

# MINUTES

## CTA Impact Bargaining

Via Zoom

August 6, 2020

### In Attendance

Nicholas Anderson	CTA	Matthew Hazel	CTA	James Preusser	District
Robert Bixler	District	Alex Heidelberg	District	Maribel Rigsby	CTA
LeighAnn Blackmore	District	Myrlene Jackson-Kimble	District	Ladara Royal	CTA
Albert Davies	CTA	Laketa Jimenez	CTA	Elizabeth Silva	District
Wendy Doromal	CTA	Clinton McCracken	CTA	Mary-Grace Surrena	CTA
Gloria Fernandez	District	John McHale	District	Stephanie Wyka	District
Farrah Hawkins	CTA	Megan Oates	CTA		

### Additional Attendees/Guests

Jennifer Fowler	District	Mark Richard	CTA	Mike Winter	District
Lucia Piva	CTA	Krista Russell	District (Notetaker)		

### Minutes

<b>Wendy Doromal</b>	Good morning everyone.
<b>Jim Preusser</b>	I have two panelists that need to be added.
<b>Wendy Doromal</b>	For today, we wanted to do an opening statement, then Mark Richard will speak. And some members will read emails from concerned teachers. (Read opening statement)

<p><b>Mark Richard</b></p>	<p>I hope everyone heard those words. Jim and John I direct this to you. I understand that you are the center of the meetings of executive privilege that are out of the sunshine. I want to echo what Wendy said, we are at a late hour. Employees and students are soon to arrive. This pandemic is unprecedented. There has been consensus except by you two gentlemen about metrics for this pandemic. When the CDC director speaks of distance learning he uses the 5% positivity rate or lower for at least 14 days for the opening of schools. Dr. Birx and the American Pediatric Association all agree on this metric. We don't know where your science or moral compass is. Hopefully there would not be, and I am asking you, who are the doctors you are relying on, and we want names today. We want to respectfully ask those doctors how they can open schools with a positivity rate of over 10%. When are the meetings? We want to be in those meetings. Dr. Jenkins, you are watching or your note takers are watching. You are too good of a human being to say that you have an Emergency Order and health and safety will come second because of political pressure or phone calls. But, the students will come in second because of an alleged threat of loss of funding. The Governor has said that won't happen, School Boards have local control. History is replete with leaders who folded, who looked the other way, whose names never made the books. We don't want to teach that Superintendent Jenkins, this Board and Jim Preusser and John sat and said don't care what Dade does. We have not heard we can't open schools from our medical experts. You make decisions out of the sunshine because you think there's going to be some punitive measures. I am going to apologize to every student of Orange County today, you have amazing teachers in front of you. They taught distance learning last spring in an emergency. And these same individuals are unfairly pressured to open anyway. We apologize to students that some adults are letting you down including some adults I have great respect for. Some adults will whisper about political pressure and some adults will stand up to political pressure. Some adults will abandon science when they get a phone call from Tallahassee and some adults will say no. Adult leaders including Dr. Jenkins have not found their way. We will be judged. You have an order of a higher authority, ethics and science. Go back and visit your positivity. You cannot open brick and mortar with these positivity rates and without listening to science. You are taking the easy way out, you have not taken a stand, and you are worried about your jobs. You will be judged by what you have done. Today is the day we will ask you to look at the MOU and sign the MOU today. If you don't, we will move on if we are truly at impasse. Human life is precious. The letter from Dr. Jenkins began with the word grateful, she is so grateful. Dr. Jenkins that is a hollow word. Grateful is shown by deeds not your lips. Grateful is showing decisions, not easy to write emails. Heed the warnings of the health officials. This is our last chance. We want to sign the MOU with the CDC guidelines in it, to have true protections in it. We don't want any more dancing and mumbo jumbo. Jim Preusser, you are too good of a person to continue this. May we be given the strength to do the right thing.</p>
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<b>Maribel Rigsby</b>	Email: Teacher says that at her school the preplanning agenda does not match with what we are doing. I am told I am selfish for wanting to teach virtually. Some employees are not wearing masks. There are passive aggressive comments by principal and leadership. We all have to use the same power point. We are told that our president is our president and we should not make comments against him.
<b>Clinton McCracken</b>	Email: This is from an SLD Staffing Specialist. I am a mother of a two year old and a Kindergartener and Senior. I chose LaunchED for my kids. I was told today if you are not a classroom teacher, working from home is not an option. I would have to send my Kindergartner to school or let him stay at home by himself. Who do I speak to? Will I be forced to resign to keep my family safe? I worked virtually in March and completed all my job duties.
<b>Ladera Royal</b>	Email: I requested to work from home due to me and my wife being high risk. My wife is a teacher and is approved to teach from home. I was told my position as a behavior specialist was essential. I was told if I wanted to work from home I would have to get in transfer pool and get a different position.
<b>Nicholas Anderson</b>	Email: My husband has to teach LaunchED at school. Only ten teachers will be allowed to work from home. Students will be moving from class to class. It is irresponsible that the District won't tell us where the COVID-19 outbreaks are located. I feel betrayed.
<b>Mary-Grace Surrena</b>	Email: Why was I placed face-to-face? I didn't choose this. If some teachers feel they are unsafe, then they can work at home. What can I do to change this?
<b>Lakita Jimenez</b>	Email from a nurse: I created an online group for nurses. Our opinions have never been sought. The guidelines from the Manual are not clear; slide 12 and slide 46 seem to contradict. The information we get is through grapevine. Director Langa resigned and we don't know who her replacement will be. As far as PPE goes, I only received two boxes of masks... and I have no PPE either. I have not received anything for the regular school year. My workspace is still dirty. Do we track students who are sent home? We are not receiving transparent guidance. I feel unprepared. There is no consistent information.
<b>Megan Oates</b>	Email: For live lessons using Canvas, there is no instruction. BrainPop was not purchased. Training on science and social studies were not provided. We have only one social and emotional training and we need more.
<b>Matt Hazel</b>	Email: I am confused about privacy issues with LaunchED. When will training be available? It's now Wednesday. How can I plan for next week? How can PE monitor live and virtual students?
<b>Albert Davies</b>	Email: I have applied for an accommodation for being high risk. I wanted to work from home. When emailing Michael Graf I got autoreply, saying that the office was experiencing high volume. I have not been told what my schedule will be. I have a 15 minute conference tomorrow with administration. If I am granted accommodation will I be able to work from home? Another teacher is high risk, and says District must extend the same flexibility in instructional methods to every charter school that submits a reopening plan to the sponsoring district addressing the requirements set forth in DOE Order No. 2020-EO-06. In addition, the District will collect reopening plans from each charter school's governing board for approval, accommodations and has to work at school with face-to-face.

