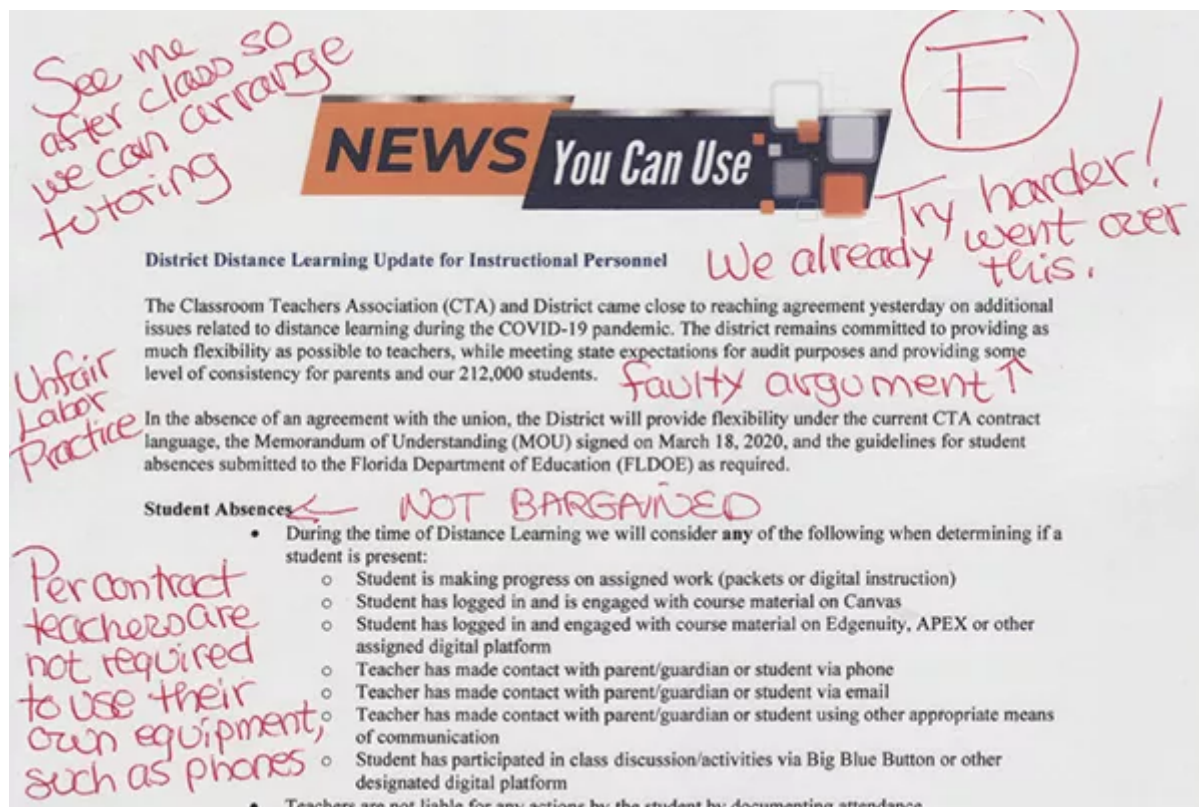


Teachers' Unions and Districts Hammer Out New Expectations for Remote Teaching



The Orange County, Fla., district and its teachers' union initially didn't see eye to eye on working conditions for remote learning—prompting the Orange County Classroom Teachers Association to creatively mark up one of the district's memos. The two sides reached an agreement April 21.

By [Stephen Sawchuk](#)

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Teacher contracts are beginning to catch up with the realities of the coronavirus pandemic.

And as it has done with so many other aspects of K-12 education, the coronavirus has forced districts to wrestle with a never-before-imagined question: If you can no longer realistically orient teachers' duties and expectations in terms of a seven-and-a-half-hour day—or six periods and one prep—how do you do it?

What have emerged are more flexible arrangements for teachers. The actual amount of time teachers are expected to instruct on a daily or weekly basis is shorter. But they must reserve specific times for “office hours,” when they are available to help students and parents individually.

Those details are showing up in a series of temporary “memoranda of understanding,” or MOUs, that district management and union leaders have hashed out in response to the radical change to the school day.

See Also: [7 Big Issues for Unions and Districts in Remote Teaching Agreements](#)

Some of the agreements go beyond use of time to specify the types of interactions teachers are expected to have with their students, whether in a live or asynchronous format; others ask principals to take a key role in organizing learning. And still others are remarkably scant on details, leaving many questions open to interpretation.

