

a resignation or any principal has advised a unit member to withhold resignation, the director of the Department of Recruitment and Staffing will confer with the principal and appropriate community superintendent in the Office of School Performance regarding the matter.

ARTICLE 8

SCHOOL QUALITY & IMPROVEMENT

The parties agree that schools and those who work in them are at the heart of improving teaching and learning. We expect each school to continuously renew itself and build the capacity of its staff to improve the achievement of our students.

The parties agree on the following assumptions about school quality and improvement:

- Decisions about teaching and learning must involve those closest to the teaching and learning process within each school community.
- The school is where people make a difference in the daily life of each student. Each school community has the best information and is in the best position to craft appropriate and effective strategies to improve student learning.
- A continuous improvement philosophy takes the traditional pyramid of leadership and decision-making and turns it upside down. Central office positions and departments work to serve the interests and meet the needs of those in schools. In schools, administrators and support staff strengthen the learning process by providing supports to teachers to meet the needs of students.
- Within each school, the critical process of learning takes place in the classroom. Continuous improvement should ensure maximum support for our classroom educators by empowering them with the appropriate authority and responsibility to make decisions that will improve teaching and learning.
- The emphasis on authority, responsibility, and support for the classroom can best be accomplished by collaboration and shared decision-making in schools. Collaborative school-based shared decision-making brings people together who then share responsibility for needed changes and accountability for results.

(A) STAFF INVOLVEMENT IN DECISION-MAKING

1. School Leadership Teams

- a. Every school leadership team should operate collaboratively, be representative of and ac-

countable to staff, and involve staff in decision-making about:

- (1) curriculum, assessment, and instruction
- (2) professional development
- (3) behavior management and discipline policies
- (4) school improvement plans
- (5) scheduling models that affect the whole school
- (6) school-wide interventions that address low performance
- (7) educational interventions for groups of students
- (8) local school processes for grading and reporting, parent communication and other tasks that enhance student learning.

b. Communication and Openness

School leadership teams will operate in an open manner and their decision-making processes will be communicated to all staff. Meetings of school leadership teams should be open to any interested staff. Leadership teams should design and implement two-way communication between staff and leadership teams.

c. Ensuring Collaborative Decision-Making

School leadership teams are encouraged to consider the nature of decision-making in their school and to explore research-based approaches to collaboration in decision-making that involves all stakeholders. Any school may request support to assist its exploration or implementation of collaborative models.

- (1) Leadership Teams will have access to training that has been developed and provided by MCEA and MCPS. The School Leadership Team Institute includes training in collaborative decision-making, interest-based approaches to problem solving, facilitation, effective meetings, and team development. The LMCC will work to assure that all leadership teams have access to this training.
- (2) The leadership team may request additional

training, facilitation, and other forms of assistance from MCEA and MCPS. Such requests will be made to the countywide Labor Management Collaboration Committee, which will arrange for the requested support.

d. Staff Representation

Each school shall have one elected faculty representative for every 75 MCEA unit members, or portion thereof, in the school.

e. Information Report

Each principal will submit to the Office of School Performance at the beginning of each school year a complete roster of members, the title of, and the frequency of meetings of the school's primary decision making body. OSP will provide MCEA with a copy of this information.

2. Non-school Based Collaboration Committees

Collaboration Committees (CC) are charged with holding ongoing discussions and engaging in collaborative problem-solving on matters of interest and concern. Each CC should be representative of and accountable to staff and involve staff in the decision making process.

- a.** The appropriate supervisor and the MCEA representative will work together to arrange a reasonable amount of time for the staff to meet and select the members of the CC.
- b.** When a CC forms, administrators and unit members on the committee will have an opportunity to participate in training jointly provided by MCEA and MCPS. The committee may request additional training, facilitation, and other forms of assistance from MCEA and MCPS. Such requests will be made to the LMCC, which will arrange for the requested support.
- c.** The CC will establish a regular meeting schedule and submit that, along with the names of all members, to MCEA by September 30 of each year.

A joint work group will be established by the LMCC to develop processes and guidelines for providing non-school based unit members with the same access to collaborative and shared decision-making as their school-based colleagues.

