

**Letter of Agreement
between
Detroit Public Schools Community District (“District”)
and
DETROIT FEDERATION OF TEACHERS (“Union”)**

**2019-2020 STAFF PARTICIPATION IN VIRTUAL/TELEPHONE INDIVIDUAL
EDUCATION PLAN MEETINGS DURING COVID-19 RELATED MANDATORY
SCHOOL CLOSURES**

WHEREAS, school districts throughout the Nation are impacted by the COVID-19 pandemic.

WHEREAS, the Honorable Governor Gretchen Whitmer has declared a state of emergency for the State of Michigan to respond to the novel COVID-19 and issued Executive Order No. 2020-35 regarding education for the remainder of the 2019-20 school year.

WHEREAS, the parties recognize that the District should do all necessary to ensure systems and processes remain in place to ensure the provisioning of educational and other related services to students with exceptionalities in order to benefit from related services, as listed under the IDEA, which include, but are not limited to: (1) audiology services, (2) counseling services, (3) early identification and assessment of disabilities in children, (4) medical services, (5) occupational therapy, (6) orientation and mobility services, (7) parent counseling and training, (8) physical therapy, (9) psychological services, (10) recreation/rehabilitation counseling services, (11) school health services, (12) social work services, (13) speech-language pathology services, (14) transportation providers, (15) teachers, (16) master teachers, (17) lead ESE teachers, (18) academic interventionists, and (19) attendance agents, as needed.

WHEREAS, Individual Education Plan (IEP) meetings have traditionally been conducted as face-to face gatherings of parents/caregivers, school personnel, students, and other concerned individuals.

WHEREAS, under normal circumstances, synchronizing the availability of parents, school-based and central-office based IEP team members, under traditional circumstances, can be a challenging undertaking.

WHEREAS, COVID-19 related mandatory school closures make it difficult for parents, caregivers, or school and central office-based staffs to be physically accessible.

WHEREAS, synchronizing the availability of District staff members for virtual or telephone individual education plan (IEP) meetings during COVID-19 related mandatory school closures has proven to be especially challenging task for families and the District at large.

WHEREAS, the Individuals with Disabilities Education (IDEA) Improvement Act of 2004 permits alternative means of conducting such meetings. An example of an alternate means is a virtual or telephonic IEP conferences, whereby parents communicate either over an Internet based teleconferencing platform or telephone to the rest of the IEP team across multiple locations.

WHEREAS, current technology provides a means to accommodate IEP meeting participants with diverse needs, especially during COVID-19 related mandatory school closures. Whereby, meeting participants can either use a conventional land-based or cell telephone during the meeting, or participate virtually, through Internet based technologies while the remainder of the IEP team uses analog means to participate without physically being present at meetings.

WHEREAS, the Parties agree that DFT unit members shall perform the following duties in furtherance of staff participation in virtual/telephone individual education plan meetings during COVID-19 related mandatory school closures:

1. Engage in virtual training, as needed, to obtain the knowledge and skills necessary to ensure skilled use of District provided Internet and web-related virtual conferencing technologies during virtual IEP meetings.
2. Use Microsoft Office 365 Suite of programs and other District approved electronic applications, as appropriate, to complete instructional and administrative tasks
3. Ensure access to a stable internet or telephonic connection, through equipment and connectivity checks.
4. Ensure entry into virtual meeting spaces no less than five (5) minutes prior to the commencement of the virtual IEP meeting.
5. Virtually participate in pre, during and post-meeting discussions and caucuses to improve current or future IEP meetings.
6. Actively participate in and contribute to virtual IEP meetings as needed.
7. Ensure all requested IEP related documentation is completed as requested by school based and District staff.
8. Provide electronic signoffs to IEP process related documents, as requested by school and central office-based staffs.
9. Monitor and respond to District email messages and electronic meeting requests in a consistent and timely manner.
10. Consult with school based and central office-based staffs through District provided virtual meeting technologies.
11. Upon request by school or central office-based staffs, assist with development of IEP goals and defining benchmark outcomes.
12. Upon request by school or central office-based staffs, assist with the development, review, updating and maintenance of special education records in adherence to District procedures and process timelines and in alignment with the DFT unit member's job classification.
13. Upon request by school or central office based staffs, assist with development of IEP, FBA, PBSP, re-evaluation, and ad-hoc reports.
14. Provide advice on formal and informal data collection systems and analysis of data to support decision making and effective instructional practices.

15. Upon request by school or central office based staffs, assist with the development of transition plans, when appropriate.
16. Continue to maintain positive working relationships with internal and external constituents who support or engage in virtual IEP meeting processes.
17. Collaborate with school and central office-based personnel concerning IEP related educational needs, as requested.
18. Continue to meet IEP related professional obligations.
19. Maintain effective and efficient recordkeeping procedures as required by the District.
20. Evaluate student performance on a regular basis by providing feedback to students and parents as appropriate.

The parties also agree to the following:

- A. DFT unit members who are not able to perform the above-stated duties or otherwise engage in this program due to a self or medically ordered quarantine or isolation related to COVID-19, may, and are encouraged to, exercise protections and relief offered by the Emergency Paid Sick Leave Act and Emergency Family and Medical Leave Expansion Act, both part of the Families First Coronavirus Response Act (FFCRA).
- B. The District shall provide technological and administrative support as needed in order to enable DFT unit members to perform the above-stated duties.
- C. The validity, interpretation, and performance of this Letter of Agreement (LOA) shall be governed in all respects by the laws of the State of Michigan.
- D. The terms of the LOA shall continue through June 19, 2020, unless the parties agree to extend this LOA in writing. As with previous years, the parties will negotiate for the 2020 summer school program in a separate letter of agreement, which may address on-line or distance learning as appropriate.
- E. On May 4, 2020 and as requested after that date, the parties will virtually meet, confer, and discuss the program with the purpose of resolving issues and improving educational practices. To date the District has presented the Support Staff Distance Learning Guidance Plan (dated April 2020), which is attached hereto. The parties will continue to discuss this Plan, as indicated above, giving due assessment of the experience and results obtained in its application. Notwithstanding the foregoing, the District shall retain authority to set the curriculum or content of the Plan.
- F. Nothing in this LOA shall be construed or operate to waive, amend, abrogate, or release from any provision of the parties' collective bargaining agreement or letters of agreement. Disputes concerning the interpretation, application, or enforcement of this LOA shall be subject to the grievance arbitration procedure of the parties' collective bargaining agreement.

THEREFORE, by the representatives' signatures below, the parties agree to the terms of the LOA as outlined above.

For the DFT:

Terrence Stubs
Jakim M Wilson
Date: 5-1-2020

For the District:

Andre J Pyllan
Date: 5-1-2020

Approved: _____
Nikolai P. Vitti, Ed.D, General Superintendent