It's too early to draw any firm conclusions about whether these new ways of thinking about teachers' work could carry over into future contracts, though there is already some debate over whether they strike the right balance of work and flexibility—a touchy topic in a profession that is dominated by women, many of whom report working far longer hours to assist their students.

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And then there are big questions about whether districts are setting new rules and procedures before they're clear on an overall instructional vision for the next few months. That's no small issue because many teachers are just at the early stages of transitioning from planning, review, and enrichment activities to covering new content.

"It is hard to set the rules for how you should be doing things, if you don't know what you're supposed to do yet. ... Only a few districts have really thought about that," said Evan Stone, the co-chief executive officer at Educators for Excellence, a teacher-led advocacy organization that has been scrutinizing the new arrangements. "It's sort of a blaming conversation if all we talk about is the hours, and not the impact we want teaching and learning to have on students."

A Matter of Triage

About **70 percent of public school teachers report belonging to unions**, according to U.S. Department of Education data, while stats from the Bureau of Labor Statistics for all teachers, public and private, **put the figure lower**, at around 50 percent; both of those tallies show the figures have been declining for years. Nevertheless, teaching remains among the most heavily unionized of all professions.

Labor scholars point out that in a time of great uncertainty, like the pandemic, teacher contracts can provide some clarity of expectations for those on either side of the bargaining table.

"A collective bargaining agreement is important because it spells out the rules and makes the expectations really clear, both for teachers and for administrators," said Jon Shelton, an associate professor in the department of democracy and justice studies at the University of Wisconsin-Green Bay. "So when you have a huge disruption in what the expectations are, you have to adjust them."

Prior to the pandemic, some districts' contracts explicitly gave districts the ability to override contract provisions in the case of pandemics or other emergencies, noted Brad Marianno, an assistant professor of educational policy and leadership at the University of Nevada, Las Vegas. But few districts are taking that scorched-earth path, instead opting for negotiations that try to outline what teachers, and in some cases administrators, will be responsible for.

The details vary widely, though most of the newly inked MOUs operate as triage documents that focus on finishing out this school year, rather than setting long-term procedures and expectations for the future. Some of the MOUs, like those signed in Brevard and Charlotte counties in Florida, are a lean page or two. Others, like Boston's, at 15 pages, are more detailed.

"I can't imagine any district or union wanting to renegotiate a whole contract under these circumstances. It's not advantageous to them," Marianno said.

Indeed, as districts began to deal with the bargaining implications of the pandemic several weeks ago, some states have explicitly told them to focus on the complexities of remote learning rather than putting every provision in their labor contracts up for debate. **Guidance released by California Gov. Gavin Newsom** to govern labor-management relations notes that "districts should not condition employee wage increases or benefits on expeditious approval of agreements"—in effect pushing those potentially more-difficult topics down the road.

Districts that already had relatively stable relationships with their teachers' unions have generally managed to reach new deals with a minimum of drama.

"I do have to say that [the teachers] have been terrific in the sense that, there's been a little give and take and back and forth, but for the most part we've put together a plan that builds in live time, face-to-face time with the kids, but obviously has a lot of asynchronous learning opportunities, too," said Joseph Maruszczak, the superintendent of the Mendon-Upton Regional school district in Massachusetts.

Some districts with a difficult labor history have put that aside as they negotiated their new plans. Los Angeles teachers **walked off the job for six days in 2019**, but they were able to reach agreement April 8 on a contract framework.

Cecily Myart-Cruz, the president of United Teachers Los Angeles, said one of her union's lines in the sand was making sure teachers wouldn't be required to engage in face-to-face virtual learning. High rates of doubling-up in housing among teachers and families alike due to the city's expensive rental market made that just too fraught, she said.

And she was insistent that the MOU allow for flexibility for teachers with children of their own.

"Tough as nails folks were saying to me, 'I'm on the verge of tears here, because I have to choose between nap time and snuggles with my kids, and being with my class, whom I love also,' she said. "But now they're saying, 'I have something in black and white I can use to structure my remote learning environment around my baby's schedule.'"

Some Issues Still Open

Some of the negotiations have often foundered not on traditional bread-and-butter issues; for now, it appears most if not all districts are keeping wages intact through the end of the school year. But seemingly minor issues have taken on new significance in the age of the coronavirus.

