MEMORANDUM OF AGREEMENT (the "Agreement") entered into this 21st day of January, 2021 by and between the Board of Education of the City School District of the City of New York (the "DOE") and the United Federation of Teachers, Local 2, AFT, AFL-CIO (the "UFT") regarding Article 7 of the collective bargaining agreement between the UFT and DOE covering teachers (the "CBA") with respect to pre-kindergarten teachers assigned to Pre-K Centers and modifications to pre-kindergarten class sizes set forth below.

1. Except as expressly provided herein, this Agreement shall not in any way constitute a modification of, limitation on or a waiver of any agreement between the UFT and the DOE, including, but not limited to, the CBA (as modified by the UFT-DOE memorandum of agreement entered into on October 2018).

2. Modifications to Pre-Kindergarten Class Size Limitations:

The parties agree to modify the class size limitation for pre-kindergarten classes designated by the Department as follows:

a. The Department can designate up to seventy (70) classes from not more than a total of thirty (30) schools and/or centers that shall be subject to the modified pre-kindergarten class size limitations.

b. In the event that there is a need to increase pre-kindergarten class size from 18-20 above the 70 classes specified above the Department shall ask and secure permission from the UFT in order to do so.

c. For pre-kindergarten classes designated by the Department, the class size limit for pre-kindergarten classes set forth in Article 7(M)(1)(a) of the CBA shall be modified as follows: The size of pre-kindergarten classes shall be determined on the basis of a maximum absolute cap of 18 pupils with a teacher and paraprofessional or a maximum absolute cap of 20 pupils with a teacher and two paraprofessionals.

d. Notification to the Union:

i. The Department will notify the Union by June 1 of the schools and centers that might be designated the following school year. This list is not subject to the maximum described in paragraph 2b.

ii. The Department shall provide the Union by September 30 of each year a list of the schools and/or centers and number of classes in each school and/or center that have been designated for modification of class size for that school year. The Department may at that time request additional classes and/or additional schools and/or centers be subject to the modified class size limit.

iii. Notification will be provided to the Vice President of Elementary Schools and the Director of the UFT Grievance Department.

e. It is understood that alleged violations of paragraph 2 of this Agreement shall continue to be subject to the "Expedited Procedure for Class Size and Group Size Grievances" set forth in Article 22(B)(6) of the CBA.

f. The parties agree that in the event that the New York State regulations regarding the ratio of students to adults in pre-kindergarten classes change, the ratios set forth in this paragraph will be adjusted to comply with State Regulations.
3. Teacher Programs and Assignments in Pre-K Centers:
   a. It is expressly understood that this process only applies to UFT teaching staff in Pre-K Centers, which are district programs for 3-K and pre-kindergarten students separate and apart from District Schools.
   b. Effective in the 2020-2021 school year and thereafter:
      i. Early in the spring, time should be devoted at a faculty conference to a discussion of the procedures to be used in making assignments for the coming year. Plans, goals and available programs should also be discussed.
      ii. At that time, teachers in sites with two anticipated grade bands (3-K and pre-kindergarten) or two or more anticipated programs should be given an opportunity to fill out “selection sheets.” Schools that meet these criteria shall also include the Partner Teacher Position on selection sheets. Selection sheets shall include anticipated programs for the following year. Teachers should rank in order of priority up to their top three selections from among the available programs (and partner teacher assignment, when applicable) at the school with the understanding that, where advisable and possible, such selections will be honored. Teachers should be given an opportunity to discuss their requests with their Early Childhood Director.
      iii. Attached as Appendix A is a sample selection sheet template that applies to District Pre-K Centers only. Pre-K Centers may use this or continue to use selection sheet formats they have created and used in prior years as long as they offer the same selections as on this template. This template is limited to use in Pre-K Centers.
      iv. In centers that have both 3-K and pre-kindergarten classes, teachers must identify at least one program on each grade.
   c. Grievances hereunder may be lodged if: (1) In any year a teacher fails to be granted one of his/her stated selections; or (2) For two years in succession the teacher has been denied his/her first selection choice.
   d. Should a program not identified on the selection sheet become available after selection sheets are issued, teachers will be notified of the program and given an opportunity to express priority for the assignment.
   e. A qualified teacher who has not had a "Partner Teacher Assignment" shall have priority over any other teacher who had such assignment.
   f. Cluster Assignments: Each year a list of vacancies and the job-related qualifications required for Cluster assignments shall be made available to all teachers in the site in sufficient time to permit written application for such assignments. The selection of Cluster Teachers will be made from among qualified applicants within the site. Where applicants within the site are equally qualified, the selection will be made on the basis of seniority in the site.
   g. It is understood that alleged violations of paragraph 3 of this Agreement shall be subject to the "Special Procedures for Grievances Arising out of School Reorganization" and the "Expedited Reorganization Grievance Procedure" set forth in Article 22(B)(4) and (5) of the CBA.

4. Staff Transfer Process: It is expressly understood that this process only applies to UFT teaching staff in Pre-K Centers, which are district programs for 3-K and pre-kindergarten students separate and apart from District Schools. The parties agree that the following are the agreed upon procedures for transferring Pre-K Center staff from one site to another within a district when there is either a need to reduce staff at one site due to site closure or reduction based on declining enrollment.
A. Transfer Between Pre-K Center Sites:

1. Staff at the affected Pre-K Center site(s) will be canvased by the Early Childhood Director or designee to determine if there are staff who wish to volunteer to transfer to other Pre-K Center sites within the district with available vacancies.

2. If no staff volunteer then the least senior qualified staff at the Pre-K Center site undergoing a reduction will be transferred to a different Pre-K Center site where there is a vacancy.

B. Annual Transfer Opportunity Between Pre-K Center Sites.

1. Each year between the dates of May 15 and August 7, unless the parties agree otherwise, the Division of Early Childhood shall offer district Pre-K Center staff the chance to apply to transfer to different sites within the district. Applications will be sent to the Early Childhood Director of each district in a manner determined by the DOE in consultation with the UFT. All vacancies in the Pre-K Center sites as of May 15 will be shared electronically with all Pre-K Center staff within the district. Nothing precludes Pre-K Center staff from applying to any site within the district regardless of whether a vacancy exists at that site.

2. The Early Childhood Director or his/her designee(s) will have the sole discretion to determine whether to allow the transfer of staff from one site to another during this period. Staff selected for transfer will be notified in a manner determined by the Division of Early Childhood and Early Childhood Director in consultation with the UFT.

The Board of Education of the City School
District of the City of New York

By: 

United Federation of Teachers
Local 2, AFT, AFL-CIO

By: Michael Mulgrew
President

Date: 1/26/21

Date: 1/26/21
Appendix A:

Example Pre-K Center Selection Sheet:

This is a selection sheet template that applies to District Pre-K Centers only. This template will be modified to reflect the anticipated programs in pre-K and 3-K for the following school year. The selection sheet provided to teachers should not include programs not anticipated by the administration. You must select at least two choices, one from each grade band (3-K and pre-K) or one grade band and Partner teacher.

Stand Alone Pre-K Center Sample Selection Sheet

Please rank up to three programs below in order of preference. For Pre-K Centers that have both 3-K and pre-kindergarten classes, you must identify at least one program from each grade band.

3-K

[ ] 3-K General Education
[ ] 3-K SCIS
[ ] 3-K Dual Language

Pre-K

[ ] Pre-K General Education
[ ] Pre-K SCIS
[ ] Pre-K Dual Language

[ ] 3-K and/or Pre-K Partner Teacher