



2007-2009 Bargaining Goals: WASB Position Paper Series

Written by the WASB Employee Relations Staff

Bargaining Over PI 34 Licensure

The purpose of this paper is to introduce bargaining issues and strategies surrounding the implementation of the “PI 34” teacher licensure rules. PI 34 is likely to take an even more prominent role in the bargaining of 2007-2009 teacher contracts because (1) school districts and unions will have some experience under the mentoring programs that were implemented during the 2005-2007 contract term; (2) some “initial educators” will be approaching the phase of the process during which they attempt to obtain a “professional educator” license; and (3) WEAC and its member unions are showing increased interest in leveraging the PI 34 licensure process into compensation gains for teachers.

PI 34

PI 34 is a teacher licensure system created by the Department of Public Instruction (DPI) for the purpose of changing the professional development process for teachers, allowing for a more self-structured and standards-based approach to teacher development. In a general sense, the new administrative rules change teacher licensure from a “course and credit” structure supervised by DPI to a “performance and competency” orientation supervised by local school districts. As such, local school districts have a variety of new responsibilities with regard to the licensure process (i.e. providing orientation and support seminars for initial educators, assigning administrators to serve on professional development review teams, mentoring initial educators, etc.). These new responsibilities have collective bargaining implications.

Several aspects of a locally-developed PI 34 implementation plan should be recognized and treated as permissive subjects of bargaining. However, some PI 34 bargaining proposals will be mandatory subjects of bargaining (i.e., proposals primarily related to wages, hours and conditions of employment), and school boards have a statutory duty to bargain over such proposals. Fulfilling the duty to bargain in good faith does not compel a district to reach an agreement or concede to union demands. School boards should carefully review union proposals related to the implementation of PI 34 before agreeing to include them in a collective bargaining agreement.

For the 2007-2009 contract term, the WASB employee relations staff suggests five broad strategies for bargaining over PI 34:

1. As a guide for developing district-specific bargaining proposals, use (1) the district’s PI 34 implementation plan; and (2) an evaluation of the district’s 2005-2007 experience under the “mentoring” provisions of the licensure rules. District proposals and bargaining **goals should be consistent with the locally-developed implementation plan.**
2. In addressing permissive aspects of PI 34, such as defining the responsibilities of a teacher mentor, it may be necessary and helpful to obtain significant teacher/union

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

input away from the bargaining table. However, **avoid bargaining proposals that attempt to enshrine permissive aspects of PI 34 as contractual obligations.**

3. **Consider bargaining PI 34 incrementally.** During 2007-2009, it will be reasonable for most districts to address bargaining proposals that deal with (1) mentoring, and (2) an initial educator's first professional development plan cycle. It may not be necessary for most districts to address issues related to the renewal of a "professional educator" license in this upcoming contract given that there may not be any teachers who are at that point in the process. The PI 34 issues introduced below focus primarily on those aspects of PI 34—the "initial educator" and "mentoring" provisions—that are likely to significantly affect school districts in 2007-2009.
4. PI 34 represents a major shift in the licensure process. As a result of this shift, there is great deal of uncertainty surrounding the practical consequences of its implementation. Districts should consider whether a **non-precedent setting side bar agreement** that expires on June 30, 2009, will allow the district and the teachers' union to gain some much needed experience with the practical implications of PI 34, and thereby permit the flexibility needed to make significant future changes (if necessary). As part of the non-precedent setting side bar agreement, districts should obtain appropriate QEO waivers and expressly state that no part of the PI 34 implementation plan shall be considered an "existing fringe benefit" for purposes of the QEO law.
5. PI 34 permits school districts and teachers' unions to create **local alternatives to the mentoring and professional development processes** outlined in the rules. Consider negotiating such an agreement to make PI 34 work for your local schools. These agreements must be approved by DPI.

