

SRPE Minutes
November 18, 2019

SRCSD Attendance: David Gunter, Victor Lowrimore, Melissa Baxley, Tonya Shepherd, Tiphonie Sapp and Patrick Keene

SRPE Attendance: Rhonda Chavers, David Godwin, Marie Locklin, Tamala Strickland and Ruth Blackman

Meeting was called to order at 4:34 pm with SRPE opening the session.

Chavers inquired about which side was supposed to present first. Gunter reminded her that the District presented first last session and also left a salary proposal on the table which SRPE rejected and has not responded to with a counter offer.

Chavers opened for SRPE passing an overview of the items from SRPE noting that she would start with the language items and then David Godwin would cover the salary items for SRPE. Chavers mentioned that SRPE TA'd on appendix D (see handout SRPE 1). Chavers questioned whether the language regarding ESE students having PMPs would state "should" or "may." Gunter stated that he was aware Chavers had spoken with Mr. Emerson and had already spoken with Sharon Patrick about this via email. Mrs. Chavers stated that she was unaware that Sharon Patrick was the contact on this but would get with her.

Chavers continued with other language items that were TA'd on at the last meeting. SRPE wanted to tweak language regarding discipline referrals and the need to enact administrative approval before a teacher's discipline referral is changed to a teacher's note. Mr. Gunter stated he knew Chavers had conversation with the Director of Middle Schools and thought her questions had been addressed. Gunter stated he would follow up with Mr. Floyd Smith about this. Chavers stated that she did have some conversation with him about this as well. Chavers stated that referrals should not be changed to a teacher note because it is a part of a public record. Gunter stated that when discipline referrals went away from NCR forms the incident is reported by the teacher through SMART and the final processing and coding is done by the dean or administrator handling discipline. Chavers stated that the union would stand firm on this that "when it's a referral, it's a referral." The union says that deans should not step out and change what teachers have put in.

Chavers went on to the next item addressing when an involuntary reassignment process is implemented during the work year, the teacher(s) shall be allowed to at least one work day during the 196-day (does not include the last day of post planning) contract year at each location to prepare or move (if necessary) to comply with the assignment. There was discussion from both sides of the table about how often this is occurring. The union stated that this happens a lot at the elementary level. Chavers stated that it is management's right to move, but consideration should be given about the move. Gunter stated that he would check into this with Mrs. April Martin, Director of Elementary Ed., and Mr. Bill Emerson. Chavers reiterated that there needs to be consideration given to that.

Chavers completed the language items from SRPE. Chavers stated that David Godwin would cover the salary items and directed the remainder of SRPE's presentation to Godwin. David Godwin stated that SRPE doesn't have another salary proposal prepared at this time and SRPE feels like the last offer they placed on the table is more than reasonable. Godwin stated that SRPE would be standing on the last offer proposed in the prior session.

Gunter asked for clarification about SRPE's failure to have a counter proposal prepared, or a willingness to respond to the last salary proposal offered by the District and rejected by SRPE. Gunter confirmed with Godwin that SRPE is standing on their last offer and was making no attempt to bargain in good faith through proposing a counter offer. Godwin and SRPE confirmed they did not have a counter offer to submit and would stand on their last offer. Gunter asked if SRPE had completed their presentation for this session and again verified that SRPE had no good faith response to the District's salary proposal they rejected at the close of the last session. Godwin and Chavers responded SRPE had no other items to cover or present.

Gunter opened and presented items for review that were TA'd during the last couple of meetings (see SRSCD handout 1). Gunter wanted to make sure both sides agreed as to what progress had been made to this point in the negotiations process. Chavers acknowledged those were the items TA'd to this point.

Gunter presented revised language on critical shortage item (see SRCSD proposal 3 revised). Paragraph 4 is where the language proposal would be implemented (*see underlined verbiage*). Gunter stated that the district intent is to implement this for the coming school year (20-21). Gunter noted that in the last session SRPE conditioned their acceptance of this language upon the practice being implemented immediately for 19-20. Gunter stated if this plan were approved and implemented for 19-20 it would further reduce the amount of money available to increase overall salaries and would impact the current financial condition. The Districts desire would be to implement the critical shortage plan for the upcoming 20-21 hiring season and develop the first list to be published in May 2020. SRPE stated they would take this under consideration. Chavers questioned whether the language regarding high economically disadvantaged had be TA'd and was included. Gunter stated that it had not been TA'd and that is why he did not include it in the earlier TA'd items presented but it was included in the District's proposal to include the High Economically Disadvantaged supplement into the critical shortage and increase the amount to the five percent (.05) supplement. Chavers reiterated that the union would take this under consideration.