I have some comments. I received your proposal about 30 minutes ago. As you are aware, I will not speak to what is under litigation. On July 6, we received the Emergency Order from DOE. There were very specific requirements to open schools. The Board met July 14 and July 17 and on the 17th approved the Innovative Plan. Requirements for the Plan must have specific assurances. There are 7. When the Plan was submitted on July 20<sup>th</sup>, assurances were included in the Innovative Plan.

Emergency Order:

- Upon reopening in August, the district will assure that all brick and mortar schools are open at least five days per week for all students subject to advice and orders of the Florida Department of Health, local departments of health, Executive Order 20-149 and subsequent executive orders. Absent these directives, the day-to-day decision to open or close a school must always rest locally with the board or executive most closely associated with a school, the superintendent or school board in the case of a district-run school.

Assurances:

- The district must provide the full array of services that are required by law so that families who wish to educate their children in a brick and mortar school have the opportunity to do so. These services include in-person instruction, specialized instruction for students with an Individual Educational Plan (IEP) and those services required for vulnerable populations, such as students from low-income families, students of migrant workers, students who are homeless, students with disabilities, students in foster care, and students who are English language learners (ELLs).
- The district will provide robust progress monitoring to all students; tiered support must be provided to all students who are not making adequate progress. If a student is receiving instruction through innovative teaching methods fails to make adequate progress, the student must be provided additional support and the opportunity to transition to another teaching method.
- The district will work with IEP teams to determine needed services, including compensatory services for students with disabilities. School districts must immediately begin working with IEP teams to identify students who may have regressed during school closures. IEP teams must follow a student-centered approach with a commitment to ensure that the individual needs of each child are met.
- The district will work with ELL Committees to identify ELLs who have regressed and determine if additional or supplemental English for Speakers of Other Languages (ESOL) services are needed. Districts should ensure that appropriate identification of English skills has been noted and that schools have the resources to implement additional interventions and strategies.
- Progress monitoring data must be shared regularly by the district with the Department, in a manner prescribed by the Department.
- Districts must extend the same flexibility in instructional methods to

	<p>every charter school that submits a reopening plan to the sponsoring district addressing the requirements set forth in DOE ORDER NO. 2020-EO-06. In addition, the district will collect reopening plans from each charter school's governing board for approval.</p> <p>I read these to you because you heard earlier this week from our three principals. We have some students who have not been in class for six months. They are MIA. Looking at the numbers by schools, some parents have selected face-to-face from 50% to 20%. The concern is that we have a multiplicity of students that want face-to-face and need it. As we look at our Innovative Plan, we have to include face-to-face.</p> <p>We received your eight questions. We are working on #4 and # 5. We will get answers to you later today during bargaining. The Health and Safety Manual has been shared with the Florida Department of Health. They have not come back to us and said we can't open school. Where we are right now, nothing has been said that we can't open schools. We have procedures to keep staff, students and community safe. I will pause to let you walk us through your proposal.</p>
<b>Mark Richard</b>	<p>I will read to you Jim, because what you said is a misrepresentation of reality. A governor's representative said day-to-day decision to open or close a school must always rest locally with the school board or superintendent. Accordingly, the decision to open school is to be made by the School Board, subject to guidance from state and local health officials. The Emergency Order leaves it to each local district to make decisions. This provides each district flexibility to make plans. They have made it very clear it is a local decision. I appreciate what you say; you believe in one thing and believe in pressure.</p>
<b>Jim Preusser</b>	I didn't say that.
<b>Mark Richard</b>	You said you are abiding with the Emergency Order which forces you...
<b>Jim Preusser</b>	We are abiding to what the students' needs are.
<b>Mark Richard</b>	Let me speak, you said last time to stop interrupting.
<b>Jim Preusser</b>	Go ahead.
<b>Mark Richard</b>	<p>It's safety first. We will address every child's need. We care so much we will do it all. Dr. Birx and Dr. Redfield say we cannot put children in harm's way. You are putting them in harm's way. Would you put children in school with a measles outbreak, a chicken pox outbreak? An active shooter? To put a large crowd in a building, to hide behind a piece of paper when other school districts are making other decisions? Don't question our dedication to students. We will never stop. Experts are telling us it is unsafe. Orange is still a hotspot. Don't leverage students against us.</p>
<b>Jim Preusser</b>	<p>I am going to respond. No one is leveraging teachers against students. The fact of the matter is we have a vulnerable population of students. We have a number of parents who have had conversations around their kitchen tables, we have a number of students who want to be face-to-face.</p>
<b>Mark Richard</b>	When it is safe.
<b>Jim Preusser</b>	<p>Don't interrupt me. We have parents that want to come back face-to-face. We believe we have created an environment that will be safe. You heard it from the principals yesterday. Myrlene has 50% of her students who want face-to-face. What are you going to tell students when they can't do Launched at home?</p>

<b>Mark Richard</b>	When the scientists and doctors are telling you not to open schools...
<b>Jim Preusser</b>	Every doctor says that. We disagree with that assertion. We know there is 30% of students overall that want to come back. In some instances 50% or higher of the student population want to come back. And we are going to provide that opportunity.
<b>Wendy Doromal</b>	Thanks to Mark Richard for your inspiring words and speaking the truth. There aren't just vulnerable students in Orange, they are in Miami, Palm Beach, LA. But when you weigh learning loss with loss of life, you are asking too much. I want to see the people on the 9 <sup>th</sup> floor riding a bus, in a classroom or cafeteria when there no masks. I want them to see teachers who are panicked. It's the reality that teachers deal with. Parents should know that schools are not safe, there is no PPE, no protective partitions, etc. We disagree with your feelings. I have pages of questions on most every page of the Manual.
<b>Jim Preusser</b>	I will let you go through the entire proposal and will save questions for the end.
<b>Mark Richard</b>	This color system on the MOU document is confusing.
<b>Jim Preusser</b>	Go ahead and walk us through it.
<b>Lucia Piva</b>	<p>Orange color is District language. Blue color not highlighted is our previous language. Yellow highlighted is new language. (See Appendix A)</p> <ul style="list-style-type: none"> <li>• Manual to be adopted and incorporated into MOU instead of your boxes</li> <li>• MOU trumps Manual</li> <li>• Added back references to CDC</li> <li>• Direct language from CDC guidelines are added</li> <li>• #6: Choice instead of preference for high risk. Should not be forced to go into a classroom. Schools not open until gating criteria is met</li> <li>• #7: Will grant LOA personal no pay for one school year upon request. Teachers to be permitted to find outside employment while on LOA. Grant personal leave without pay upon request</li> <li>• Until gating criteria are met, schools cannot open</li> </ul>
<b>Jim Preusser</b>	We can't agree to gating. If we don't agree to the gating, it is your position that the District cannot open schools?