Orientation and Support Seminars for Initial Educators

The DPI rules that implement Wisconsin's new teacher licensure program require the employing school district to provide initial educators (i.e. teachers new to the profession) with "ongoing orientation ... which is collaboratively developed and delivered by school boards, administrators, teachers, support staff and parents." The rules also require the employing school district to provide the initial educator with "support seminars" that reflect the DPI-established teacher standards and "the mission and goals of the school district."

The obligation to develop and deliver ongoing orientation "collaboratively" should not be read to imply that such collaboration needs to take place at the bargaining table. In fact, the WASB employee relations staff believes that the amount, level, structure, and content of initial educator orientation and support seminars are permissive subjects of bargaining. As such, in order to preserve the district's ability to make changes to these aspects of the PI 34 implementation plan in the future, school boards should avoid union proposals that restrict the

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

district's ability to design and implement the orientation and support seminars as the Board deems appropriate. Once the board determines the amount, level, structure, and content of such seminars, the unions would be entitled to attempt to request bargaining over "wages and hours" issues that arise as an impact of the board's decisions.

Selection and Assignment of Mentors

PI 34.17(2)(c) states: "The initial educator shall be provided with a qualified mentor by the employing school district." The WASB employee relations staff believes that school districts should retain the right to select and assign qualified mentors. The above-minimum-level qualifications that a licensed individual will need to serve as a mentor in a given district should be treated as a permissive subject of bargaining. Significantly, nothing in PI 34 requires that mentors for initial educators need to be active bargaining unit members. Furthermore, the law does not appear to prohibit a retired teacher or administrator, who maintains a current teaching license, from serving as a qualified mentor. Thus, school boards should generally avoid union proposals that require initial educators and mentors to be from the same district and/or proposals that require mentors to be current bargaining unit members. Further, school districts should carefully evaluate all bargaining proposals addressing the method of selection and/or the assignment of qualified mentors to ensure that the proposals will not interfere with the District's overall PI 34 implementation plan.

Duties and Compensation for Qualified Mentors

The duties and responsibilities of teacher mentors are permissive subjects of bargaining and should be established by school boards. Moreover, school boards should retain the ability to modify those duties and responsibilities as needed in the future. There should be a mechanism for evaluating mentors.

Whether teacher mentors should receive additional compensation is a mandatory subject of bargaining. Each school district's approach to this bargaining issue will depend on factors such as: (1) the district-specific duties and responsibilities of the mentor; (2) when the mentor is expected to perform his/her mentoring duties; and (3) the financial ability of the district to accommodate compensation for mentors in light of revenue limits and all other salary and benefit proposals involved in bargaining. If a school district intends to establish a very informal role for mentors, with most mentoring occurring during the regular teacher work day, the board may well take the position that no additional compensation is appropriate. However, if a district establishes significant responsibilities that are intended to require substantial work outside of the regular school day, it seems more reasonable to expect that the teachers will seek some additional compensation.

If mentors are paid, a flat-rate arrangement (as opposed to an hourly wage) is probably most appropriate for the following reasons: (1) the mentoring relationship is likely to be self-governing and informal; therefore, mentoring does not lend itself to hourly-based pay; (2) large

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

and unexpected costs may accrue to the district if mentors work more hours than the school board anticipates; (3) there is an administrative burden associated with tracking and documenting time spent mentoring; and (4) discrepancies may arise between administrators and mentors in determining compensable hours. For example, should an informal discussion over a cup of coffee in the teachers' lounge count as compensable time? In some districts, a useful benchmark for establishing appropriate mentor compensation may be a comparison of expected mentoring duties and proposed compensation with the duties and compensation of teachers working as student advisors and/or on curriculum projects.

WASB recommends requiring mentors, as a precondition to the payment of any stipend, to submit a log of all mentoring activities undertaken during the semester/school year and to participate in an evaluation of the mentoring process. A log of activities with the approximate time spent on the activities will help the district evaluate (1) whether the mentor fulfilled his/her duties; (2) whether the district might consider revising the duties of the mentor in the future; and (3) whether the bargained-for compensation has been set at an appropriate level.

