

**W. Kresse**  
**Address to Faculty**  
**12.13.17**

Good afternoon everyone. For our meeting today, I am going to talk to you for a bit about a matter that affects us all and then we are going to head directly to our grade level locations where Mr. Moses will have us briefly reviewing some exemplars of MYP Subject Group Overviews. The remaining time you will have to work on these independently.

I am going to apologize for reading off of a script today, but I want to be sure that my wording is precise, and that faculty who are not able to join us today have a chance to read exactly what I said at this meeting. I ask for your patience, an open mind and to listen closely as I discuss this serious matter with you.

We are at a critical point in our school's history. I know that some of you understand what we face, but I have been asked by teachers over the past few weeks to provide all the information I am able to share as I have been silent to this point. I think this is a reasonable request given the gravity of the situation.

It's important for you to know that my address here today is not intended to represent the interests of the school board or the teacher's federation.

Although I am a middle manager for the district and leader of this school community, I am also an active and supportive member of my own labor organization. As many of you know, my major concentration in my doctoral

work was labor relations. I have a curiosity and some knowledge around the topic. I'd like to think that this provides me with a unique vantage point for the tug of war taking place right now between BPS and our teachers.

In order to explain how we ended up at this moment, I need to provide the history behind it. For those who assume everyone has this information in hand, you should know that we currently have 88 faculty at this school who operate under the BTF contract; only 39 of these faculty were on staff at City Honors when this situation began, and even fewer were on staff in the years that led up to it. Yet every one of our 88 teachers today has an equal stake and voice in what transpires, as this will affect you and those sitting next to you for the remainder of your careers.

I'll provide you with my cliff notes version of the events that have brought us here, but if you want greater detail or doubt my summary, I am glad to provide a copy of a recent arbitrator's ruling which outlines the facts that both the BTF and BPS have stipulated, as well as the legal arguments from both sides.

When this school was established in 1975, teachers were not assigned non-teaching duties as they are in every other BPS building. This took place despite the fact that CHS teachers historically worked under contracts that allow teachers to be assigned up to two non-teaching duties per day. Why were City Honors teachers left without non-teaching duties while their colleagues at other schools sometimes did up to two a day? The answer is unclear. We do know that the school was much smaller when established.

The founders were progressive, and hoped the students would benefit from greater independence and less supervision. However, times, and the school, have changed. American society became highly litigious in the decades to follow, and the expectations from the courts, community and teacher organizations for student safety, supervision and order accelerated rapidly. In addition, the school grew. City Honors added middle school students and moved from its previously cozy confines at School 17 to the Fosdick-Masten Park building.

The school coped without non-teaching duties in two ways. First, although open campus rights for students eventually went away, it continued a tradition of greater independence and freedoms for its students. Secondly, the district employed a large contingent of teacher aides to do the supervision of students in the cafeteria, study halls, busses, front desk sign-in, and other common areas. By the 1990's the strains of this system were showing. This approach meant the district was spending funds on City Honors that it did not spend on other schools, and the supervision was inadequate. Teachers were being cut or not hired in favor of the expenditure on these extra aides. In 1995, Principal Laforvara eventually felt the pressure to assign his teachers non-teaching duties. The BTF challenged this, and both parties signed an MOU to return to the previous arrangement without prejudice.

Principal Battaglia, who was here from 2000-2005, and then I, inherited these challenges. At the same time, our building committee regularly cited concerns about inadequate student supervision, and the District regularly pointed out

that they were spending extra funds on teachers being granted a special privilege at this school not granted to other BPS teachers. When I arrived in 2005, the Central Office leadership asserted they were spending \$350,000 a year on teacher aide salaries and benefits to have them do the work normally covered in other buildings by teachers.