<b>Lucia Piva</b>	<p>Yes</p> <ul style="list-style-type: none"> <li>• #8: Clarifying language. a. b. and c. are from CDC guidelines, word for word</li> <li>• #9: Same</li> <li>• #13: Same. Direct language from CDC is quoted.</li> <li>• #16: Same</li> <li>• #17: Same</li> <li>• #19: Same</li> <li>• #20: All classes comply with social distancing, we listed those that are different to make sure they are included.</li> <li>• #21: "As provided by CBA". Put it in because we have heard that students are eating in classrooms</li> <li>• #28: New language for the District to cover cost of testing for those not yet eligible for insurance.</li> <li>• #30: Added back language that was struck by District. We want training before use of platform is implemented</li> <li>• #32: Training virtually</li> <li>• #38: 48 hours, when need equipment</li> <li>• #40: Activating OCPs school accounts</li> <li>• #44: New language about video cameras. We now understand why cameras are needed</li> </ul>
<b>Jim Preusser</b>	#48 and #49 (new language), Why are you putting in statute language?
<b>Lucia Piva</b>	<p>We are concerned about recording. It can't be used for disciplinary purposes.</p> <p>#61: Teachers will not be required to supervise students between periods.</p> <p>Language is there in order to set up classroom for social distancing. The rest speaks for itself.</p>
<b>Jim Preusser</b>	No questions right now. We are still really far apart. #6 is very concerning to me, I said that actually on Tuesday. Not sure what your position is on how to determine what the accommodation is to be when a teacher has not submitted an accommodation. Mark Richard said to just trust teachers to determine that they actually need an accommodation.
<b>Mark Richard</b>	We have enough respect to trust each other. Like the Governor said, teachers who don't feel safe can work from home, much the same as you saying you have to follow the Emergency Order. Are you willing to guarantee that every teacher who asks for an accommodation is going to get one? And while you are processing it, is the teacher in limbo?
<b>Jim Preusser</b>	I think John Palmerini has already responded to that. My concern is that we have been working with teachers to place them in their preference and by accommodation. You struck "to the extent student population allows". Every school is different. We cannot allow every teacher that has an accommodation to be at home because of the number of students in some schools due to students who want to come back.
<b>Wendy Doromal</b>	While you gave parents a choice, you gave teachers a preference. This is opposite to what I have seen in other school years when there was not an opening in electives, parents were told to try again next year. Teachers going to leave when the principal determines that one case is less serious than the other. Principals making life and death decisions.

<b>John McHale</b>	25-30% of the students are face-to-face at my school. We worked with teachers who had accommodations, to find an equitable, safe solution. This applies to a normal year, too. Student requirements are what we use to make the master schedule. I have to have teachers in the building. I will work with teachers to come to a level they are comfortable.
<b>Wendy Doromal</b>	If I send you a teacher's accommodation from your school, will you accommodate it?
<b>John McHale</b>	I will do the best I can.
<b>Wendy Doromal</b>	That's the problem.
<b>John McHale</b>	We will be utilizing small class sizes...
<b>Wendy Doromal</b>	Not reassuring when it affects lives. No teacher gets to pick who is in their classroom, they don't get to pick those who will wear masks...too many unknowns and uncertainties for you to guarantee.
<b>John McHale</b>	Send me the teacher's name offline and I will talk to them.
<b>Jim Preusser</b>	I would like for my principals to speak after Clinton speaks.
<b>Wendy Doromal</b>	Will they say something different? What you are saying is not relieving the situation.
<b>Jim Preusser</b>	We are far apart on this, and it is a difficult discussion. We have a multitude of students that want to come back. The way we wrote the proposal if a LaunchedED assignment is not available we will minimize exposure. John McHale just spoke to that.
<b>Clinton McCracken</b>	Even when teachers have submitted to Legal Services, they have not heard back. I sent one back in July, and have not heard back. I requested that during teaching to be at school, and in the afternoon during office time to work at home. I have not heard anything.
<b>Mark Richard</b>	I have three or four quick questions. Are we going to know the medical advisory group's names, when they met, have copies of the minutes?
<b>Jim Preusser</b>	I will provide a response later today.
<b>Mark Richard</b>	What is the positivity rate where you would call off school?
<b>Jim Preusser</b>	I can't answer that, it has to come from Florida Department of Health.
<b>Mark Richard</b>	Is there a number where you say it is no longer safe, compared to what experts say?
<b>Jim Preusser</b>	We will follow recommendations from the Florida Department of Health. At this point as we speak, Dr. Pino and the department are reviewing the Plan. Dr. Pino said he would let us know if there is something wrong with the Manual and if we should not reopen schools. He has not told us it is not safe.
<b>Mark Richard</b>	I am not asking for your number, what is the number that has been told to you from your experts?
<b>Jim Preusser</b>	I don't have a number, if there was a concern from the Department of Health, Dr. Pino would let us know and he would make a recommendation. He has to look at the community. He has looked at our Plan. He has not come back to say that the Plan does not allow for the safety and health.
<b>Mark Richard</b>	The Plan does not talk about community spread, # of ICU beds...metrics by which you look at to close school. Schools have had to close down after opening up. When was the last time you looked at this?
<b>Jim Preusser</b>	I understand your question. I don't speak to Dr. Pino directly.



