimal cost	
Module Two: Two-day Regional Workshops – approx. # = 150 (15 LEAs)	Workbooks (Design and material cost)	\$7,500	

	Room Rental	\$5,000	
	Facilitation for five workshops, multiple facilitators including travel expenses	\$65,000	
Module Two Total:			\$77,500
Module Three: Two-day statewide training of facilitators – approx. # = 38 (19 LEAs)	Workbooks (Design and material cost)	\$1,100	
	Room Rental	\$1000	
	Trainers and coaches, expenses	\$14,000	
Module Three Total:			\$16,100
Module Four: One-day Onsite LEA Team Training – approx. # = 225 (15/LEA)	Workbooks (Design and material cost)	\$2,250	
	Facilitation for 15 LEAs, expenses	\$30,000	
Module Four Total:			\$32,250
Parallel Assessment			
Module Two	Room Rental	\$1000	
	Facilitation, expenses	\$16,000	
Module Three	Included in above		
Module Four	Workbooks (included in above)		
	Facilitation (4 sites), expenses	\$10,000	
Assessment	Development	\$1,000	
	Materials and implementation	\$250	
	Interpretation and report	\$3,000	
Parallel Assessment Total:			\$31,250
CC Training Program Total:			\$157,100

APPENDIX

Summary of the Professional Educators Collaborative Conferencing Act of 2011

On June 1, 2011, Governor Haslam signed into law Public Act No. 378. The Act, which became effective upon signing, replaces the Education Professional Negotiation Act (EPNA) with the Professional Educators Collaborative Conferencing Act of 2011 (PECCA).

The stated purpose of the new Act is to:

foster open, collaborative relationships between local boards of education and their professional employees based upon mutual respect and mutual interest

support innovative pathways of communication among teachers and other professional employees, school boards, and directors to ensure a focus on teaching and learning

broaden such communication to include all professional employees' organizations (as determined by a confidential poll of the district's teachers and other professional employees) to

ensure employees' rights to representation of their own choosing

enable local boards of education and professional employees to focus on their public obligation to achieve the highest possible education standards within their institutions

The new Act immediately suspends any and all bargaining conducted under EPNA and, as a result, any bargaining of a new contract pursuant to EPNA was required to cease as of the Act's effective date of June 1, 2011.

The new law does not terminate any existing collective bargaining agreement (CBA).

If an existing CBA expires after the effective date of PECCA (June 1, 2011), the collective bargaining agreement is valid and remains in full force and effect until it naturally expires on its own terms.

The new law only governs future agreements, if any, between the local board of education and its professional employees relative to certain terms and conditions of employment.

For this reason, if an existing collective bargaining agreement contains reopener language, the parties to the agreement (the local board and the recognized professional employees' organization under EPNA), must continue to abide by those contractual provisions and negotiate the reopener items during the time period that the agreement is valid and in full force and effect.

What is collaborative conferencing?

It is the process by which local boards of education and their professional employees meet, either directly or through representatives designated by the respective parties, to confer, consult, and discuss matters relating to certain terms and conditions of professional service. The process of collaborative conferencing includes the exchange of information, opinions, and proposals among the conferencing parties, as well as the use of the principles and techniques of interest-based collaborative problem-solving (IBCPS).

Under PECCA, certain rights of professional employees are recognized and preserved, including:

- the right to self-organization,
- the right to form, join or be assisted by organizations,
- the right to participate in collaborative conferencing, and,
- the right to engage in other concerted activities for the purpose of mutual aid and benefit;

Professional employees also have the right to refrain from any and all such activities.

However, although there are similarities between PECCA and EPNA, there are substantial and important differences between collaborative conferencing under PECCA and collective bargaining under EPNA.

