

**RESOLUTION APPROVING UNILATERAL AGREEMENT  
FOR PROFESSIONAL EMPLOYEES**

WHEREAS, the Board and the National Education Association of Shawnee Mission (“NEA-SM”) entered into good faith negotiations under the requirements and directives of the Professional Negotiation Act, K.S.A. § 72-2218, *et seq.*, commencing with the March 29, 2019 exchange of notices;

WHEREAS, NEA-SM declared impasse at the conclusion of the July 16, 2019 negotiation session and filed a Petition for Impasse Declaration with the Kansas State Department of Labor on or about July 29, 2019;

WHEREAS, the parties have completed the impasse resolution proceedings provided for under the Professional Negotiation Act to include Fact Finding before a neutral Fact Finder appointed by the Kansas Department of Labor;

WHEREAS, the parties did not resolve the impasse during the final negotiation meeting on January 28, 2020;

WHEREAS, at this juncture in the negotiation process, the Professional Negotiation Act directs the Board to “take such action as it deems in the public interest, including the interest of the professional employees involved”;

WHEREAS, the District has maintained a strong commitment over the years to ensure that its teaching staff remains amongst the most highly compensated, if not the highest compensated, in the State;

WHEREAS, NEA-SM introduced a proposal for a 3-year agreement prior to impasse and both parties proposed 3-year agreements at the January 28, 2020 negotiation meeting;

WHEREAS, during the Fact Finding, the NEA-SM presented a 3-year proposal with compensation increases to the base salary of 2% in year 1, 1.5% in year 2, and 1.5% in year 3 which the District calculates to create a deficit of \$1,215,577 in the first year, \$3,433,702 in the second year, and \$3,700,860 in the third year leaving an ending operating fund balance of only \$10,421,220 at the end of 3 years which the Fact Finder concluded would present a financial risk to the District and leave the District with less than 1-month of payroll expenditures in its’ operating fund balance.

WHEREAS, the Fact Finder concluded in his January 15, 2020 report that the NEA-SM proposal “is overly aggressive to meet reasonable budget objectives of the District, including deficit spending and the creation of a sub-standard fund balance - and contrary to the overall public interests.”

WHEREAS, the Fact Finder concluded the District's proposal on compensation was acceptable over two-years but suggested that the District consider additional moneys anticipated from increased state funding for year 3 to slightly increase base salary.

WHEREAS, at the January 28, 2020 negotiation meeting, the Board extended a compensation proposal to NEA-SM which included consideration of anticipated state funding for year 3 and offered a 3-year contract, as previously requested by NEA-SM, which provided an average compensation increase to professional employees of 11% over 3 years and budgets 79% of anticipated new revenue from the State to professional employees;

WHEREAS, the District's final compensation proposal provides for a continuation of this standard while maintaining a sound fiscal plan to provide for the other services and needs that support our students;

WHEREAS, NEA-SM proposed during negotiations that the class load for secondary teachers be reduced or be paid a 10% stipend for teaching a class period beyond 5 sections/day;

WHEREAS, high performing school districts operate pursuant to a Strategic Plan and the SMSD's ongoing development of a Strategic Plan is a valuable tool for ensuring a continued legacy of education excellence for all students;

WHEREAS, the District committed, as part of the community-developed Strategic Plan, to analyze the feasibility of increasing teacher planning and collaboration time to include reducing secondary teachers class load (action step 3.2.2);

WHEREAS, the District has consistently communicated the importance of studying increased planning and collaboration time and professional learning community time for **all** teachers;

WHEREAS, time is needed to complete the necessary study, develop a plan for increasing teacher planning and collaboration time that results in improved outcomes for our students, and implement a plan for how to pay for and financially sustain the plan developed for increased planning and collaboration time;

WHEREAS, the Fact Finder concluded that "budget issues aside, as a practical matter, to implement a 5:7 proposal, it is not logistically possible to determine the specific hiring needs, hire the number of teachers, and rearrange class schedules within this fiscal year" and therefore, "it is unrealistic to recommend negotiation of that issue in this negotiation period." The Fact Finder went on to note that future attempts to address the issue would benefit from the Strategic Plan.

WHEREAS, at the January 28, 2020 negotiation meeting, the NEA-SM countered the District's proposal with a 3-year contract which included increased compensation to the base of 1.75% in year 1, 1.5% in year 2, and 1.5% in year 3 with a 5% stipend in year 2 for secondary teachers teaching 6 classes and a 10% stipend in year 3 for secondary teachers teaching 6 classes. The total cost of this proposal over 3 years totaled \$20,114,227. This represents a total increased

cost of 17.4%, 118.4% of all anticipated new money from the state, would result in a projected budget deficit of \$9,421,993 after the 3rd year and is more money than the proposal found by the Fact Finder to be unreasonable.

WHEREAS, it is important to the Board that the plan for increasing teacher planning and collaboration time does not require teachers or other District employees to forego fair compensation increases for any school year;

WHEREAS, it is important for the Board to manage the district finances in a sustainable and responsible manner;

WHEREAS, a 3-year Agreement with the District's professional employees will allow the District to engage in budgetary planning that is necessary to continue to increase teacher compensation and also decrease secondary teacher workload by taking advantage of anticipated moneys from the state in year 3 as stated by the Fact Finder as well as exploring other potential financial options;

WHEREAS, the Board is committed to phasing in the adjustment of secondary teaching periods beginning with the 2021-22 school year, consistent with recommendations approved by the Board through the ongoing strategic planning process, contingent on the state meeting its funding obligations under the current finance formula, and adequate availability of district funds as defined by the Board of Education's budgeting process;

WHEREAS, during negotiations, the parties also agreed to multiple items (step and column movement, District's contribution to individual health insurance premium, reimbursement for college credit to be qualified to teach certain courses, stipend for AP and IB teachers, increase in supplemental pay for high school counseling department coordinators, increase to the base for supplemental pay, teachers not required to attend night meetings for longer than 3 hours, and self-directed teacher work days) and each of those items are included in the Unilateral Agreement.

NOW, THEREFORE, BE IT RESOLVED BY UNIFIED SCHOOL DISTRICT NO. 512, JOHNSON COUNTY, KANSAS:

The Unilateral Agreement attached hereto is in the public interest, including the interest of the professional employees. The Board hereby approves the Unilateral Agreement for its professional employees.

ADOPTED this 30<sup>th</sup> day of January, 2020, by the Board of Education of Unified School District No. 512, Johnson County, Kansas.