

MEMORANDUM OF AGREEMENT

between

Multnomah County School District No. 1 d/b/a Portland Public Schools

and

Portland Association of Teachers

Re:

The parties to this Memorandum of Agreement (“MOA”) are the Portland Association of Teachers (hereinafter “the Association”) and the Multnomah County School District No. 1 d/b/a Portland Public Schools (hereinafter “the District”). This MOA has the full force and effect of language in the collective bargaining agreement and may be modified only upon agreement of the parties. The parties agree to discuss incorporating the MOA as a formal Appendix into the successor labor contract currently being negotiated with PAT, but failure to incorporate the MOA as an Appendix will not diminish the binding and continuing nature of the agreement.

This Agreement fully resolves the pending grievance and unfair labor practice charges related to the SLPs. With seven (7) business days of the execution of this Agreement PAT will withdraw Amended Grievance 02/02/2024/pb and the charges filed in Case No. UP-018-23 with prejudice. The parties acknowledge that PAT has raised concerns on behalf of the SLPs regarding current workload, but that such concerns are not the subject of or resolved by this Agreement.

SPEECH-LANGUAGE PATHOLOGIST

TRANSFER AND ASSIGNMENT PROCESS

This MOA sets forth the internal transfer and assignment process for Speech-Language Pathologists. The terms of this MOA do not in any other way modify or amend the PAT/PPS collective bargaining agreement or its application to Speech-Language Pathologists.

1. Speech-Language Pathologist Full-Time Equivalent Committee

A Speech-Language Pathologist Full-Time Equivalent Committee (“SLP FTE Committee”) shall be established to monitor and administer the assignment and transfer process delineated in this MOA. The SLP FTE Committee may also meet to discuss development of a weighted

caseload model to recommend to the District's Special Education Department that identifies how student IEP services are weighted when determining SLP Building Assignments and informs staffing allocations.

The SLP FTE Committee will meet monthly during the spring staffing process and fall rebalance process. Starting in the fall of 2024, on an annual basis after fall rebalancing, the SLP FTE Committee shall review the accuracy of the prior spring's caseload projections based on the caseload definitions in Section 5 of this MOA by reviewing data. Based on this data, the SLP FTE Committee will seek to agree on whether prospective adjustments to the caseload definitions in Section 5 should be made. Agreement requires consensus among all members of the SLP FTE Committee. If such agreement is reached, adjustments to the caseload definitions shall be reduced to writing as an amendment to Section 5. If no agreement is reached, the caseload definitions in Section 5 shall remain unchanged. The committee shall consist of four (4) Speech-Language Pathologists (at least 1 elementary, 1 middle school/high school/CTP) elected by the Association no later than October 15 for a 2-year term; the Speech-Language Pathologist Technical Advisor; and the Director of Special Education or designee.

2. Speech-Language Pathologist School Assignment Adjustments

Speech-Language Pathologist school assignments will be adjusted only during the spring staffing process and the fall caseload rebalance process. All school assignment adjustments will be made in accordance with rules for site changes described in Section 3 of this MOA. Caseload numbers used for the spring staffing and fall rebalance processes will follow the caseload definitions described in Section 5 of this MOA.

No Speech-Language Pathologist will be transferred to mitigate or avoid overage payments pursuant to Article 8.

3. Annual Staffing and Transfer Process

The District will collect caseload data (using the caseload definitions described in Section 5 of this MOA) for initial forecasting as part of the annual budget process. The District will promptly share this data with the SLP FTE Committee. The annual budget process determination of the total amount of FTE for SLPs lies within the District's discretion subject to any applicable terms of the collective bargaining agreement and any applicable law.

Caseload numbers (using the caseload definitions described in Section 5 of this MOA) will be pulled no earlier than February 1st to determine building-level SLP staffing for the following school year. SLPs are responsible for ensuring their due process paperwork is current within the District IEP system and must maintain their caseload accurately. Caseload numbers will be shared with Speech-Language Pathologists to confirm their accuracy. Speech-Language Pathologists will have two working days after receiving their caseload numbers to inform the

Special Education department and the Speech-Language Pathologist Technical Advisor of any errors in their caseload numbers.

The Special Education administration and Speech-Language Pathologist Technical Advisor will work together to make any needed caseload count corrections.

After any caseload count corrections have been made, the SLP FTE Committee will email a revised list of projected Speech-Language Pathologist FTE for each school to the Speech-Language Pathologist group. The SLP Technical Assistant (or other staff person designated by the Director of Special Education) will also send a list of all Speech-Language Pathologists ranked by seniority. These documents will be shared prior to the site selection process described below.

As a way to inform their colleagues of possible open school sites for the following year, Speech-Language Pathologists will have the option of indicating on the list which sites they intend to keep, which sites they are interested in dropping, and which sites they are interested in moving to.

Within five working days of receiving the corrected list of projected Speech-Language Pathologist FTE for each school, Speech-Language Pathologists will email the SLP Technical Assistant (or other staff person designated by the Director of Special Education) to say which part of their current assignment they are giving up. Speech-Language Pathologists interested in changing sites or portions of FTE must give up an equivalent amount of FTE from their current assignment.

No later than March 31, the SLP Technical Assistant (or other identified staff person designated by the Director of Special Education) will host all Speech-Language Pathologists (in-person or virtually) for the site selection process. Speech-Language Pathologists unable to attend in person or remotely may participate with the support of designees. Site selection procedures shall be carried out as follows:

Speech-Language Pathologists FTE assignments are allocated in increments of 0.2 (e.g., 0.2, 0.4, 0.6, 0.8, 1.0).