Early in my service to the school, the district began to try to remedy the situation in two ways. First, they began cutting the general teacher aides. They cut each year until my recollection was that we had four general supervision aides just prior to returning to the building in 2010 from reconstruction. My administrative team did everything we could to plug the holes and stretch these aides, all while building committee minutes show that teachers continued to voice increasing concerns about lack of student supervision. The second thing that the District did was begin to ask me to assign non-teaching duties. Three times between 2005 and 2010, my supervisor verbally requested that I assign non-teaching duties to teachers, but declined to put this in writing. Knowing the labor relations and emotional fallout from teachers which would follow, I stated that I would not do so unless I was directed to do so in writing. I would not be the one left on the hook for this decision. I advised my supervisors to negotiate with teachers on the duty issue, or negotiate the duties into the next contract rather than to impose them. Each time that I was asked to impose these duties, I also subsequently stood in front of our faculty and told them what I had been asked to do. I urged our faculty to recognize the storm clouds and engage in discussions with the

district. I knew the district could cut staff to make up for the costs of the teacher aides, and that it might be a long road but that it was an inevitability that our school would eventually have non-teaching duties assigned to faculty as a part of future contracts.

Neither side was interested in the perspective I offered. Our building committee's teacher representatives rejected the possibility that duties would come to City Honors. They asked me to step away from the matter, which I did. Six months later, on the morning we welcomed faculty into our newly reconstructed building, the district faxed over notice that they had cut the last of the general supervision teacher aides, and that teachers at City Honors would need to engage in non-teaching duties just as teachers did in every other Buffalo Public School.

What followed was a lengthy arbitration battle which did not conclude until April of last year. In a nutshell, the BTF's case was "Hey, you changed the working conditions of the City Honors teachers without negotiating them." The Board's case was "Hey you signed a contract that says teachers will serve up to two non-teaching duties a day. Honor the contract you signed." Again, this is very, very simplified version of the opposing arguments. If you want the *War and Peace* version, just see me and I will provide you with a copy. I should make a note that if you take the time to read this ruling, the arbitrator uses the district and my name interchangeably. However, both sides stipulated at the start of the case that they understood this was not a unilateral action by the principal, but rather the principal carrying out a directive as an agent of

the Board of Education. In the end, this arbitrator sided with the BTF, citing the maintenance of benefits clause in the teacher contract. He directed the district to eliminate the non-teaching duties and to work to make the teachers “whole.” In the year that followed, the district and BTF had discussions around what this would look like. In the fall of this year, I was told that the faculty at this school voted to pursue a contempt of court action against the district for failing to resolve these issues in a timely fashion. Judge O’Donnell took supervision of the case and has directed the district to immediately remove the non-teaching duties at the building. The District’s legal counsel and the Human Resources department have been quickly moving toward this. We will have the ability to relieve all teachers of duties that involve the direct supervision of students very shortly.

Everything seems set, nice and neat right? Not really. Here is where we go from here. The school district needs to hire and on-board sixteen new teacher aides to cover the non-instructional duties currently attended to by teachers. Yes, sixteen aides. For those who may doubt this figure, these numbers have been scrutinized by the district backwards and forwards for the past five months, and there is a full map of how the aides would be put to work each and every period. Why so many aides? There are multiple reasons:

- We are in a much larger building than when we last had aides doing this work. Our facility size nearly doubled when we returned to this building in 2010.

- Our student body is larger. We have added nearly 300 students to this building since 2010.
- The configuration of our cafeteria is a huge consideration. All of the walls and varied seating areas mean sightlines are short. Ten adults are needed to adequately supervise the large lunch periods. If you doubt this, please revisit our building committee minutes over the past few years to see concerns raised by teachers regarding the inadequate number of adults stationed in the cafeteria.
- Additionally, and at a minimum, the front desk, grade 5 & 6 recess, study halls, restrooms, hallways and locker room areas all need to be supervised, and the aides are entitled to lunch breaks themselves during the periods that we host lunches for students.

Yes, there are some non-teaching duties that do not involve the supervision of students and common areas, but these only account for 17 of our teachers. As you may be aware, I was directed to notify those teachers in writing that they were relieved of their duties on Tuesday of last week. The work that these 17 teachers did for our school community will, for the most part, not be continued by the new teacher aides to be hired. Following district and BTF preferences, 11 of our teachers have never been assigned non-teaching duties due to the nature of their positions. That leaves 60 additional teacher duties directly related to the supervision of students and common areas that must be covered by teacher aides. The liability exposure would be significant if we fail to ensure continued adequate student supervision. If you doubt these

pressures, for a sampling please refer to our building committee minutes again, in which teacher representatives repeatedly hammered the point for years that students entering the school building prior to 7:55 were unsupervised, causing an unsafe situation. The need for adequate student supervision to replace teachers doing non-teaching duties is real.