<b>Mark Richard</b>	Who does?
<b>Jim Preusser</b>	You can go to the Orange County Health Department yourself and see the numbers. You are trying to pin me down on a number. I can't speak for Dr. Pino. I can only speak to what he said at the Board meeting. He said he would like to see our Plan and if he has concerns about the implementation he will tell us that, because it could effect the community at large.
<b>Mark Richard</b>	Teachers have a licensure responsibility to keep children safe. If a teacher who believes according to what they are hearing, that their license is in jeopardy, what are you going to do?
<b>Jim Preusser</b>	I will defer to John Palmerini on that. At this point it would be appropriate to caucus to review your proposal.
<b>Wendy Doromal</b>	I will send you the questions I have on the Manual.
<b>Jim Preusser</b>	Let's work through lunch and come back at 1 pm.
<b>Wendy Doromal</b>	Ok.
CAUCUS (From 10:45 AM to 1:30 PM)	
<b>Jim Preusser</b>	Hi Wendy, my team is joining. All should be on in a few minutes.
<b>Wendy Doromal</b>	Mine, too.
<b>Jim Preusser</b>	I want to first and foremost walk through your questions and our answers. I did receive the 60 questions you sent about the Manual. Responses will take some time. I want to talk about the eight questions. (See Appendix B) And I will give you a verbal response to the MOU.
<b>Wendy Doromal</b>	You could just email the questions you have about our proposal.
<b>Jim Preusser</b>	I will give you a verbal response to the MOU.
<b>Jim Preusser</b>	<p>Question#1: Local and state health officials who contributed to the manual:</p> <ul style="list-style-type: none"> <li>• Nemours Children's Hospital including Dr. Adriana Cadilla, Division of Infectious Diseases, Department of Pediatrics.</li> <li>• Additionally, the District provided the COVID-19 Health and Safety Procedures Manual to the Florida Department of Health – Orange County including Dr. Raul Pino, Orange County Health Officer.</li> <li>• Further, the District shared the COVID-19 Health and Safety Procedures Manual with the Medical Advisory Committee established by the Orange County School Board. To date, the District has not received a recommendation to change any procedures.</li> <li>• Medical Advisory Committee: The purpose of Committee is to assist with COVID-19 issues and to give advice on best practices. They can't advise on opening/closing of the school district, but they can advise on closing of schools. One of the members is Dr. Cadilla from Nemours who assisted us with the Manual.</li> </ul>
<b>Wendy Doromal</b>	I will need the list and contact information, meeting dates so far and meeting dates with Dr. Cadilla. When is the next meeting? And would like to have that information today. I need that notice.

<b>Jim Preusser</b>	<p>Not aware of meeting dates or any meetings so far. I wanted to be specific about the motion and voting of the Board. I will do my best to get you that information</p> <p>Question #2: Partial list of organizations used to develop procedures:</p> <ul style="list-style-type: none"> <li>• American Academy of Pediatrics</li> <li>• American Academy of Pediatrics Nurse Practitioners</li> <li>• American Industrial Hygiene Association</li> <li>• American Society of Heating, Refrigerating and Air-Conditioning Engineers</li> <li>• CA State Health Department</li> <li>• Center for Disease Control and Prevention</li> <li>• Environmental Research</li> <li>• Federal Emergency Management Agency</li> <li>• Florida Building Code</li> <li>• Florida Department of Education</li> <li>• Florida Department of Health</li> <li>• Department of Health in Orange County</li> <li>• Florida School Boards Association</li> <li>• Harvard University</li> <li>• Medical News Today</li> <li>• Journal of Occupation Environmental Hygiene</li> <li>• National Institute for Occupational Safety &amp; Health</li> <li>• National Institute of Health</li> <li>• Occupational Safety and Health Administration</li> <li>• PA State Health Department</li> <li>• The New England Journal of Medicine</li> <li>• U.S. Environmental Protection Agency</li> <li>• U.S. Food and Drug Association</li> <li>• World Health Organization</li> </ul>
<b>Wendy Doromal</b>	Utilized? Did you contact them or just read their information online?
<b>Jennifer Fowler</b>	For myself personally, I have used their websites. I don't know what others did.
<b>Jim Preusser</b>	<p>If you have questions, please get them to me. There was probably a combination of both.</p> <p>#3. (Mike Winter needs to speak to this, please allow him on) It's about Ft. Gatlin.</p>
<b>Mike Winter</b>	All work orders submitted are handled the same. Some may have higher priorities. Water intrusion is one of the highest. We had multiple issues with the condensate lines, we worked to correct the problem.
<b>Wendy Doromal</b>	Not answered. What alternate work site could be used?
<b>Mike Winter</b>	No alternate work site is needed, the problem has been fixed.
<b>Jennifer Fowler</b>	You said there was an asbestos problem?
<b>Wendy Doromal</b>	One room with floor has asbestos...
<b>Jennifer Fowler</b>	Per the EPA asbestos is a hazard response act. It will be managed in accordance with federal regulations.
<b>Wendy Doromal</b>	Let me get in touch with people there and see if there are more questions.

<b>Jim Preusser</b>	<p>#4: Most recent information on how many teachers did not complete a preference form. Were they defaulted, and if so to what category.</p> <ul style="list-style-type: none"> <li>The teacher survey closed at 5PM on July 27, 2020. At that time, 1,022 instructional personnel did not respond. When the preference form was not answered, principals contacted teachers that did not respond.</li> </ul>
<b>Wendy Doromal</b>	Every single person was contacted?
<b>John McHale</b>	We contacted everyone whose choice did not match with their assignment and contacted anyone that did not respond.
<b>Jim Preusser</b>	70% of parents responded.
<b>Wendy Doromal</b>	So 38,000 did not respond and didn't have a choice.
<b>John McHale</b>	We were provided a list of students that didn't respond and we contacted them.
<b>Wendy Doromal</b>	The District will be surveying to see how many students they did not reach. Should we ask this question in a week? I'll ask in a week.
<b>John McHale</b>	In a week, kids will be starting. So we'll know more then.
<b>Jim Preusser</b>	<p>#6: The option for staff who contracted COVID on campus to pursue Worker's Comp after they have exhausted Medical Relief of Duty and Families First Act.:</p> <ul style="list-style-type: none"> <li>To pursue a worker's compensation claim, the employee would need to establish they contracted COVID-19 on campus. If the employee establishes he/she contracted COVID-19 on campus, the claim will be processed in accordance with worker's compensation law. If the employee cannot establish he/she contracted COVID-19 on campus, the claim will be denied.</li> </ul>
<b>Wendy Doromal</b>	I am assuming if teachers stayed home all summer then school would be where they got it.
<b>LeighAnn Blackmore</b>	<p>#7: The District offered to check with IT department about the need for CTE &amp; new students to activate OCPS accounts while physically on a campus, and being marked present, to be activated 24 hours later.</p> <ul style="list-style-type: none"> <li>Brand new employees and students once registered it can take 24 hours for their accounts to be created and provisioned through our systems. Once their account is ready, the Acceptable Use Policy (AUP) and password has to be established from the OCPS network including login in to their device to cache their account.</li> <li>Secondary students must sign the AUP and establish a password. 6th graders are being exempted from the AUP process for now and can still use their password from elementary school.</li> <li>Staff members can utilize myid.ocps.net from anywhere to sign their AUP and establish a password. However, the first time they log into their device to cache their account that part must be done from the OCPS network.</li> <li>Essentially anyone using a windows device has to cache their account from within the OCPS network.</li> </ul>
<b>Wendy Doromal</b>	Do parents know they have to activate on a campus? And what if parents do not have transportation?
<b>Rob Bixler</b>	Students who already have the devices checked out would already have the access. When a new student registers, they have to pick up their device and that is when they would log in for access.

