Managing workload during distance learning & hybrid models of instruction

**Many contracts have existing, enforceable language around workload. The provisions here are offered as prompts for discussion as local needs arise. They are adapted from existing contract language, including extensive samples from the Edina Education-Minnesota collective bargaining agreement.**

Our recommendation is to begin with analyzing and enforcing existing contract protections. Any needed additions based on the concerns about distance learning should be addressed through conversation with your district.

It is true that distance learning has created more, not less work for members. It is also true that existing contract protections have to be followed by members in order to work.

The Education Minnesota contract language bank contains existing sample language on workload that could be helpful: <https://educationminnesota.org/EDMN/media/edmn-secure/bargaining/Workload-and-mandate-limits-sample-language.pdf>

## Duty day limitations

* Is the duty day defined?
* Is it clear that educators may set their own schedule during distance learning within the confines of a duty day?
* Does the contract stipulate that educators may name expectations on their availability and response time to student and parent communication?

Sample language

A duty day is a day a teacher is required by contract to perform basic duties and shall not exceed 8 hours, including 30 minutes of paid time for lunch. A student instructional day is a day where students receive instruction either in person or via distance learning and shall not exceed [7] hours. A period of hybrid instruction consists of distance learning and in-person instruction.

Pursuant to Minn. Stat. §120A.40 and 120A.42, the School Board shall establish the school calendar for the succeeding school year prior to April 1each year. The number of duty days shall be [184] days for returning teachers and [187] for teachers new to the District.

Any change to the length of the student instructional day beyond [5] minutes at any school site or for any group of students must be agreed to by the Union and District.

## Data and curriculum days

* Is there time within the calendar year to complete report cards, grade, develop or adapt curriculum?
* How often are additional non-contact days scheduled?
* Are days provided by building, district, or individual?

Sample language

Teachers shall have [three] data and curriculum days: one at the semester break, one at the end of the school year, and one floating day at either the beginning or end of the school year. Each building shall determine when its floating data day shall occur. Data and curriculum days are reserved for teachers to complete their job responsibilities individually. A data and curriculum day is a day in which no building or district meetings shall occur.

## Distance Learning Prep Days

* Does the calendar include explicit time to create or adapt instruction to the needs of distance learning?
* How often are additional non-contact days scheduled?
* Are days provided by building, district, or individual?

Sample language

The purpose of distance learning prep days is to provide teachers time during the duty day to complete job-related responsibilities. Possible uses include, but are not limited to: lesson planning, team planning, assessing student work, curriculum planning and data analysis.

1. Each teacher will receive [10] distance learning prep day each year.
2. Distance learning prep days may only be used between October 1 and May 15.
3. Teachers will have no basic leave deduction for using distance learning prep days
4. Teams of teachers are encourages to schedule their distance learning prep days jointly, though this is not a requirement.
5. Distance learning prep days may not be used on Monday or Fridays without prior approval from the Superintendent.
6. No documentation will be required for teachers to demonstrate how they used the distance learning prep days.

**Flexible work days**

* What protections exist for educators who cannot work a set schedule (ex: available at district-stipulated times each day)?

Sample language

The District acknowledges that all employees could face scheduling challenges due to personal reasons and will accommodate employees’ personal schedules. Educators will be allowed to maintain a flexible daily schedule throughout any period of distance learning or hybrid instruction.

**Class size limits**

* Are there class size limits than can be enforced for both in-person instruction and distance learning settings?
* What protections exist to prevent the district from over-assigning students to a class in a distance learning setting?

Sample language

Class sizes for distance learning shall not exceed class sizes for in-person instruction. Class sizes for in-person instruction will not exceed the average of the class size from the previous school year by more than 2 students.

**Distance learning instructional support**

* What resources are available to educators to create or adapt instruction and curriculum to online or distance learning modes?
* Who is responsible for providing instructional coaching or support for distance learning?
* What professional development will be offered to ensure that educators are supported in moving from in-person instruction to distance learning or hybrid instruction?

*Note that contract language is far less important than collaborative discussions with the district to find solutions and supports for educators to make distance learning successful for students and teachers.*

Sample language

The parties agree to create a distance learning support team with joint representation from the district and union. The distance learning support team will establish:

* Professional development opportunities for all educators to support online and distance learning instruction, including training on online platforms, online instructional delivery, and trouble-shooting technology.
* A system of peer coaching that identifies educators willing to support colleagues with specific questions on online and distance learning instruction.
* Supports and resources for both synchronous and asynchronous instruction.