Speech-Language Pathologists are encouraged to fill their FTE with one or two sites when possible (e.g., for a 1.0 FTE position, a Speech-Language Pathologist should select: a 1.0; a 0.8 and a 0.2; or a 0.6 and a 0.4).

Site selection is by seniority (i.e., if two people want the same site, the person with the higher seniority gets it), with exceptions as outlined below:

If the building FTE increases, and there are two Speech-Language Pathologists in the building, the person with the most FTE in the building shall have the first choice to

increase FTE. If that Speech-Language Pathologist declines, the second Speech-Language Pathologist in the building gets the choice.

If a building is split between two Speech-Language Pathologists and one of them is retiring/leaving, the other Speech-Language Pathologist has the choice to change their FTE in the building to take that position.

Dual Language Immersion (DLI) K-5 and K-8 schools and neighborhood schools in which over 10% of students share the same home language (as determined by October Home Language Report) will be prioritized with placement of bilingual/multilingual Speech-Language Pathologists who demonstrate language proficiency in the DLI language or the non-English language that 10% of student share. SLPs who request DLI placements or claim proficiency at hiring will undergo language testing to confirm proficiency. The Association and the District shall jointly review the current assessment of multilingual skills to ensure that it accurately assesses educator skills. If two bilingual Speech-Language Pathologists express interest in the same site, the site will be offered to the Speech-Language Pathologist with the higher seniority.

After site selections for the above exceptions have taken place, Speech-Language Pathologists will choose from open sites or programs to fulfill their FTE in order of seniority. If two colleagues want the same site, the site will be offered to the Speech-Language Pathologist with the higher seniority. For Speech-Language Pathologists with the same hire date, seniority will be determined by the tie breaker number assigned to staff by the PPS Human Resources department.

After 5 working days, the Special Education department shall send out a list of final site assignments to all Speech-Language Pathologists, and will post site assignments on Admin Connect for building administrators.

Speech-Language Pathologist assignments that become vacant after this site selection process (e.g., at the end of year, summer, mid-year, etc.) will be announced to all Speech-Language Pathologists via email by the Special Education department. Speech-Language Pathologists will have five working days to respond to the email to let the Special Education department know if they are interested in taking the vacant placement. If these placements are filled by staff who did not participate in spring staffing (e.g., newly hired staff or temporary staff), they will be considered interim placements for that school year and will be posted as available sites in the following school year staffing process.

During the fall caseload rebalance process, the Special Education department will pull Speech-Language Pathologist caseloads numbers (using the caseload definitions described in Section 5 of this MOA) from the special education student data system on the first working day in October to determine SLP staffing needs based on actual fall caseloads. The Speech-Language

Pathologist Technical Advisor will contact Speech-Language Pathologists whose school site FTE will change based on the fall caseload count. Speech-Language Pathologists who need to pick up new school sites based on FTE changes will select from available sites using the same site selection process described above for spring staffing.

This will constitute the internal process for filling these vacancies before moving to an external process.

4. SLP Vacancies in Areas Other Than School-Based Speech-Language Pathologists

When a Speech-Language Pathologist position becomes available within specialized teams (Feeding Team, Assistive Technology, TOSA, Early Childhood, etc.), the positions will be posted on the Human Resources website.

Should an SLP position be reduced by another department/program, the unassigned SLP will become part of the general Special Education SLP staffing pool.

If the Speech-Language Pathologist Technical Advisor position becomes vacant during a school year, the Special Education department will send an email announcing the opening to all Speech-Language Pathologists, and the most qualified candidate will be selected. If the Speech-Language Pathologist Technical Advisor position becomes available for the following school year, it will be posted on the Human Resources website and the most qualified candidate will be selected.

5. Caseload Definitions

Caseload definitions in this Section shall only be used for the annual staffing and transfer process (including spring projections and fall rebalancing) described in Section 3 of this MOA, and not for any other purpose, unless agreed upon by the parties. Speech-Language Pathologist caseloads will include the following:

1. Students who receive Specially-Designed Instruction and/or Related Service from Speech-Language Pathologists as noted on the annual IEP.
2. Students who receive Specially-Designed Instruction and/or Related Service from Speech-Language Pathologists as noted in the in-state move-in transfer IEP.
3. Students who receive Specially-Designed Instruction and/or Related Service from Speech-Language Pathologists as noted in an out of state IEP and Transfer IEP
4. Students who have eligibility under the category Deaf and Hard of Hearing who are case-managed by a Speech-Language Pathologist.
5. 80% of students who have signed consent for evaluations for the initial provision of communication services.
6. Private school students with Service Plans who receive Speech-Language Pathologist services.

7. For elementary schools, the number of incoming kindergarten students with communication services on Individual Family Service Plans (IFSP).
8. For special education focus programs, the forecasted number of non-neighborhood kindergarten students with Speech-Language Pathologist services.
9. For elementary schools with lottery, the number of non-neighborhood kindergarten students with Speech-Language Pathologist services projected using the average number of such students over the last three years or another methodology with demonstrated accuracy.
10. Projected numbers of incoming students for middle schools, high schools, and the Community Transition Program (outgoing students will not be included).

FOR THE DISTRICT

Geniveve Rough

Geniveve Rough, Sr. Director ELR

Date: Oct 11, 2023

FOR THE ASSOCIATION

Kristine Mayle

Kristine A Mayle (Oct 11, 2023 22:17 PDT)

Kristine Mayle, UniServ Consultant

Date: Oct 11, 2023