<b>John McHale</b>	When the student checks out the device, they don't leave until they are logged in.
<b>Wendy Doromal</b>	How?
<b>John McHale</b>	We make arrangements if they cannot get to school. Transportation or administration would activate the device and get it to them.
<b>Megan Oates</b>	This discussion relates to K-12. CTE students are not issued devices. Initial setup has to be on a district device—CTE students do not get a device. How do they get registered for student accounts when they don't have a student device?
<b>Jim Preusser</b>	Alex is not on today, let us check on that.
<b>Megan Oates</b>	It takes 24 hours, so some may not be registered by the first day of class. Potential loss of instructional time.
<b>LeighAnn Blackmore</b>	It goes to our security measures.
<b>Jim Preusser</b>	<p>#8: If teacher evaluations are necessary, what changes to the evaluation system are being contemplated by the District? CTA will want to bargain this.</p> <ul style="list-style-type: none"> <li>• At this time, the FLDOE has indicated that there will be no flexibilities with statutorily required evaluations. The research-based pedagogical practices in the District's state approved instructional evaluation model can be implemented with all District instructional delivery models, including face-to-face and LaunchED@Home. Training, resources, and supports for instructional and administrative personnel will be released in September 2020 to support the use of these research-based pedagogical practices in all District instructional models.</li> <li>• The District is researching any potential adjustments to the evaluation timeline and processes. The goal of any adjustments to the evaluation timeline would be made in an effort to support instructional personnel's completion of statutorily required evaluation processes and allow acclimation time to District instructional delivery models.</li> </ul> <p>Maribel you had a question about Evaluations. No flexibility on evaluations per DOE. If there is something that needs to change, we will contact you about it.</p> <p>I have some comments about MOU counter. I'll send you the medical advisory names and their specialty later this afternoon.</p> <p>MOU counter: It's not going to be every item in here. Several things we are very far apart on.</p> <p>PG 1: Manual: MOU prevails. We can't agree to this. The Manual changes will come often depending on what is going on. If the Manual needs to change and it is not identified in the proposal then we can't agree.</p>
<b>Wendy Doromal</b>	Who are the people who decides what changes? I will need their names, titles and contact information.
<b>Jim Preusser</b>	<p>The Medical Advisory Committee will advise. I'll get those for you. Are Mark or Lucia on the call?</p> <p>Lucia: I had asked you earlier about gating. The concern I have with this is that you identify the CDC, and have a direct correlation with gating, it seems as though you are referencing to the gating criteria?</p>
<b>Lucia Piva</b>	Yes, It is the intention. Incorporate by reference.
<b>Jim Preusser</b>	This is going to be a problem. The gating criteria and the phasing will put us in a situation where the schools won't open at all, so it is a problem. So you will confirm that gating criteria would be used throughout the MOU?

<b>Lucia Piva</b>	Yes. Gating criteria as put together by the CDC. I am disappointed to hear it causes a problem with you. Clearly, CDC guidelines should be followed.
<b>Jim Preusser</b>	The criteria is written in the Emergency Order and we are following the Florida Department of Health. We believe that we are not in a situation where it is unsafe to open schools.
<b>Lucia Piva</b>	We want a written statement from Orange Department of Health that given the data and metrics, it is safe to open schools right now, the way the District wants to move forward.
<b>Wendy Doromal</b>	You separated the Medical Advisory Committee, saying they can't recommend on a safe reopening. They can advise on closing. This doesn't make sense because bars are closed.
<b>Jim Preusser</b>	I understand your position. The Board voted on it. When Dr. Pino was in front of the School Board he said if there is something in the reopening manuals, he would let you know. There has been no advice from Dr. Pino or Florida Department of Health that it is unsafe to open schools.
<b>Lucia Piva</b>	Has anyone followed up with Dr. Pino since that Board meeting? Any affirmative confirmation that it is safe to open schools with respect to the District's plan?
<b>Jim Preusser</b>	We have nothing from the Department of Health that says to not open schools.
<b>Wendy Doromal</b>	I will check into it.
<b>Jim Preusser</b>	#2: Bus drivers; that is an issue with OESPA.
<b>Lucia Piva</b>	When students get off the bus, they are greeted by staff. It is a safety issue.
<b>Jim Preusser</b>	We don't agree that it is not a jurisdictional issue. You do not represent the bus drivers. I want to make a recommendation that you speak to OESPA about what they are discussing with us. OESPA is a member of the international union, speak to them. If I can get Bill Wen here, I will let him speak to that.
<b>Wendy Doromal</b>	Ron Pollard, the OESPA President is attending the call. I would like to ask him if he would like to address anything.
<b>Ron Pollard</b>	We are in negotiations and have bargaining tomorrow. We have issues with Transportation but I can't speak to your Contract and you can't speak to mine.
<b>Jim Preusser</b>	#3 and 4: Referencing CDC because of gating; we can't agree.
<b>Lucia Piva</b>	Gating criteria is meant to be incorporated in MOU. This is relevant to the subject of this item. Teachers are asking to follow the experts.
<b>Jim Preusser</b>	I understand your position. #6: This is a real problem for us. You used the word choice. What is your position if teachers don't receive choice, what is the next step for them?
<b>Wendy Doromal</b>	File for the Leave act, and long term leave up to a year. There should be other options. Teachers should not have to do face-to-face if they don't think it is safe for them. I don't understand why distance learning would not be an option.