Ⓑ **SHARED RESPONSIBILITY FOR STUDENT ACHIEVEMENT AND STUDENT IMPROVEMENT**

1. The parties agree on the following assumptions:
 - a. **At the district level**, the Board of Education and executive leadership team are responsible for encouraging, modeling and sustaining a culture necessary to support the shared responsibility for student achievement. They must continually articulate core values, reinforce the vision, and demonstrate their commitment to a new way of doing business. The continuous improvement process requires that the central administration of the school system support the needs of students and those who work in classrooms and schools. They are responsible for providing the resources that are needed at the school and classroom levels, and also the resources required for the planning, critiquing, and assessment of the work of teaching and learning.
 - b. **At the school level**, administrators and the staff as a whole are accountable for establishing a learning community conducive to the best teaching practices and success for every student. They have a responsibility for managing time and creating opportunities that allow for collaborative problem solving and for using a wide range of data so that an environment conducive to analysis and improvement is created. The Professional Learning Communities Institute (PLCI) is one avenue through which schools can receive professional development in this area. MCEA and MCPS will work to expand the availability of the PLCI to all interested schools, or in response to major MCPS initiatives.
 - c. **At the classroom level**, teachers are accountable for the instruction they deliver and the classroom environment they create within which every student can succeed. Teachers implement the curriculum, aligned with established measures of performance and international, national, state, and local standards. The individual teacher receives training in obtaining and interpreting student data and will have the responsibility to use this data to examine his or her classroom strategies and systems.
2. The Board of Education, administrative and super-

visory staff, and teaching staff are ultimately held accountable by the public for student performance. The No Child Left Behind Act, approved in January 2002, requires schools to demonstrate adequate yearly progress in achieving state standards for the school as a whole and for designated categories of students. Schools that do not meet adequate yearly progress may be subject to state and school system interventions.

3. Standardized test scores provide data that are useful as measures of progress or indicators of deficiencies in a school or a classroom. However, test scores alone cannot constitute a judgment, in and of themselves, about the performance of a teacher or the success of a school. The most important use of test data is to contribute to analysis and problem-solving for school, teacher, and student improvement.
4. MCPS administration and the Board of Education have a responsibility to work collaboratively with MCEA, and vice versa, to ensure that standardized test scores and other assessment measures are used as tools for the improvement of teaching and learning, not simply as ends in themselves.

Ⓒ **STAFF INVOLVEMENT IN DISTRICT INTERVENTIONS TO IMPROVE PERFORMANCE**

The *No Child Left Behind Act* significantly changes the role of the federal government in education. Similarly, the Maryland Bridge to Excellence in Education Act increases the role of the state government. Both pieces of legislation are based on the principle of accountability, requiring school districts and individual schools to meet specific standards for school achievement. Those schools that are not able to meet these standards may be subject to intervention imposed by either Montgomery County Public Schools or by the Maryland State Department of Education.

When MCPS intervenes in a school to provide intensive assistance to improve performance, school staff will participate in the intervention and improvement process.

1. The deputy superintendent will notify MCEA when an intensive intervention is needed.
2. MCEA will collaborate with MCPS in developing intervention plans for individual schools to ensure staff ownership of the improvement process
3. MCPS will provide a reasonable opportunity for all unit members to participate in developing an

improvement plan that addresses the problems identified by the profile data.

4. The principal, school leadership team, staff development teacher, and the Office of School Performance will work to ensure that the school's plan for professional development is integrated with and driven by the improvement plan and is communicated to all staff.
5. The OSP will facilitate ongoing communication with MCEA and with the entire staff throughout the process of developing a new direction/improvement plan for the school.

Ⓓ **SCHOOL CLIMATE, HUMAN RELATIONS, DIVERSITY, AND CONFLICT RESOLUTION**

Schools and school staffs must take proactive steps to advance an environment of high expectations and mutual respect. The Board and MCEA affirm our commitment to preparing all students to live and work in a global multicultural world and to fostering an atmosphere where all members of the community feel they are an integral part of the educational process. Staff input is a critical factor in fulfilling this commitment. Unit members will have web-based access to both summary data and specific item analysis for the Staff Survey of the School/Office Environment for their worksite, provided there was a sufficient response rate to report out valid data.