Under the new law, the subjects that local boards of education are required to conference with the professional employees, or their designated representatives, are limited to seven (7) specific subjects. The seven subjects are:

1. salaries or wages;
 2. grievance procedures;
 3. insurance;
 4. fringe benefits, but not to include pensions or retirement programs of the Tennessee consolidated retirement system or locally authorized early retirement incentives;
 5. working conditions, except those working conditions that are prescribed by federal law, state law, private act, municipal charter or rules and regulations of the State Board of Education, the Department of Education or any other department or agency of state or local government;
 6. leave, and
 7. payroll deductions (except with respect to those funds going to political activities)
-

Under PECCA, no other terms or conditions shall be the subject of collaborative conferencing, and the following six (6) subjects are specifically prohibited:

1. differentiated pay plans and other incentive compensation programs, including stipends, and associated benefits that are based on professional employee performance that exceeds expectations, or that aid in hiring and retaining highly qualified teachers for hard-to-staff schools and subject areas;
2. expenditure of grants or awards from federal, state or local governments and foundations or other private organizations that are expressly designed for specific purposes;
3. evaluation of professional employees pursuant to federal or state law or State Board of Education policy;
4. staffing decisions and State Board of Education or local board of education policies relating to innovative educational programs under § 49-1-207; innovative high school programs under Title 49, chapter 15; virtual education programs under Title 49, chapter 16; and other programs for innovative schools or school districts that may be enacted by the general assembly;
5. all personnel decisions concerning assignment of professional employees, including, but not limited to, filling of vacancies, assignments to specific schools, positions, professional duties, transfers within the system, layoffs, reductions in force, and recall. No agreement shall include provisions that require personnel decisions to be determined on the basis of tenure, seniority or length of service; and
6. payroll deductions for political activities.

Under the new Act, the director of schools has the right to communicate through any means, medium or format with the district's professional employees concerning any subject relevant to the operation of the school system, including the terms and conditions of professional service that are subject to collaborative conferencing.

To what extent is collaborative conferencing mandatory?

Collaborative conferencing is a process that is initiated by the professional employees of a district. If professional employees vote to conduct collaborative conferencing, then the local board of education is legally obligated to engage in such conferencing. In fact, a failure or refusal by the local board to participate in collaborative conferencing using the principles and techniques of interest-based collaborative problem-solving constitutes an unlawful act under PECCA and subjects the board to legal proceedings in the chancery court. Similarly, if the professional employees initiating the conferencing process subsequently fail or refuse to conference using the principles and techniques of interest-based collaborative problem-solving, they too commit an unlawful act and subject the proceedings to judicial intervention.

But PECCA, just like the EPNA, does not force professional employees to engage in collaborative conferencing. The professional employees of a district have the discretion to decide not to engage in collaborative conferencing with their local board.

What is interest-based collaborative problem-solving (IBCPS)?

The term “interest-based collaborative problem-solving” is not defined by the new law. *However, interest-based collaborative problem-solving is an increasingly popular method of multiparty consensus-building negotiation that is based upon mutual interests and respect among the parties, jointly identifying problems, the open, free exchange of information, nurturing creativity in the generation of options, and a good-faith, non-adversarial approach to solving problems using agreed-to criteria, all of which is intended to lead to an agreement between the parties based upon consensus and mutual gain.*

Training in IBCPS

To assist school boards and employees with this process, the Tennessee Organization of School Superintendents (TOSS), together with key stakeholder organizations, and Tennessee-based academic and workforce consultants specializing in interest-based practices, developed a training program in the principles and techniques of interest-based collaborative problem-solving for use in collaborative conferencing.

Under the Act, the training program developed by the TOSS group is to be implemented, as appropriate, within each school system no later than July 1, 2012.

No collaborative conferencing may be conducted by a local board until such training has been implemented within the local education agency.

Under PECCA, only “professional employees” have the right to engage in the collaborative conferencing process with the local board of education.

The new law defines “professional employees” as any person employed in a position requiring a license issued by the DOE for service in Tennessee’s public elementary and secondary schools; however, the law expressly *excludes* from the definition:

- principals, assistant principals, and supervisors,
- other employees whose principal responsibilities are administration rather than teaching,
- any employee who devotes a majority of his or her time to system-wide areas of professional personnel management, fiscal affairs or general management, and
- retired teachers who are employed as teachers in accordance with T.C.A. Title 8, chapter 36, part 8.