<b>Jim Preusser</b>	You don't think teachers should have to file for accommodations. And, the leave piece you have is against Board policy where you say that teachers should be able to be employed while on leave. Teacher assignment is by school site. The principals on my committee have spoken to all teachers and are working with them to identify and meet their requests and balancing the needs of our students. Based on this language, they cannot teach a blended model. What are we supposed to do with the students that come to our schools? You have struck through the language that provides us the flexibility to address the student demand and to provide for the teacher to be accommodated to the best of our ability. That is why we are so far apart on this language.
<b>Wendy Doromal</b>	We are far apart because it is philosophical. We believe in science and data, you have vagueness, you don't need the waiver letter and you have the ability to open and close schools. We believe that health and life is more important than any other concern you can bring up. It is incorrect to paint us in a way that suggests we don't care about our students.
<b>Jim Preusser</b>	No one is trying to paint the teachers in any way. The reality is that we have a strong number of students, by school for face-to-face. We know many teachers would rather be LaunchED@Home. We have to be able to provide a level of instruction for students at the schools. Based on language you have given here, we cannot give instruction to these students.
<b>Mark Richard</b>	If 100% of the students said they would go into a place with measles you would do that? It is stunning and telling that we can't get the District to say what it would always say never to let a student, staff, get into an unsafe situation. Dr. Jenkins are you listening? We are going to take this to Dr. Pino because he has rolled the dice to say Dr. Birx is wrong, Dr. Fauci is wrong, etc. We want to come back safely. We can't get the Chief Negotiator for the District to answer. I have never seen public servants do what you have said today... "Haven't been told not to open schools". This is a lack of courage, a lack of morals, you have lost it. What is the number where you would close schools?
<b>Jim Preusser</b>	You asked this question this morning. You don't like my answers but go ahead.
<b>Mark Richard</b>	What is the number you will use to close and judge what is safe to open or not? You of course know those answers. You said you are opening the 21 <sup>st</sup> . You only say what you are paid to say.
<b>Jim Preusser</b>	That is inappropriate.
<b>Mark Richard</b>	Look in your soul.
<b>Jim Preusser</b>	All of your statements are based on the predication that we are opening unsafely. Back to what I said earlier. #6. Based on your language, what are we supposed to do with the students that are coming back face-to-face? 30% of students and teachers want to come back. If those students don't have the opportunity for success, what do they do?
<b>Mark Richard</b>	They can come back when the CDC guidelines have been met. Schools are open through distance learning. When schools meet the metrics, then we can take the highest precautions. Come back when scholars and scientists say it is safe to do so. In the meantime, teachers will be doing everything they can to help these students.
<b>Jim Preusser</b>	Where is Miami and Broward, what phase are they in? They are in Phase I according to the Governor. We are in Phase II. You are comparing us.

<b>Mark Richard</b>	Let's go to caucus.
<b>Wendy Doromal</b>	You keep saying the same thing over and over.
<b>Jim Preusser</b>	So do you.
<b>Wendy Doromal</b>	You are interrupting, I will tell you when I am done. It's not just Miami, its Chicago, LA, and New York. Just because someone makes an economic and political decision to go back to school, we can't allow that. We have a total difference of opinion. At every single meeting we have been reading emails from teachers who are terrified. Here is the deal, they are not going back if there is not PPE, if CDC will not be followed and experts say we can't open. We have Article VI.K. in the Contract to back this up.
<b>Mark Richard</b>	When we try to expedite a grievance...
<b>Jim Preusser</b>	That is in litigation, I can't speak to that. Let me say a few things. #53 and #56 are big problems. #53 is a non-starter. That is impossible we cannot agree with that. You cannot have twenty students all at home or all in the classroom. It will be split. Every school is different, every school is unique. I know of some schools that have 50% face-to-face and teachers need to be there. We have several students that have not been in school for 6 months. They are MIA. They won't show up for LaunchED.  Your reference to gating criteria is a non-starter for us. Other things I have a problem with but those 3 things are the biggest issues.
<b>Mark Richard</b>	Will you sign off on everything but these three?
<b>Jim Preusser</b>	No.
<b>Mark Richard</b>	Will you agree to CDC?
<b>Jim Preusser</b>	No.
<b>Mark Richard</b>	Other places are putting in CDC. They don't have a problem.
<b>Jim Preusser</b>	We have already had the Plan approved. Part of the Plan speaks to face-to-face. The comments about a burning building is based on a predication that we are putting students in an unsafe environment. We don't believe this. You asked me if there were medical doctors that provided input for Manual. Yes, I gave it to you. Doctors from Nemours are on the advisory committee for Board. We didn't make these decisions by ourselves. All the people on the list will be reviewing and will give us recommendations if needs to change. Saying we don't have metrics is a baseless statement.
<b>Mark Richard</b>	You keep confusing, and you are too smart not to be doing this on purpose, gating and safety for brick and mortar. Your Plan does not address the number where it could be safe. We want names of the doctors that have told you that based on today's 14-day average spread, they would say they could open. Your answer is to talk in circles.
<b>Wendy Doromal</b>	I understand what Mark Richard is saying. Something is not connecting. The District says "medical experts". I read the whole Manual. Nowhere in the Manual does it say when it is safe to do so, or list the precautions we should take to open schools. That is the key. Right now is not a safe time. Every time we ask something, you dance around. Dr. Pino never said you COULD or SHOULD open.