Duration of Mentoring Relationships

PI 34.17(2)(c) states: "The mentoring period shall be for less than 5 years." The rule does not set a minimum period of time for the mentoring relationship. School boards should avoid contract language that obligates the district to provide mentors for more than one year. Rather, school districts should retain discretion to extend a mentor position beyond one year, consistent with the district's overall PI implantation plan and goals.

Compensation for Teachers Serving on the "Initial Educator Team"

The "Initial Educator Team" is a three-person team that is responsible for approving and assessing successful completion of an initial educator's professional development plan. The team includes one teacher "of the same subject or at the same level" who is not the mentor and who is "selected by teacher peers." Upon successful completion of the professional development plan, as verified by the "Initial Educator Team," an initial educator is eligible for his/her "professional educator" license. Some initial educators who began their employment in 2005-2007 will seek to convene their "Initial Educator Team" during 2007-2009. Thus, unions may bring bargaining proposals seeking to establish (1) the union's right to form the "peer" group that will select a teacher to serve on the team; and (2) compensation for the teacher that the union selects.

There is no basis in DPI's rules governing PI 34 for concluding that the local teachers union has a right to pick the teacher who will sit on the "Initial Educator Team." In fact, it is not even clear that the local school district has exclusive control over the membership of the "Initial

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

Educator Team.” For example, there is nothing that prevents an initial educator from using a team that was convened at a former employer to verify his/her completion of a professional development plan. The only clear obligation of the school district with respect to the “Initial Educator Team” is that the school district must provide an administrator as a member of the team upon the request of the initial educator.

In general, the WASB Employee Relations staff recommends that school districts propose that the collective bargaining agreement contain no language surrounding the composition or compensation of individuals who are members of the Initial Educator Team. The commitment of time required for such membership does not appear to be substantial. There may be rare exceptions where, in order to facilitate achievement of the district’s PI 34 implementation plan and specific local goals, a nominal amount of compensation or release time for a teacher serving on the team may be appropriate.

PI 34 Salary Schedule Proposals

The teachers’ unions have been quick to propose modifications to the salary schedule that would provide additional compensation for teachers based on achieving milestones related to PI 34 licensure. Typically, the proposals involve equating various licensure milestones with traditional education-based “lane movement.” WASB’s recommendation is that, nearly universally, school districts should avoid restructuring their salary schedules in light of PI 34. The primary reason for this position is that school districts ultimately lack control over the contents of a professional development plan. Related reasons include (1) professional licensure represents a minimum qualification for teaching, and is not an indication that a teacher has gone “above and beyond”; (2) districts lack experience under the PI 34 licensure framework and should not fundamentally rework teacher compensation without gaining some experience under the new rules; (3) even if a district were to bargain complete control over the content and quality of their teachers’ professional development plans, the compensation plan will somehow have to accommodate veteran teachers who do not convert to PI 34 and newly-hired teachers who worked under a much less robust PI 34 system at another district; (4) most professional development plans are likely to include progress toward an advanced degree as one element of professional growth, and the traditional salary schedule already compensates teachers for those academic course credits; and (5) unions are likely to argue (and may well be correct) that compensation tied to licensure activities, like traditional lane movement, is excluded from the QEO calculation. In short, only a small minority of school districts across Wisconsin are at a point in their work with PI 34 that they should feel comfortable with the idea of altering basic teacher compensation in response to PI 34. Then, due to the QEO implications of such a change and state-imposed school district revenue limits, there is a question as to whether even that small minority of districts can afford to pay the compensation.