1. Effective Human Relations Programs

- a. The Board and MCEA agree to establish, maintain and support productive and harmonious working and learning environments for staff and students. The parties agree that acts of disrespect, insensitivity, bias, harassment, verbal abuse, physical violence or illegal discrimination toward any person will not be condoned.
- b. There shall be no discrimination by the Board or MCEA against individuals because of race, color, gender, religion, ancestry, national origin, marital status, age, sexual orientation, or disability. The parties also agree that good human relations are a high priority for effective school environments.

2. Responsibilities of Unit Members

- a. Human relations are the personal and group dynamics that promote respect for the rights and integrity of each individual and recognition

of the value of each group as an important part of the community. Positive human relations are a vehicle to promote access, equity, and equality of opportunity for all.

- b. Each unit member shall be responsible for establishing and maintaining an educational atmosphere which is inclusive, bias-free and welcoming, and one in which students can develop attitudes and skills for effective, cooperative living, including:
 - respect for the individual regardless of race, color, national origin, religion, gender, age, marital status, socio-economic status, intellectual ability, sexual orientation, or disability;
 - respect for cultural and language differences;
 - respect for personal rights of others; and
 - respect for the right of others to seek and maintain their own identities with dignity.

3. The parties agree to:

- a. Support a fair and positive work environment and equip unit members with the skills to value commonalities and differences among colleagues and students;
- b. Provide training and education for unit members in best instructional practices for teaching a diverse population;
- c. Provide opportunities for staff to become aware of human relations concerns in the school and community and become actively engaged in working together to resolve those concerns;
- d. Promote a diverse workforce by making every effort to maintain a school system free of prejudice and illegal discrimination in all aspects of employment.
- e. Work with the other employee organizations to ensure the creation of an organizational culture of respect throughout MCPS. In order to sustain an organizational culture of respect, it is critical that all employees have an awareness, understanding, and tolerance of others' interests, viewpoints, cultures, and backgrounds, and their impact on teaching and learning.

ARTICLE 9

STUDENT DISCIPLINE & BEHAVIOR MANAGEMENT

Ⓐ GUIDING PRINCIPLES

1. MCEA and the Board agree that all children should receive the respect, encouragement and opportunities they need to build the knowledge, skills and attitudes to be successful, contributing members of a changing global society. The maintenance of an educational environment conducive to these opportunities for growth and learning is the joint responsibility of MCPS employees, students, and parents.

The basis for creating an effective, safe, and nurturing learning environment comes from the establishment of a school climate in which every adult within the school community feels a responsibility for creating opportunities for every child to grow and learn.

All students can learn, and we have a responsibility to insure that all students do learn. Our instruction is rooted in the belief that there are no true differences in ability based on gender, culture, language, economic, or family status. There are individual differences in students and teacher talents, learning styles, and experiences which need to be addressed in designing effective instruction and school environments.

2. The following standards for effective school environments should guide the work of all MCPS staff in their classrooms, workplaces, and school communities. These standards represent a synthesis of more than 20 years of research and documented experience on the effect of school quality on student learning. Effective school environments:
 - Have high and rigorous standards for what students should know and be expected to do.
 - Promote active, multicultural, gender-fair, ability-sensitive, developmentally appropriate learning.
 - Use instructional methods and organize schools and classrooms to create environments that support learning.

- Provide safe, respectful, and affirming environments for all.
- Actively involve families and other members of the community in helping students succeed.
- Provide useful feedback to students, families, staff, and the district about student learning.

Ⓑ COMPREHENSIVE APPROACHES TO STUDENT DISCIPLINE AND BEHAVIOR MANAGEMENT

1. It is the responsibility of each MCPS school, through its leadership team, to design and implement a consistent, comprehensive plan for managing student behavior as a whole school community.
2. All adults within the school environment serve as role models for children. The ways that adults model consistency, fairness, dependability, clarity of standards and expectations, and conflict resolution have a profound impact on the ways students grow, learn, and change.
3. Effective implementation of comprehensive school behavior management plans may require a redefinition of the roles of pupil service professionals and other staff. These staff might participate in the design of school behavior management plans, consult with staff on effective techniques and interventions, assist in the integration of social skills, conflict resolution and problem-solving concepts into instruction and curriculum, and work with individual staff and students to respond to behavior problems and crises.