Gunter presented an updated *Analysis of Funding/Usage for 19/20* (see handout). Gunter stated that there had been additional costs incurred by the District since the last presentation with increases in expenses and expenditures, including the ratified ed-support contract which deducts an additional \$1.145 million. This puts the current FCR (financial condition ratio) at 5.23%.

Gunter presented the *District Funding Analysis and Salary Offer Statutory and Legislative Support* (see handout). Gunter provided the exact wording and referenced the verbiage from F.S.1011.62 (2) defining DETERMINATION OF DISTRICT COST DIFFERENTIAL presented by SRPE in prior sessions. Gunter also provided a link directly to the statute that can be used to verify the correct language currently in the statute. Gunter noted that there is nothing in the

statute that supports the SRPE claim of existing DOE requirements for districts to use 80% of its funding on salaries. Gunter also noted that the citation of F.S. 1011.62 (2) by SRPE was inaccurate and SRPE represented content in the statute that did not exist and is not supported in the current wording of the statute. Gunter noted that researching further, there is no statute or administrative code currently in existence that supports SRPE's claim of the 80% guideline for salary expenditures. Gunter reported the only reference in existence that could be documented that even resembled SRPE's 80% argument was found in a proposed legislative bill by Senator Diaz (see handout Florida Senate 2020). Gunter reported this bill died in committee with no companion bill, no support, and no action taken in the 18-19 legislative season while moving no further than the original filing. Gunter pointed out that the bill has been reintroduced for the 19-20 legislative session by Senator Diaz but has no action to date and will be pending.

David Godwin replied that he knows what the formula is and knows that the formula generates the funding given to the District. Godwin stated that he's glad to see that the district is finally getting some things right after 16 years claiming the "market basket" approach. Gunter stated the District is not questioning the formula as it exists in the statute and the reference provided by the District is verbatim from state statute. Gunter stated that if Godwin and/or SRPE have something else that is actually documented in state statute that supports SRPE's 80% salary argument then they need to produce it and pass it at the table. Godwin again stated that he understands the formula and stated the expectation from DOE is built into the formula. Gunter again referenced the exact verbiage along with the link for verification then reiterated that if Godwin/SRPE has something from state statute that can be documented differently and support SRPE's 80% argument, it needs to be presented at the table. Gunter confirmed again the reference provided by the District is straight out of the state statute and not pulled from anywhere else. Gunter noted that nothing had been added or altered from the exact statutory language and no additional interpretation or opinion had been added by the District. Godwin questioned if this could be a misprint, but Gunter informed SRPE again the language was pulled straight from the state statute. Godwin stated he was referring to the formula. Gunter said the statute is specific in how the formula shall be calculated.

Godwin continued his rebuttal on specific calculations. Gunter again noted the District is not arguing the calculation because the calculation is specifically defined by statute, but the District does not believe that SRPE's 80% argument requiring that specific amount be dedicated to salaries is not supported by current statute or administrative code. Gunter noted the lack of support for SRPE's position is evidenced by the fact that the language passed by SRPE, represented as existing statute, and underlined for emphasis in past sessions, This serves to limit the factor's adjustment to 80 percent of the index (i.e., the approximate percentage of district salary costs to total operating costs) does not exist in any form or reference in current statute.

Gunter then reviewed the District's position on SRPE's claim that there is \$11,841,962.00 in new funding for Santa Rosa County in 19-20. Gunter pointed out the inaccuracy of SRPE taking the difference of two numbers, with one number from end of the year 18-19, and the other from beginning of the year 19-20, and representing that total is money the District has in additional funds. Godwin stated that this is a simple comparison and can be done. Gunter pointed out using this simple comparison provides an inaccurate picture of funding available because the 19-20 number includes roll-over amounts and the basis for calculating the funds in each year is

different as evidenced by the increases in Base Student Allocation and per student FEFP increases. Marie Locklin stated that this is the first she has ever heard about being able to hold over money at the school sites for the potential purchase of more expensive items. Locklin stated that she has been teaching for 34 years and rolling over money has never been an option she knew about. Gunter stated that it has been an option school sites have roll-over funds that have to be redistributed back to them each year as part of the budget roll-over process. Locklin stated that she has been employed under several administrators and that has never been an option. Gunter again noted that this process had been explained to SRPE in the past because these funds being brought back in to the District is part of what raised FCR temporarily in the final budget report and then reduced the FCR when the funds are returned to the school sites with the current year allocation. Gunter continued with page 3 of SRCSD handout noting items from the district's last offer to SRPE. Gunter furthered that the District's last counter that SRPE rejected and did not respond to in good faith during this session just about meets the 80% argument SRPE is trying to represent.