<b>Jim Preusser</b>	The Medical Advisory Committee doesn't give advice on whether or not to open school. It is not their role.
<b>Wendy Doromal</b>	Shame on them.
<b>Jim Preusser</b>	That is what the Board voted on. When Dr. Pino came to the Work Session, he indicated to everyone that when he had an opportunity to review the Plan, if he said it was unsafe he would say so. He has not done so.
<b>Wendy Doromal</b>	We have been told that he will not say that because he has been told by his boss, the Governor, not to say that. Dr. Jenkins said that she canceled high school graduation because Dr. Pino said it was not safe because of community spread. But the same person has not said it was not safe for schools. I have no respect for him. That is how I feel. You can say it's not true.
<b>Jim Preusser</b>	I have never done that to you. #7: The 2 <sup>nd</sup> sentence violates School Board policy. #8: You reworded it and it is fine.
<b>Wendy Doromal</b>	Can I ask you something about that policy? I know that some people have been able to work for FL DOE while on leave.
<b>Jim Preusser</b>	I don't know what you are speaking about, but I can look into it.
<b>Mark Richard</b>	The Plan, as we read it, does not have the ultimate criteria of what metrics are being followed to decide if schools will be open or closed. How is the District going to say when we are opening and when we are not and the criteria it is based upon?
<b>Wendy Doromal</b>	Hillsborough Schools has voted to have distance learning for four weeks starting August 24. There are districts that are protecting the teachers, employees and students. Fall sports are shut down because a student tested positive. You refused to give us numbers of students that contracted COVID-19 during summer school, which I think is reckless. How can we trust that the District will protect people when they don't even have PPE when the teachers started school? We have a very deep concern that teachers have been told to report to school next week, when they are teaching distance learning. Why are they going into schools and who gave that directive? Is anyone going to tell CTA?
<b>Jim Preusser</b>	There is a lot of information that we discussed today. You just mentioned PPE, is that the case for every school?
<b>Wendy Doromal</b>	It's across the District. I will send you emails.



<b>Jim Preusser</b>	<p>Throughout the day today you have spoken about Miami-Dade. They are in Phase I, and we are in Phase II. I can't speak to Hillsborough. We are in Phase II and we have not received word from the Florida Department of Health to say it is not safe. We will be opening. You say I speak in circles but so do you. We both recognize that we are far apart. The ones I mentioned at the top of this discussion are problematic for us.</p> <p>#8 a. b. and c.: This is binding us to that language, what if that changes? It has changed a couple of times. We have constant communication with the Department of Health. They say that language has changed. That is why we took out that language.</p> <p>#9 Quoting CDC: We have a leave of absence policy in place. There is no need for it to be in the MOU.</p> <p>Worker's comp, you have an answer. It came from our attorney.</p> <p>Pg 5, Physical Barriers: There may be some instances where this is occurring. I will have to get back with you.</p>
<b>Wendy Doromal</b>	There are whole districts in Florida that have installed them.
<b>Mike Winter</b>	<p>We are moving forward with installation of wellness guards. They will be installed in every front lobby at every school where the general public has access. We have confirmed that first shipment loaded on August 6, and will be delivered between August 10 and 12. We can get out at least one for each lobby area for every school by August 21 as long as shipment comes through. We will have two at High School sites and Middle Schools.</p>
<b>Wendy Doromal</b>	I was talking about classrooms. In other school districts, they have already installed these barriers for each student desk.
<b>Jim Preusser</b>	Portable or stationary on desks?
<b>Wendy Doromal</b>	Portable, desk size.
<b>Jim Preusser</b>	I will take that back.
<b>Wendy Doromal</b>	I am glad you are protecting people in the front office, but how will students and teachers be protected in the classroom? Some don't even have windows, no ventilation.
<b>Jim Preusser</b>	<p>I will have to take that back, I don't know the status of that. Thank you Mike.</p> <p>Pg 6. N-95 masks. Are you speaking about when students are not wearing masks like ESE students?</p>
<b>Wendy Doromal</b>	Yes, where students are not wearing masks. Students can get medical excuse to not wear masks.
<b>Jim Preusser</b>	<p>#16: When you are specifically referencing areas under CDC guidelines, you are referencing masks and #17 where you are referencing cleaning?</p> <p>Pg7: True for #19</p> <p>#20: Is this based on the fact that it is face-to-face?</p>
<b>Wendy Doromal</b>	All of these proposals are when it is safe to be in school. VPK is face-to-face.
<b>Jim Preusser</b>	And it's all related to the gating criteria?
<b>Wendy Doromal</b>	Yes, every clause in the MOU, says so in the preamble.
<b>Jim Preusser</b>	#21: Students cannot eat in the classrooms. Tell me a little more.
<b>Wendy Doromal</b>	We are hearing from teachers, told they have to go to face-to-face and will have students in the classroom. Students will be taking off masks to eat. What is your plan here?

<b>Jim Preusser</b>	Arrangements are being made to eat outside. What about inclement weather?
<b>John McHale</b>	I don't anticipate eating in classrooms to happen at the high school level. But in severe weather, it has happened in elementary schools to eat in rooms. It was not an everyday thing.
<b>Myrlene Jackson-Kimble</b>	At my elementary school, I don't have any children eating in the classroom with teachers. We can have appropriate room in the cafeteria. If we did that we would have to have coverage, and teachers get duty free lunch. Breakfast too.
<b>Gloria Fernandez</b>	No teachers will have lunch with students. They will get their duty free lunch. Students will be eating in cafeteria right now. We will do everything we can so teachers will not be in classroom with students for lunch.
<b>Jim Preusser</b>	Page 8: anything in blue underlined is added in. #28: Are you speaking about new employees?
<b>Wendy Doromal</b>	Is insurance available for them?
<b>Jim Preusser</b>	There is a waiting time, 59 days.
<b>Wendy Doromal</b>	Do you have a problem with that?
<b>Jim Preusser</b>	Some testing sites are free. I understand and will get back to you. #32: CDC guidelines here are gating criteria too?
<b>Lucia Piva</b>	Gating criteria is essential.
<b>Jim Preusser</b>	If gating criteria is here, and not in other places, how will I know that?
<b>Lucia Piva</b>	Gating criteria is everywhere.
<b>Jim Preusser</b>	Based on that clarification, gating is where we are far apart. #44: Seems pretty restrictive. A teacher, if they see something would need to report it.
<b>Wendy Doromal</b>	You are asking teachers to focus on students in the classroom and online at same time.
<b>Jim Preusser</b>	If a teacher sees something, they would need to report it.
<b>Lucia Piva</b>	That scenario is addressed in #51.