Ⓒ SCHOOL DISCIPLINE POLICIES

1. Each school shall annually develop and adopt a local school discipline policy with the involvement of all school community stakeholders and in accordance with the existing MCPS policy on Student Rights and Responsibilities. The development of the school discipline policy will be coordinated and ratified by the school leadership team, or the school's designated decision-making process that includes parents and students where appropriate. All members of the faculty and administration must be consulted about the development of the policy prior to its implementation.
2. MCEA and the Board agree that consistent enforcement of clear and specific rules are vital to maintaining a safe, secure, effective school environment for learning. The parties encourage schools

to incorporate conflict resolution strategies and student participation in the implementation of discipline policies. Accordingly, the parties agree to encourage that programs such as peer mediation, conflict resolution, and student courts be incorporated into the discipline policy and into school practice.

Ⓓ CLASSROOM BEHAVIOR MANAGEMENT

1. The classroom teacher-student relationship is the key to effective management of student behavior. Teachers must have high standards and expectations for what students are expected to know and do, and communicate these to all students and families. Students must be encouraged to share responsibility for their own learning. When instructional decisions are based on students' learning styles, diversity, needs, experiences and rates of learning, students are more likely to manage their own behavior, develop self-discipline, and participate respectfully in the learning process.
2. To the extent permitted by law, all unit members shall be given any information reasonably available to MCPS showing that students they teach or service have a record of violent acts or other documented chronic problems in school. The teacher shall take reasonable steps to understand the nature of the problem, work with the student in a professional manner, and consult with other staff and, where appropriate, family members.
3. Unit members are expected to have and use appropriate behavior management skills. Unit members who are experiencing difficulty in classroom management, impacting upon student discipline and learning, should receive assistance from MCPS and/or MCEA. Assistance may include a range of professional development opportunities: courses, reading, mentoring, observation of well-managed classes, videotaping and feedback, consultation with colleagues.

Ⓔ DEALING WITH DISRUPTIVE STUDENTS

1. A unit member may retain a disruptive student after school on the same day that an incident occurs, if the unit member notifies the student's parent or guardian by telephone or other means and obtains permission. If permission is not obtained, the student will normally fulfill his/her obligation to meet after school with his/her classroom teacher the following

school day, and the unit member will attempt to inform the parent or guardian.

2. When a student's behavior seriously disrupts the instructional program to the detriment of other students, a unit member shall have the right to temporarily remove that student from class. The unit member will use a written referral form when referring a student to a school administrator or his/her designees.
3. A unit member may temporarily remove a student exhibiting disruptive behavior from class. The unit member may request that the student not be readmitted to that class until the unit member has had an opportunity to confer with the administrator (or other persons specified by the local discipline policy), or with colleagues on a grade level or department team. Such a request must be made in writing on a standardized discipline referral form which lists reasons for removal of the students. If mutually satisfactory steps in accord with the school's comprehensive behavior management plan do not result from this conferring, the principal may, after consultation with the classroom teacher, schedule another conference involving the parent(s), other administrators, and/or a member of pupil services staff. The principal will make the final decision regarding the student's return to class and will confer with the teacher regarding the decision.
4. In order to protect the student and/or others, physical restraint may be used by a unit member in an extraordinary case of breach of discipline to restrain a disruptive pupil, provided the force used is reasonable under the circumstances. The unit member shall inform the principal at once of such an action and shall make an accurate, written account of it, within 24 hours, if possible.
5. Suspension, expulsion, or removal of students shall be made in compliance with Board policies.

Ⓕ IN-SCHOOL ALTERNATIVES FOR DISRUPTIVE STUDENTS

1. When a disruptive student is removed from a classroom, the school's comprehensive behavior management plan should be utilized to provide the most effective intervention within the school for that student with the goal of changing that student's behavior.

2. In the context of the comprehensive school plan, appropriate staff, parents, and students when appropriate, will design individual plans to improve student behavior. Alternatives to suspension should be utilized whenever possible.
3. When feasible within the constraints of a school's facilities and staff, schools may consider alternative structure rooms or programs as a consequence for specific student behaviors. The assignment to alternative structure would depend on the needs of each student.
4. Rooms for students with disciplinary problems of the nature to warrant their removal from class will be staffed in senior high schools by employees of another unit. In mid-level schools and as budget permits, such rooms and staffing will be supplied. In the event of an emergency, unit members will be required to supervise those rooms.