NOTE: The following is an article reprinted from the September 23, 2005 issue of the *Wisconsin School Employee Relations Review* (vol. 37 / no.6):

**PI 34 Salary Schedules:
The perils of bargaining a date with the devil you don't know**

How well does your current teacher salary schedule encourage and reward professional development activities that (1) tie in to the district's teacher evaluation process; (2) directly relate to each teacher's individual teaching assignment; and (3) are clearly aligned with district-established curriculum objectives? Asked differently, how well does your current teacher salary schedule encourage and reward professional development activities that you believe are likely to actually improve the quality of teaching in your school district?

When confronted with this question, the reaction of many school board members and school administrators is resigned frustration. At best, these school officials believe that the link between meaningful professional development and the incentives offered by their traditional step/lane salary schedule is quite haphazard. At worst, school districts are paying tuition bills and granting salary increases to teachers who accrue university credits, but the district has essentially no control over the content and quality of the coursework. In the present age of internet-based colleges and universities that offer courses and post-graduate degrees with questionable value, there is even greater concern over school districts' "return on investment" under the traditional step/lane salary schedule.

Against this backdrop of resigned frustration, school boards and school administrators are starting to work with the new PI 34 teacher licensure rules. The PI 34 licensure rules are a state-level attempt to introduce greater rigor and meaning into the teacher licensure process, and the new licensure rules are at least loosely tied to the state-level teaching "standards." What was wrong with the old teacher licensure system? In general, the old licensure system was susceptible to criticism that (1) it lacked strategic focus; (2) a teaching license could be renewed on a "rubber-stamp" basis; (3) the system lacked important controls; and (4) the system lacked input from relevant stakeholders. In other words, at least on the surface, there are parallels between the reasons that the state revamped the teacher licensure process and the reasons that many school districts would like to revamp their traditional teacher salary schedules.

In 2005-2007 bargaining, teachers are coming to the bargaining table with PI 34-inspired proposals to alter the traditional salary schedule. The proposals come in various forms. Some proposals seek to create an overlay of the three new licensure levels with the existing education-based "lanes" on the traditional schedule. Other proposals completely replace the traditional steps and lanes. For purposes of this discussion, the precise details of the various PI 34 salary schedule proposals are not important. What is important is the question of how board members and administrators can evaluate the proposals.

It can be tempting to conclude that if the state was faced with familiar-sounding problems in the licensure process, then piggybacking on the state's solution to its licensure issues must be at least a marginal improvement over the traditional teacher salary schedule. However, after reviewing the concepts incorporated into common PI 34 salary schedule proposals, the WASB Employee Relations Staff advises school boards to proceed with extreme caution. Agreeing to a PI 34 salary schedule proposal could well involve the mistake of trading the devil you know for the devil that you don't know.

Perhaps the most significant concern that school districts should have with a PI 34-based salary schedule is that when PI 34 is assessed at a substantive level, school districts actually have very little

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

control over the content, rigor, development and assessment of the “professional development plan” that is at the heart of the new licensure process. As mentioned above, one of the primary reasons that school officials have reached the point of frustration with the traditional salary schedule is that the district usually lacks sufficient control over the professional development activities that teachers are encouraged to complete. As a result, even if PI 34 represents a marginal improvement in the licensure process, it is not a ready-made solution to the issue of aligning teacher compensation with meaningful professional development at a local level.

To draw an analogy, a major fault of the traditional salary schedule is that it often represents a school district’s obligation to provide significant compensation to teachers for purchasing a particular tool box (education credits), without sufficient regard for the actual tools that the teacher puts inside the box. In this analogy, the PI 34 licensure system is simply a fancy new tool box. Theoretically, a teacher could put some very useful tools in the new tool box, but there is no guarantee that the teacher will actually do that. To create a compensation system that encourages specific professional development activities that the board and administration believe are likely to improve the quality of teaching in the school district, the focus has to be on the tools within the box. Stated another way, in order to improve on the current compensation system, the school board would need complete control over the content of a PI 34 professional development plan and some substantial say in whether or not the teacher successfully completed the plan. Yet, such control and evaluation is arguably at odds with the distinction between licensure and performance.