<b>Jim Preusser</b>	<p>#48 and #49 references a statute. So, I asked John Palmerini about it. Here is his response:</p> <p>F.S. 1012.796(1)(d) states “Each school district shall file in writing with the department all legally sufficient complaints within 30 days after the date on which subject matter of the complaint comes to the attention of the school district, regardless of whether the subject of the complaint is still an employee of the school district. A complaint is legally sufficient if it contains ultimate facts that show a violation has occurred as provided in s. <a href="#">1012.795</a> and defined by rule of the State Board of Education. The school district shall include all information relating to the complaint which is known to the school district at the time of filing.”</p> <p>The reporting requirement is mandatory. Section 1012.795 defines legally sufficient complaints to include when a teacher “has violated the Principles of Professional Conduct for the Education Profession prescribed by State Board of Education rules.” If video demonstrates the teacher has violated the Principles of Professional Conduct, Rule 6A-10.081, the District is required to report such complaint to the state. Failure to report comes with penalties, including the sanctions on certificates of district employees and loss of salary for the superintendent. If a video demonstrates a violation of the Principles of Professional Conduct, we are legally required to send such information up to the Florida Department of Education. We cannot agree.</p> <p>I can’t agree based on John’s legal opinion.</p> <p>#48 and #49 also coincide with #44</p>
<b>Lucia Piva</b>	The example you gave is in #51.
<b>Jim Preusser</b>	Is there a direct connection with #44, #48 and #49?
<b>Lucia Piva</b>	#48 deals with teacher discipline. #49 talks about when recorded without consent of teacher.
<b>LeighAnn Blackmore</b>	We can’t agree to change the meaning of legally sufficient.
<b>Lucia Piva</b>	We are open to looking at language you might propose.
<b>John McHale</b>	If a student uses a computer and records the teacher saying something inappropriate, then it can’t be used as discipline because the teacher has not consented to the recording?
<b>Lucia Piva</b>	The video language should not be the only evidence.
<b>Jim Preusser</b>	<p>We have just cause language, but I understand your position. We may have to reword that.</p> <p>#53: Non-starter the way it is written. We will have blended classes when student numbers justify it.</p>
<b>Lucia Piva</b>	Aren’t we trying to come up with solutions here? Other districts have been able to say that teachers won’t work on campus and face-to-face. How can that be in other districts and why can’t Orange do it?
<b>Jim Preusser</b>	You are not moving off gating, we won’t move off this. You have heard from principals, each principal has spoken to the reality of the situation.
<b>Lucia Piva</b>	Dade has found a solution. The District has not given us any criteria for opening brick and mortar schools. If you have one, we will consider it.

<b>Jim Preusser</b>	You have also said the gating criteria encompasses the whole MOU. Gating says we can't open until we meet a certain criteria. Based on the fact that it is unsafe. We don't believe it is unsafe. The needs of schools are different. The proposal as it is written is a non-starter.
<b>Mark Richard</b>	When we don't agree with an answer, that ploy is from an old playbook, is there anything else you need to go over?
<b>Jim Preusser</b>	Where do we go from here? Is the Union open to other bargaining dates?
<b>Wendy Doromal</b>	We want to go over our new proposal about the nine days. This proposal says it's an option to work remotely or at the school during the first nine days of school.
<b>Maribel Rigsby</b>	Since students are at home, there is no need for teachers to be on campus. This includes non-classroom instructional personnel.
<b>Wendy Doromal</b>	Everyone in our bargaining unit.
<b>Jim Preusser</b>	We don't have questions right now, my team might need to caucus on it.
<b>Wendy Doromal</b>	They can ask now, or you can go to caucus now. This is important.
CAUCUS (From 3:55 PM to 4:12 PM)	
<b>Jim Preusser</b>	The principals want to speak to the nine days proposal. (See Appendix C)
<b>John McHale</b>	I am struggling because I will be using my non-instructional personnel to make my campus safe, my deans and counselors. We have to be ready for students in two weeks.
<b>Wendy Doromal</b>	What will they be doing?
<b>John McHale</b>	Making sure we can social distance, working on arrival procedures, how traffic flow in the halls will work, procedures in place for not wearing masks, etc.
<b>Gloria Fernandez</b>	Media specialists are helping with Canvas and cameras. Even though students will be on LaunchED, we will still have students and parents needing help. We are assisting either in person or through emails and phone calls. We have registrations going on every day, we are still trying to accommodate schedules. We need to answer phone calls and establish relationships. I don't know if it can be done from home. The SAFE coordinator has to be able to get on the phone and call immediately to help students adjust.
<b>Myrlene Jackson-Kimble</b>	That's how I would use the noninstructional personnel on my campus as well. My media specialist is pushing out a lot of electronic platforms. Teachers and parents still learning these platforms.
<b>Ladara Royal</b>	Even the school where I serve, has allowed deans and counselors work from home. We have been accomplishing all those things. We have to be creative, but it can work. We have been able to cross flow with other departments as well.
<b>Jim Preusser</b>	Any other comments principals? I know you are providing proposal for entire district, it is a school by school situation. This would be problematic for them based on the needs of their schools.
<b>Myrlene Jackson-Kimble</b>	We are still distributing devices.
<b>Jim Preusser</b>	So this is specific to each school. We can't agree. Would you like to establish bargaining dates?

<b>Mark Richard</b>	<p>We have in front of the District an MOU on reopening schools. We have in front of you the Ground Rules and Principles. We've had in front of you for a while, the CDC Gating MOU. And today you have the Nine Days issues proposal. We don't know where to go anymore. We don't want the tension. We are fundamentally disappointed in the administration. I never thought we would come to this point. Teachers are heroes. Salt of the earth. We do not trust that the District has its act together. We've never been so frustrated. We will declare impasse on all four MOUs. We can't spend an inordinate amount of time at the bargaining table, but we can still bargain if need be. We believe you are not ready. Your medical screening process is flawed. We would like you to waive the special magistrate. It would be months to get to the Board if we use the magistrate. We want to move directly to the School Board as the legislative body.</p>
<b>Jim Preusser</b>	<p>Thank you for your comments. Please send the special magistrate request via email. We know this is not personal. I do understand this from a bargaining perspective and we will not close the door on bargaining. I can provide dates for next week. I will send dates to you anyway via email and you can let me know. Mark, Wendy, Lucia and Committee thank you. I will still get the answers for the 60 questions as soon as I can. Thank you and take care.</p>

# Appendix A

# Appendix B

# Appendix C