**Ⓒ ALTERNATIVES FOR CHRONICALLY
DISRUPTIVE STUDENTS**

When a local school determines that a student's actions are chronically disruptive and exceed the resources or skills of a local school staff to change his/her behavior, the Board shall attempt to provide for that student an alternative educational program. Alternative programs can provide a positive learning experience for students

who have not been successful in regular school programs due to problems such as delinquency, truancy, substance abuse, domestic violence, or chronically disruptive behaviors.

**Ⓗ INFORMATION, DATA COLLECTION, AND
ANALYSIS**

Effective schools use timely and on-going assessments of data to plan improved programs for students. In the context of data-driven continuous improvement, school staffs are encouraged to collect and analyze data regarding behavioral referrals, alternative interventions, and disciplinary actions, and use this analysis to assist in understanding the causes of behavior problems and in designing effective behavior management systems. Within legal and MCPS guidelines and policies regarding confidentiality of student information, unit members will have access to this information for their local school. Uniformity in such data collection will be enhanced by the implementation of the MCPS Student Information System.

ARTICLE 10

PHYSICAL ENVIRONMENTS

Ⓐ HEALTH AND SAFETY

1. The Board and MCEA agree that it is our common interest to achieve, maintain and, if necessary, restore healthy and safe physical environments in all MCPS schools and facilities so that all staff, students and parents can learn, teach, and support learning and teaching.
2. To achieve this goal, the following principles are agreed by the parties:
 - a. Conserving energy is every MCPS employee's responsibility.
 - b. The costs of creating a healthy school are more than offset by life cycle savings in maintenance, operation, building life and reduced workers' compensation and other liability costs.
 - c. Healthy and safe schools, particularly with regard to indoor air quality, should be achieved by proactive operating and maintenance practices, not in reaction to complaints.
 - d. Good indoor air quality is essential to teaching and learning. Standards must be appropriate for adults and children. When there is doubt, MCPS should provide a margin of safety for children, whose vulnerability is greater.
 - e. All health and safety complaints should be addressed and resolved expeditiously, at the lowest possible level, and to the extent possible, full disclosure concerning the complaint's resolution should be provided to the complainant.
3. **Joint Health and Safety Committee**
 - a. There shall be a systemwide joint health and safety committee composed of an equal number of representatives appointed by each party.
 - b. The joint committee shall be empowered to hear any health and safety issue brought to its attention by either party. Unit members may

bring concerns based on any of the principles listed above or on other health and safety issues. The committee shall make recommendations to correct unsafe and/or unhealthful conditions, including the expenditure of funds to make those corrections. Concerns and complaints, which remain unresolved after Committee recommendations have been issued, will be referred directly to the chief operating officer who, within 30 duty days of receiving a complaint, shall investigate and render a final and binding decision.

- c. Health and safety complaints shall not be subject to the grievance procedure in Article 5. Unit members are not precluded from exercising any rights they may have under federal and state laws to seek outside review of alleged violations, and are encouraged to inform the school system when exercising such rights.
4. The parties agree that Federal and State Occupational Safety and Health Laws will be adhered to.
5. **Indoor Air Quality Inquiries** – Unit members who are experiencing problems with the indoor air quality in their workplaces may request an investigation and appropriate relief by using the mutually established process for an Indoor Air Quality Inquiry, Investigation, Report, and Review (MCPS Forms 230-23, 230-24, and 230-25). The administration shall respond in accord with the timelines established therein at each stage of the process. Failure to do so may be appealed only through the administrative complaint procedure.

Ⓑ THERMOSTAT CONTROL

Decisions over when conversion to heating or air conditioning occurs are based on a number of factors. Schools will be notified of their HVAC conversion dates in a timely manner. The principal, in consultation with the Leadership Team, or other designated school decision-making process, may request earlier or later conversion dates. Such requests shall be honored to the extent possible.