Godwin stated that he was going to go back to the .008 number and conveyed his thoughts that whoever put this together doesn't understand math. Gunter stated the District is not arguing the math and understands what is defined by statute. Godwin stated that they take 80% and divide by 100 and it still comes out to 80%...basic math. Gunter again stated the District is not arguing the basic math; however, the District is arguing that SRPE's position that 80% of operating dollars be spent on salaries is not a recognized guideline, does not exist in the form of an administrative code and is not supported in the current language of the statute.

Godwin stated that he can make the language and numbers say anything he wants, but the 80% calculation is basic math. Gunter again stated the District is not arguing the math since it is defined in statute, but again questioned Godwin on where the statute says that 80% of operating dollars had to be spent on salaries. Gunter asked Godwin directly if that language was in the statute. Godwin said no it is not. Gunter questioned whether there is another statute that states SRPE's position. Godwin stated that there is an expectation from DOE. Gunter asked Godwin if that exception from DOE is documented in administrative code published by DOE. Godwin stated that it's built in the formula. Gunter reiterated that neither SRPE's position on 80% of operating funds should be dedicated to salaries nor SRPE's report of a DOE expectation of the same can be found in any current statute or administrative code currently enforced by the State of Florida.

Gunter referenced page 3, lines 11 and then 17 of SRCSD handout along with the District's offer from 11/7/19. Gunter reviewed the District's calculations which are based on numbers recognized and published by FLDOE. Gunter pointed out that the last District offer SRPE rejected exceeds the percentage increase in Base Student Allocation (1.79%). Gunter also pointed out the District's last offer at 2.36 overall is close to meeting SRPE's 80% argument since per student FEFP increased by 3.06%.

Gunter stated that even in the absence of a good faith response to the last District offer SRPE rejected and failed to provide a counter offer for in this session, the district is still going to provide an increased offer to keep negotiations moving forward in hopes of reaching a settlement and getting money to employees as soon as possible. Gunter passed the District's updated offer

(see handout SRCSD proposal 4 revised). Gunter reviewed the good faith offer from the District and noted the offer represents an overall 2.48% increase in the form of a level movement, an improvement to the salary schedule, and a longevity supplement for employees at 31+ years. Gunter also noted the amount awarded in Best and Brightest dollars were included in District funds and not provided for separately as the state had done in prior years. The offer also includes the HAS contribution made to employees along with the increase in premiums that was wholly covered by the District and not passed along to employees. These amounts contribute another 5.54% to the instructional bargaining unit and represent an overall monetary improvement of 8.02 % for instructional employees.

Godwin stated that Best and Brightest should not even be on the table because districts don't have any choice but to pay it out...it's not a negotiated issue. Gunter reiterated that the funds for Best and Brightest had to come from the FEFP allocation to the District and even though not negotiated, it still represents an improvement to the instructional bargaining unit that had to be funded directly from District FEFP dollars.

SRPE went to caucus at 5:26 p.m.

SRPE reported they would need additional time in caucus.

SRPE returned from caucus at 5:59 p.m.

Godwin and SRPE returned from caucus stating that SRPE is rejecting the current offer from the District. Godwin noted that he wanted to revisit the DCD formula and passed a hand-written handout showing the DCD formula calculation (see note book paper with formula). Gunter again reiterated that the district is not questioning the math since it is defined in the statute but the SRPE argument of 80% of operating dollars should be spent on salaries is not supported by statute or administrative code.

Godwin then announced that SRPE was going to present a counter offer (see SRPE 11/18/19 handout). Gunter asked where this offer was earlier in the session when SRPE should have countered in good faith. Chavers responded that preparing the counter is what took longer in caucus. Gunter noted that it was interesting that the offer was typed and prepared but Godwin's argument about the math formula had to be hand written on a piece of paper giving the appearance that it looks as if SRPE was not bargaining in good faith.

Godwin reviewed SRPE's counter offer stating it is SRPE's belief that the District has the funds available to accept the offer. Gunter clarified that SRPE's counter is the same as the prior offer except they reduced the improvement to the schedule and the percentage increase for employees capped out by one-quarter (.25)%. Godwin confirmed Gunter's analysis. Gunter stated that the counter from SRPE is still in excess of what authority he has from the Board to accept an offer.

The meeting was adjourned at 6:06 p.m. and the next meeting was set December 3, 2019.