

MOUs ADDRESS WORK CONDITIONS, PROTECTIONS

Increasingly, the ACSA Professional Standards Department receives inquiries from individual members and local ACSA chapters regarding administrative employees' rights to enter into agreements or Memoranda of Understanding with local school boards. Sharon Dezutti, one of ACSA's Professional Standards Advocates, responded to our questions regarding MOU's.

Question: What exactly is a Memorandum of Understanding?

Dezutti: It is a legally binding agreement developed by mutual consent between the representative management team and the board of education of a local district. The language in the MOU addresses issues pertaining to management working conditions, hours and compensation. These agreements have various titles such as administrator agreements, management regulations or management employee contracts.

Question: Are there school districts in California that have MOUs with their administrative teams?

Dezutti: Yes, various school districts around the state have MOUs with their administrative teams.

Question: Does ACSA provide assistance to district administrative teams entering into MOUs with their respective school districts?

Dezutti: Yes, ACSA's Professional Standards Advocates provide information and guidance in developing MOUs, although the Advocates do not conduct the actual discussions with the superintendent or school board members regarding the contents of the MOU agreement.

It makes sense in today's world for management teams to have an agreement affirming certain working conditions. An MOU specifying protections, conditions of employment and salary for all supervisory managers can be a benefit to the district and the individual administrator.

Question: What are the typical issues that can be agreed upon in such an MOU document governing the entire management team?

Dezutti: Typically the MOU language defines the parties covered by the agreement, and addresses such items as salary increases and benefit levels comparable to the teachers and classified employees' contracts; evaluation procedures; due process standards for disciplinary actions; procedures for voluntary and involuntary transfers to/from "like" positions; and even rules for reductions in force for managers. The content can vary depending on the mutual wishes of the administrative team, the superintendent and the approval of the board members.

Question: Why would the superintendent and the board of education ever agree to an MOU with management?

Dezutti: Most boards of education value the individual and collective contributions made by the leadership/management team and, therefore, desire to attract, recruit, select, develop, and retain top professionals in their respective fields. Such agreements demonstrate a sincere commitment to establish a collaborative, sustained, formalized relationship that supports mutual interests.

Boards recognize that student achievement depends, in large part, upon the quality and commitment of the management team. Therefore, these agreements promote harmonious relations, a mutual trust, cooperation and understanding between the management team and the board of education.

Question: Could a MOU do away with the statutory March 15 notice to administrators?

Dezutti: No. The board cannot give away its right pursuant to the Education Code and why would they? The California legislature, in writing the provisions upon which a March 15 notice is required, intentionally guaranteed the board of education complete flexibility and authority to demote, transfer, reassign or non-reelect on a yearly basis.

Question: What are some of the reasons a management team and school district enter into an MOU?

Dezutti: There are a number of possible reasons including but not limited to the following:

- Mutual development of procedures that affect the lives, careers, working conditions, compensation of the management employees of the district;
- Consistency, stability and impartiality for administrators impacted by turn-over in district leaders and members of the board;
- Concrete practices and procedures that are not subject to the ever-changing “past practice”;
- Regulations that are not vulnerable to the shifting political winds;
- Commitment to administrators who play such an important role in the success of all students;
- Building and maintaining positive morale, fairness and equity;
- Identifying and establishing specific guidelines related to re-assignment, lay-offs and seniority.

Question: How can ACSA members get more information regarding MOUs?

Dezutti: Call the ACSA Professional Standards Department at 800-608-2272.

In conclusion, if any district would like to share its successful MOU, please send ACSA a copy to Joe Jones, assistant executive director, 3602 Inland Empire Blvd., A230, Ontario, CA 91764.

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