Ⓒ FACILITIES

1. The Board shall keep schools reasonably and properly equipped and maintained. Where such facilities

- or capabilities are not immediately practical and possible, effort will be made to progress toward these objectives as quickly as possible.
2. As the budget permits, each school should have the following facilities or capabilities:
 - Unit members should have access to phones, electronic-mail, voice mail, the Internet, and computerized teaching resources.
 - Clean and serviceable equipment within classrooms for teaching and learning, including desks and chairs for all teachers, filing cabinets, and storage space.
 - Access to printing and copying machines at each school for reproduction of teaching materials.
 - Appropriately furnished and equipped (and air-conditioned) employee lounges and rest rooms for staff; and, when space is available, a separate staff dining area.
 - Adequately ventilated and temperate (fully air-conditioned and heated) classrooms throughout the school year.
 - Adequate amounts of employee parking in safe, well-lit lots.
 - A direct communications link from each classroom, including portable classrooms, to the office for reporting crises and getting help. Where such facilities are not immediately practical and possible, effort will be made to progress toward this objective as quickly as possible. Each direct link shall be kept in good working order and shall be appropriately staffed to ensure response to reports of crisis.
 3. The parties agree to pursue creative private/public partnerships that would help meet these facility goals.
 4. In order to permit freedom of access both during and after regular school hours, all unit members of that building will, as needed for their work, be provided access to the lounge, teachers' workrooms, and through interior hallway gates. Upon request, subject to approval by the principal, unit members may be provided temporary access to an outside door in their area of the building during nonschool hours.
 5. When a speech and hearing room is provided, every reasonable effort will be made to make it available for the exclusive use of the speech and hearing therapists during their assigned times in a school.
 6. When a school building or rooms are used during the evening for any instructional or meeting activity, the facilities shall be properly cleaned and maintained before the opening of the building for the regular school session. Any violations of this section shall be processed through the administrative complaint procedure.
 7. All future classrooms shall be air-conditioned and all existing non-air-conditioning classrooms shall be air-conditioned as soon as funds permit.
 8. Each school will provide a place for unit members to make official confidential telephone calls in private.

ARTICLE 11

PERSONAL & ACADEMIC FREEDOM

- Ⓐ The personal life of a unit member shall be the concern of, and warrant the attention of, the Board only as it may directly prevent the unit member from properly performing his/her assigned functions during duty hours or violate local, state, national, or common law, or be prejudicial to his/her effectiveness in his/her teaching position.
- Ⓑ Religious activity, political activity, marital, or parental status shall not be grounds for discrimination for professional employment or promotion, providing said activities do not violate state, local, national, or common law, or are not prejudicial to the unit member's effectiveness in his/her teaching position. The Board and the Association agree that they will not take any action against any unit member because of his/her participation in religious, political, or teacher organization activities conducted outside duty hours and off school property.
- Ⓒ Each unit member recognizes and accepts his/her obligation to support the goals of education and to foster respect for the heritage of democratic values.
- Ⓓ The Board and the Association, believing that academic freedom is basic to the attainment of the educational goals of the Montgomery County Public Schools, agree that:
 1. Unit members shall be responsible for providing students with the opportunity to investigate various sides of the topics presented in their courses, particularly in relation to controversial subjects, within such limits as may be imposed by relevance to the course, the level of maturity and the intellectual ability of the students, and the time available. Unit members shall permit freedom of expression on those topics that are matters of opinion so that students may weigh alternate views and make up their own minds. Students shall be encouraged to examine, analyze, evaluate, and synthesize the information available to them before drawing conclusions in order to develop as fully as possible their capacities for rational judgment. Unit members shall strive to promote tolerance for the opinions of others and respect for the right of all individuals to hold and express differing opinions.
 2. A unit member does not have privileged status by virtue of his/her position to make statements that

are libelous, slanderous, or that violate the civil rights of others.

- 3. A unit member may express his/her own opinions in regard to political, social, and religious values or issues provided that the total presentation is essentially balanced and fair. He/she shall not use his/her professional contacts with students to further his/her own political aims or those of any individual or group.
- Ⓔ No unit member shall be disciplined without proper cause. If a remedy exists under Article 6, Section 202 of the Education Article of the Annotated Code of Maryland, it is understood that actions taken under that article and section are not subject to the grievance and arbitration procedure in Article 5 of this Agreement. For the purpose of this paragraph, discipline shall be defined as including reprimand and warning notices.
- Ⓕ Unit members may be placed on administrative leave with pay pending investigation of misconduct or possible criminal conduct:
 - when a unit member is considered to be a danger to others or self
 - when there is reason to believe that a sensitive investigation might be tainted
 - when it is determined that administrative leave is in the best interest of the unit member
 - when there is a danger of disruption to the educational process of the school system

The Office of Human Resources will work with teachers on administrative leave to find temporary alternative assignments when it is in the best interest of unit member and the school system. During the course of an investigation, the Office of Human Resources will regularly update the appropriate MCEA representative as to the status of the case.