A second reason that school districts should approach the concept of incorporating PI 34 licensure into the teacher salary schedule with extreme caution is that it may involve an unintended acceleration of teacher compensation costs. Checking to ensure that the PI 34 salary schedule has starting salaries and maximum salaries that are similar to the existing schedule only scratches the surface of the necessary analysis. If teachers can progress from the starting salary to the maximum salary faster under the PI 34-based schedule than under the old schedule, the district will experience a relative increase in average teacher salaries. In addition, a PI 34 salary schedule may have the undesirable effect of offering additional compensation that is excluded from the qualified economic offer (QEO) calculation. The QEO law excludes all education-based “lane movement” costs from the QEO costing. Many of the salary incentives embedded in PI 34-based schedules are substitutes for traditional “lane movement”; and, thus, the cost of these incentives may likewise be excluded from the QEO calculation. Finally, some PI 34 salary schedule proposals create the possibility of duplicating incentives. For example, if a PI 34 salary schedule were designed to reward both graduate course credits and the successful completion of a professional development plan (PDP), a school district would pay twice for a PDP that includes graduate coursework as a major professional development goal. Similarly, if a PI 34 salary schedule provides one incentive for obtaining a masters degree and a separate incentive for obtaining a “master educator” license, there is a duplicate incentive because one requirement for the “master educator” license (in most cases) is a masters degree.

A third issue is simply the “newness” of PI 34. School boards, school administrators, teachers, unions, and the DPI are all entering a period of experimentation with the new licensure rules. It is extremely likely that everyone affected by PI 34 will learn important lessons throughout the first few license cycles under the new rules. Then, based on the results of the initial implementation period, adjustments to the process will likely be made. To mitigate the risk associated with initial uncertainty over PI 34, many school districts are attempting to meet their collective bargaining obligations by (1) using non-precedent setting side bar agreements, and (2) bargaining PI 34 incrementally (e.g., addressing “mentoring” in a 2005-2007 side bar agreement and reserving other issues for later contracts). Bargaining permanent changes to the teacher salary schedule at this early stage of PI 34 implementation enhances risk because it requires school boards and school administrators to predict the future in an area that affects teacher salaries—a major portion of the budget.

2007-2009 Bargaining Goals: WASB Position Paper Series

Bargaining Over PI 34 Licensure

In response to the advice that school boards should initially approach PI 34 salary schedules with a degree of skepticism and “extreme caution,” some districts will counter with the view that sometimes you have to take some risk to make some progress. In this light, PI 34 represents an opportunity to reconnect teachers’ professional development with the district’s mission, vision, and specific educational objectives. Rather than stagnating in a perpetual state of “resigned frustration” with the flaws of the traditional salary schedule, why not use PI 34 as a vehicle to revisit the fundamental questions posed in the first paragraph of this article?

That is a fair rebuttal. Some school districts are ready to make (or have already made) bargaining proposals that modify the traditional step/lane salary schedule. These districts have spent significant time identifying the specific tools that they want teachers to have in their tool box. These districts have developed proposals that leave the board and administration with the discretion to adjust the list of tools that the board will pay teachers to obtain/use. These districts have also assessed the long-term costs associated with paying teachers to obtain/use the desired tools. A few of these districts may even find that PI 34 presents a convenient framework in which to package their ideas for encouraging and rewarding specific professional development activities. However, the compensation offered in the proposals will be offered for accomplishing items A, B, C, D, etc. as part of the process for obtaining the license. The proposals generally will not offer compensation for obtaining the license itself. In these districts, there is no confusion between the tool box and the tools.

The advice to approach PI 34 salary schedule proposals with a degree of skepticism is offered especially to the vast majority of school districts that are not fully prepared to bargain substantial modifications to their existing salary schedule. In these districts, a few more years of resigned frustration with their traditional schedule may be strongly preferred to the unknown problems that can surface when you bargain a date with the devil you don’t know.