Unlike EPNA, under PECCA the local board is no longer required to negotiate solely with one "recognized" professional employees' organization as there is no exclusive recognition of a professional employees' organization in collaborative conferencing. Instead, the new Act ensures the right of professional employees to participate in collaborative conferencing through representatives of their own choosing, and such representation, if any, is to be determined through a confidential poll of the district's professional employees.

The Steps for Initiating Collaborative Conferencing

1. Professional employees determine whether there is any interest in initiating collaborative conferencing, preferably by October 1 of any given year.
2. If there is interest, a written request to conduct collaborative conferencing:
 - representing fifteen (15%) or more of the professional employees in the district
 - must be submitted to the local board of education
 - between October 1 and November 1 of any given year
3. Upon receipt, the local board must appoint:
 - an equal number of professional employees and members of the local board
 - to serve as a "special question committee" (SQC)
 - for purposes of conducting a confidential poll of all eligible professional employees
4. The confidential poll will determine whether professional employees wish to undertake collaborative conferencing with the local board and, if so, which organization each individual employee prefers as a representative.
5. The poll conducted by the special question committee shall contain two questions:
 - First, the employee is asked the following question: *Shall the professional employees of this LEA undertake collaborative conferencing with the board of education?*
 - Second, the employee is asked to indicate *which of the professional employees' organizations the employee prefers as his or her representative in collaborative conferencing.* One option in the second question will be "unaffiliated." For any employee answering "no" to the first question, the second question will provide a choice of "none of the above," indicating that the employee does not wish to be represented in collaborative conferencing in the event such conferencing is approved and takes place.
6. If a majority of all eligible employees answer "yes" to the first question, then the local board must engage in collaborative conferencing with its professional employees.

7. The board shall appoint at least 7 but no more than 11 persons to serve as the board's representatives in the collaborative conferencing process, and the professional employees are entitled to be represented by the same number of persons as the board.
8. Employee representatives will be determined based upon each organization's proportional share of responses to the second question in the poll. Only those organizations that receive 15 percent or more of the vote shall be entitled to representation. "Unaffiliated" can qualify for a representative (if 15 percent or more choose the response), but not the category of "none of the above."
9. Each professional employee's organization shall select and appoint the appropriate number of representatives based upon the organization's proportional share of the vote.
10. The special question committee appoints the person or persons to serve as unaffiliated representative, if any, as determined by the results of the poll.
11. The representatives of the professional employees and the local board of education shall be appointed by December 1, and the results of the poll and names and positions of the appointed representatives shall be transmitted to the local board, the professional employees, and the professional employees' organizations prior to January 1.
12. The representatives so appointed shall serve three-year terms. In the event of a vacancy, the appointing body shall name the replacement for the remainder of the term.
13. Prior to expiration of the terms of the representatives, a new poll shall be conducted to determine whether the professional employees want to continue to engage in collaborative conferencing.
14. The persons or organizations initiating the poll shall be assessed the reasonable costs necessitated in conducting the poll by the chair of the special question committee.

Memoranda of Understanding

If agreement is reached between the conferencing parties, the parties shall jointly prepare a proposed memorandum of understanding that shall extend to those matters of mutual agreement.

The memorandum shall not exceed three years in duration.

The memorandum shall be binding on the parties from the date of its approval by the board of education as an item on an agenda of a regular or special called board meeting. However, any items requiring funding shall not be effective until the local funding body has approved such funding in the budget.

Once the memorandum has been jointly prepared and agreed to by the parties involved in the collaborative conferencing process, only the board of education must approve it. Once the board

approves the memorandum agreed to by its own representatives, the memorandum becomes binding on all parties.

The process does not require collaborative conferencing, agreement on any terms and conditions of employment, or, if agreement has not been reached between the board of education and the representatives of the professional employees, a memorandum of understanding.

Absent an agreement and memorandum of understanding jointly prepared by the conferencing parties, the local board has the authority to address such terms and conditions through board policy.

Legal Remedies

The new Act prohibits teachers and other professional employees from engaging in a strike, as did EPNA.

The new Act permits teachers and other professional employees and local boards to file complaints in court against the other party for unlawful acts after seeking to reach a reasonable resolution of the dispute. Any such complaint must be filed in court within three months of the occurrence of the unlawful act.

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