So the thing is, these teacher aides cost real money. \$35,700 each with salary and benefits to be exact. Times 16, that is \$571,200 per year to have teacher aides assume the critical non-teaching duties at this school. Even in terms of a big district like ours, that is a significant number. Let me put this in perspective with just one example of the impact that much money can have. The turf field at All-High stadium, which is used continuously by thousands of students in our district, is now 14 years old. For the safety of our student athletes, it was supposed to be replaced four years ago at a cost of approximately \$600,000. In comparison, the district will now face a nearly \$600,000 annual expenditure to benefit just 88 teachers at a single building.

Some of you may be sitting there saying, well too bad, just let the District absorb that cost. They did this to us. They lost fair and square and they should deal with it. Well, the reality isn't that simple for them, or for us. The reality is that the District leadership would never survive the political pounding they would take from spending an additional \$600k a year on a single school. City Honors, whether you like it or not, has the perception of getting the best of everything already. They would not survive the fallout from the public or from your colleagues at other Buffalo Public Schools. Unfair or not, the public

perception will be that the District is paying a massive price tag for select teachers to enjoy a privilege at our very special school that other BPS teachers do not have. You can be angry about this because it may not be entirely accurate, and you can be angry because you know you work incredibly hard, but that is not the way it will be understood by others and you can't escape it. What it points to is the political reality that there must be teacher cuts at this building to pay for these new aides. Our building will not be given a special budgetary allocation outside of the established building-based budgeting formula.

The District has already moved to put these things into place. A few weeks ago, I was directed to drop everything and conduct interviews with 38 teacher aide applicants. Those interviews were conducted November 20-22 and acceptable candidates were identified and forwarded to HR. A number of our teachers will soon be notified that their positions at this school are being eliminated. Following Reduction in Force rules, some will be placed in other buildings with unfilled positions or eliminating jobs for other more junior teachers, and some will be laid off based on seniority. Due to the fact that we cannot strand students halfway through courses required for graduation, the District can only make maximum cuts mid-year totaling just over \$519,000, which is equivalent of 5.5 teaching positions. More cuts would need to come this summer. So what will implementing this temporary privilege mean for the school aside for the loss of colleagues?

- Well obviously with less staff, class sizes grow. We have carefully invested in teaching staff over the past few years to reduce class sizes in certain subjects and expand course offerings. All of this is eliminated and we return to contractual limits and graduation requirements as the goals of scheduling.
- Some electives will need to be eliminated, causing more students to be in study halls, which would in turn increase the number of teacher aides required to staff the study halls. Some study halls will also have to be returned to classrooms from the library, reducing teacher access to their rooms during prep or lunch times.
- It means more preparations for some teachers, as there are fewer teachers available to teach classes.
- It means student supports that allow more of our students to arrive at graduation, such as AIS and extended time in ELA and Math for our STARS students, would need to be eliminated.
- Every child in grades 5-12 will need to be rescheduled during the month of January to be ready for the start of second semester. Students will see their teachers change, periods of the day change and in some cases, might not be able to complete full year courses they have started, if they are not mandatory.
- It means some programs considered non-essential to graduation will be eliminated, such as the instrumental music program that we have fought so hard to increase at our school.