A unit member will be entitled to have an Association representative present when the unit member is to be disciplined.

- Ⓖ Unit members who claim administrative harassment, intimidation, and reprisal may seek relief through administrative complaint, and where appropriate, the Diversity and Training Unit, the Employee Assistance Program, or the Office of Ombudsman.
- Ⓗ The protections afforded under this Agreement to speech and academic freedom will be applied equally to information posted on school computer networks.

ARTICLE 12

SECURITY OF STAFF, STUDENTS, & PROPERTY

- Ⓐ The right of individuals to protect themselves and others consistent with the law shall not be denied to unit members as a condition of their employment.
- Ⓑ The Board will take precautions to prevent theft, damage, and/or other types of vandalism on Board property. All unit members have the responsibility to develop in students habits of good citizenship and good behavior. All unit members share responsibility to work with students to reduce vandalism.
- Ⓒ Unit members shall exercise responsibility for:
 1. Adequate supervision of pupils in all parts of the building during duty hours and during assigned supervision of school-sponsored student activities, reporting and preventing vandalism, willful waste of materials, supplies, utilities, or other school property, and aggression toward any individual.
 2. Supervision of the movement of pupils in the school building and in their activities on the school grounds.
 3. The security of the school, and Board property provided for school use, particularly the classroom and its contents, and the conservation of utilities, materials, and supplies.
- Ⓓ The Board will put its full support behind the policies it adopts in matters of discipline, disruptive and/or unauthorized visitors. The Board and the unit members recognize a mutual responsibility for the enforcement of such policies.
- Ⓔ Any case of assault on a unit member by other than another unit member shall be promptly reported by the unit member to his/her immediate supervisor. This report will be forwarded to the superintendent or designee who will comply with any reasonable request from the unit member for information in his/her possession relating to the incident or the persons involved.
- Ⓕ Where the unit member is charged with personal liability in relation to the duties and responsibilities of his/her assignment as prescribed by the Board of Education,

he/she will be protected by the MCPS liability policy, Article 22, Section G, and he/she will receive all the legal assistance provided by that policy.

Ⓖ INTERVENTIONS IN FIGHTS

1. Unit members in every school in the county may intervene in any fight or physical struggle which takes place in their presence in any school building or on the school grounds, between or among students or any other persons. The degree and force of the intervention shall be as reasonably necessary to restore order and to protect the safety of the combatants and surrounding persons.
2. A unit member who incurs injury while thus intervening shall be compensated by the Board for necessary medical expenses resulting directly from the intervention and shall not suffer any loss of compensation for time lost from his/her school duties resulting directly from the intervention, but such compensation shall be reduced by any payments made pursuant to the Workers' Compensation Law.
3. In any suit or claim brought against the unit member because of the intervention, as provided for in Subsection 1 herein, by a parent or other claimant of one of the combatants, the Board shall provide legal counsel for the unit member and shall save him/her harmless from any award or decree against him/her.

Ⓗ PERSONAL INJURY

1. When a unit member is absent from work as a result of personal injury caused by an accident or an assault occurring in the course of his/her employment as used and defined in workers' compensation, the unit member will be paid his/her full salary, less the amount of any workers' compensation award made for temporary disability due to said injury for the period of such absence. No part of such absence will be charged to the unit member's annual or sick leave. For purposes of this section, full pay shall be as defined in Article 30, Section E, Workers' Compensation Leave.
2. The Board will reimburse a unit member up to a limit of \$15,000 for the cost of medical, surgical, or hospital services (less the amount of any insurance reimbursement) incurred as a result of any injury sustained in the course of the unit member's em-

ployment except injuries covered by Section G above.

3. In cases of assault on a unit member, the provisions of Article 30 (Leaves), Section E (Workers' Compensation Leave), shall apply.