In Orange County, Fla., district and union leaders struggled over issues like taking attendance, whether teachers would have to use their own phones to contact students and families, and especially the number of meetings and PD sessions teachers would have to participate in each week.

The union did a red-pen mark-up of one of the district's communications to teachers, accusing it of imposing work terms on teachers rather than negotiating them. The two parties eventually reached an accord on April 21, which among other things limits weekly PD and staff meetings to just 50 minutes.

In Sacramento, Calif., ongoing tensions between district and union over prior pacts have made reaching a detailed accord to address remote teaching and learning much more difficult. Both sides have accused their counterparts of imposing terms and failing to negotiate in good faith, which has led the union to file an unfair labor practice charge.

The previous drama "hasn't helped," said David Fisher, the president of the Sacramento City Teachers' Association. "There's not a lot of trust."

The district says it rolled out online learning April 13 despite the lack of an agreement after it became clear some students were in contact with their teachers and others weren't. "Our students need us to think creatively and act courageously—and to do so quickly," Superintendent Jorge Aguilar said in a statement.

Bigger Picture Questions

There's no systematic analysis of the coronavirus-inspired MOUs yet.

But those efforts are beginning: Marianno and a graduate student have begun to collect them from large, urban school districts. So far, about 30% of the 65 districts they've examined have reached a formal pact with their union.

Some of the larger contracts have already invited scrutiny, with some critics arguing that **three to four hours of instruction is far too little**—even as others point out that, according to data first reported by the news site Chalkbeat, **nearly half of teachers** have children living at home.

Stone of E4E feels that those conversations miss the larger point: Are districts clear on what they want teachers to accomplish? Have they provided curriculum or back-mapped those expectations into the MOUs? Do they leave appropriate flexibility for principals to make school-level decisions, or allow teachers to adapt to new learning guidelines?

Until recently just a fraction of districts in **a database of learning plans** maintained by the Center on Reinventing Public Education, in Seattle, specified the curriculum or materials teachers should be using, Stone noted.

"Most teachers we're talking to, even those that have clear guidance, are still like, 'What are we supposed to be doing?' Even once it's in place, there's a whole other step before it gets to the teachers and they feel like they have the support and knowledge to deliver on these expectations," he said. "I also think these agreements should be seen as a bare minimum of what needs to happen, because many teachers are going way above and beyond them."

Stone praised the Boston MOU for allowing a degree of flexibility: Principals and teachers at each school set a regular schedule for online learning, which helps set some clear routines and expectations for families, but allows teachers to rotate in different shifts as needed. It also specifies that every student should be contacted at least once every three days.

On the other hand, he said, contracts that cap weekly staff meetings and PD hours—as both Los Angeles' and Orange County, Fla., do—might tie the hands of both staff and teachers who are still getting their arms around distance learning best practices.

What Happens Next?

Some of the MOUs set new guidelines around touchy policies, too—like **how teachers should approach grading**, or altering the teacher-evaluation process. Both of those have been major areas of concern for administrators and teachers alike. Seven of the 12 MOUs Education Week examined explicitly **pause the teacher-evaluation process** for some or all teachers this year.

What the new arrangements also generally don't do is specify long-term changes that go beyond the current school year. And with a financial crisis looming, most districts will need to be back at the bargaining table this summer.

Some will need to hammer out plans to help students catch up. And since most of the MOUs punt on salary and layoffs, they will need to open up that topic later this year as districts begin to finalize what are expected to be austere **budgets for the 2020-21 school year**—and even midyear cuts as state education funding plummets.

Already, there are signs that those topics could be contentious. The United Federation of Teachers, which represents teachers in the nation's largest district, New York City, has signaled it **won't agree to begin the next school year early**, The New York Times has reported.

As for the teaching force in the Mendon-Upton district, "I think they are all cognizant that in the last five to six weeks, everything has dramatically changed," said Maruszczak, the superintendent. "I don't think we're going to be unique in that

we're going to look for a short-term solution, probably a one-year rollover of some degree, because there's such a large degree of uncertainty. And we have to look at the financial crisis that's occurring at every level.

"I think a lot of people aren't there yet and aren't necessarily actively thinking about it," he continued, "but I don't see how you can whistle past the graveyard, so to speak, and say everything's going to be fine and everyone's going to have a two and a half percent [cost-of-living] increase next year. I don't think it's realistic."