There are a host of additional outcomes that people may not have been anticipated and might not seem large, but collectively they change the quality of life for teachers, students, and other staff members:

- We will no longer be able to offer teachers an early duty option that some faculty badly needed to make their family schedule work.
- We will immediately add up to 16 additional vehicles to our parking lot, more by the start of the next school year.
- Teachers will no longer be provided building-based supports they currently receive from their colleagues such as technology assistance.
- Access to the library will be diminished and IB film would likely need to be phased out. The BTF has won numerous grievances related to teacher aides supervising libraries in the absence of the librarian. We cannot, in good conscience, have a library that is only open to students four out of eight periods a day.
- Our students have a passion for computer coding that we have been unable to meet. After canvassing the faculty for the past five years, Mr. Zasowski generously stepped forward to volunteer to teach a computer coding elective. He even took his own time over the past year to study and attend training so he would have the skills to teach this course. With contraction in the teaching force, this possibility is eliminated.
- One of the things that we will need to consider this summer is seeking a variance from IB on grade 5-12 World Language instruction. We already

have a variance for technology education at certain grade levels, and we have to review this option to get to our correct staffing allocation.

These are just a few of the unanticipated ways the elimination of duties will affect the school. The list goes on. We are running into more each day as we are forced to prepare for implementation.

What won't the temporary loss of duties mean to the school?

- It won't mean the loss of our magnet themes of acceleration and the International Baccalaureate. Without these, our school is just a collection of talented kids all stationed at the same school. If that is all we are, the District should board up the windows and shut the place down. We will cut back to the core of who we are, but through it all we will protect that core.
- It will not mean the end of our middle school program. Our middle school population has grown and student performance and development has excelled over the past decade as a part of the IB Middle Years Program.
- It will not mean the end of our highly successful STARS program, in fact the classroom space freed up by eliminated teachers would likely lead to the long desired district interest in expanding the STARS program or other special education programming at the school.

So I have laid out some of the ways in which the elimination of non-teaching duties will impact us. Please, please do not misinterpret this as a tactic or

threat. Teachers have asked me for the past ten years how all this could play out and what rights the district has in responding and it has been difficult to be silent to you. Our entire administrative team has been anguishing over this for months. The district has directed us to study and begin implementation of these things so we are seeing the implications ahead of time. It may be tough to hear some of this, but my relationship with you needs to be built on transparency. How would you look at me down the road when you realized that you that all of this destruction had been done to the lives of others without notice?

So what is my message here? Is it to lay down? Is it to just give up? No. My message is actually that you should be more active and involved with this than ever before. Use the limited time available to renew talks with the district. Recently some teachers have told me that they were informed these cuts are a done deal and there is nothing to talk about. I've also been told that some people say the district just did this to us and there is nothing we can do. I regret that I did not know this earlier. I feel at fault. I was trying to honor the request of the building committee years ago and stay out of this. I assumed everyone knew that in labor relations, there is always an opening for rational minds to arrive at something that works for both parties. I assumed that everyone knew the implications here. Nothing that has occurred has "just happened to us" or "will just happen to us". I met with our lead counsel for the district, Nate Kuzma, on November 17 and on December 11, and I communicate with him regularly. He assures me that he is always open to

smart and creative ways to arrive at a solution. I also hear that some people are upset at Nate and the District for not acting quickly enough to eliminate the non-teaching duties at CHS. If you take the time to talk with them, their perspective is that eliminating the livelihood of a teacher, and affecting the education of our children, is an incredibly serious matter. You are playing with people's lives and their family's lives. This is something that should only be done as a last resort when all other avenues have been exhausted. Those avenues have not been exhausted. I think that your colleagues and the kids deserve the consideration of negotiations each and every day, 24 hours a day to resolve this.

My two cents is also that not having discussions with the District at this moment would be a classic miscalculation driven by adrenaline and anger. If you really want to extract the most from the District, now is your moment. Take a deep breath and give it some thought... Right now you have a ton of eggs in your basket. The school district leadership is surely dreading having to cut teachers, disrupt children's education, and manage the wild media and parent circus that will likely ensue.

I would encourage you to give solving it a shot. I have to be clear that I am not empowered to negotiate this issue or engage in discussions with staff on this issue unless there is BTF representation of some sort included. But if you would like to dialogue with the district or just want to brainstorm solutions with BTF representation included, I am glad to facilitate or be a sounding board. If you want a solution, I will try to help in any way possible if it

ultimately helps our teachers and students avoid the road this dispute is headed down. Just say the word and I am at your disposal.

Thanks again for listening with an open mind and open heart.