① PROPERTY DAMAGE

1. In the event that a unit member has any clothing or other personal property, with the exception of motor vehicles or their contents, damaged or destroyed as a result of his/her enforcement of school regulations, or in the performance of other school duties, the Board of Education will reimburse the unit member for such loss up to an amount not to exceed \$900. Where a claim for damage or destruction of personal property is based upon the performance of other school duties, reimbursement will not be required if possession of the personal property for which reimbursement is claimed was not reasonable or proper under the circumstances, or if damage or destruction was caused by the negligent or wrongful act of the employee.
2. Damage to a unit member's motor vehicle will be reimbursed up to the level of his/her motor vehicle insurance deductible not to exceed \$100 provided that the unit member can produce the proof that his/her motor vehicle was damaged as a result of his/her enforcement of school regulations.

ARTICLE 13

**INSTRUCTIONAL
MATERIALS & SUPPLIES**

- Ⓐ** The Board will budget funds to the superintendent and staff to provide for the purchase of new and/or replacement textbooks, library books, other instructional materials, supplies, and equipment of sufficient quality and quantity to support the instructional program both during the regular school year and in summer school programs.

The Board agrees to submit in its budget request for FY 09 and FY 10 no less than the dollar amount provided on a per pupil basis in the FY 08 and FY 09 budgets, respectively.

1. Instructional materials and supplies will be funded to maintain the present rate and to provide for increases in rate as needs indicate and as budget funding will allow.
2. The various programs of instruction supported by the Board will be funded according to purposes and needs.
3. At the time of initial allocation of the materials of instruction funds, a report to the principals of how these funds are allocated will be provided by the superintendent to the schools.
4. Summer school materials and supplies shall be funded in addition to the regular school allocation. An additional allocation will be made for summer school laboratory courses.

- Ⓑ** Distribution of those materials of instruction funds allocated on a per pupil basis shall be based on the projected enrollment for the school year with the final allocation of these funds based on the actual enrollment on September 30.

- Ⓒ** Unit members using personal funds to purchase materials and/or supplies with the advance approval of their principal or immediate supervisor will be reimbursed for the amount of the purchase upon submission of an appropriate receipt.

- Ⓓ NEW CURRICULUM** — The parties agree that bargaining unit members will not be required to implement new curriculum if:

1. Detailed outlines (including common tasks or required summative assessments, and a list of required readings) with timelines are not provided to the teachers at least two weeks prior to the beginning of the semester during which the curriculum is scheduled to be taught, or
2. The MCPS curriculum materials for a unit are not available to teachers who are expected to teach it at least two weeks before the unit is scheduled to be taught.

ARTICLE 14

PROFESSIONAL DEVELOPMENT

Ⓐ **DEVELOPING AND RETAINING HIGHLY QUALIFIED TEACHERS**

MCEA and MCPS agree that quality teaching is a complex job that requires knowledge, skill, preparation, and commitment. The Elementary and Secondary Education Act (No Child Left Behind Act) now requires that all school districts employ only “highly qualified” teachers, as defined by the Act. The Elementary and Secondary Education Act also imposes additional specific “quality” requirements on elementary and secondary teachers.

To meet the federal quality standards, particularly with regard to schools of greatest need, we agree that a focus on effective teaching must be a top priority of MCEA and MCPS. To be effective with a diverse and challenged student population, teachers need a significant repertoire of skills, strategies and practices derived from research about teaching and student learning, and the knowledge to match these skills to student instructional needs.

We acknowledge that incentives may be needed to encourage highly qualified teachers to join or remain in the workforce at our high needs schools. One of the best incentives for teachers is to understand that they will be joining a professional learning community, working with colleagues who are willing and able to collaborate with them and support their growth. MCEA and MCPS recognize the significant leadership that teachers provide in the improvement of instructional practice and school quality. Teachers work collaboratively with colleagues and administrators to design job-embedded professional development which is focused on student achievement, their own professional growth and the advancement of their profession. We will develop and encourage innovations in professional development and teacher leadership that allow our best teachers to lead and coach colleagues for educational improvement.

Lastly, we acknowledge that National Board for Professional Teaching Standards Certification—the teaching profession’s highest distinction—is one of the ways that new and experienced teachers can demonstrate that they meet NCLB’s definition of “highly qualified.” We commit to developing a support system