

MEMORANDUM OF AGREEMENT (the "Agreement") entered into this 12th day of March, 2020, 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, AFL-CIO (the "UFT") modifying Article 5 of the collective bargaining agreement between the UFT and DOE covering teachers (the "CBA") as set forth more particularly below.

A. Teachers of Library

Effective May 1, 2020, the existing licenses for Library Secondary School (615B) will be broadened to include all grades and will become "Library". The following is agreed upon with respect to implementation for teachers impacted by the broadened Library license:

- 1) Any teacher currently holding the Library Secondary School license will not have any change in any aspect of their terms and conditions of employment including but not limited to their seniority or completion of probation status.
- 2) Teachers currently holding the Library Day Elementary School license will have their license changed to the broadened Library license. This change will be retroactive to the teacher's date of appointment in the Library Day Elementary School license. Such teachers will not have any other change in any aspect of their terms and conditions of employment including but not limited to their seniority or completion of probation status.
- 3) Teachers who have an assignment to teach Library who hold valid State certification to teach but who are serving in a non-Library license may change their license to Library according to the following:
 - i) Such a teacher may change to the Library license with an appointment effective as of the earliest date the teacher both has been continuously assigned to teach Library and held a valid State certification in Library.
 - ii) Teachers who make such a change will be subject to all applicable laws and rules concerning the completion of probation in Library license area.
 - iii) Teachers who have already completed probation in a non-Library license will not have that status affected by any retroactive change in license pursuant to this section A.3. For such teachers, during any applicable probationary period serving in the Library, the teacher will be treated as having completed probation for the purpose of excessing. If probation in the Library license is discontinued, the teacher will revert to his/her prior license and take his/her rightful place in seniority order in the school with credit for the time served as a probationary teacher in the Library license.
 - iv) Teachers who have not already completed probation who change to the Library license will have all of their probationary service combined for all purposes including

but not limited to for excessing and toward the completion of probation, provided that a teacher must serve at least one year in the Library license to be eligible for completion of probation.

- v) A change in license under this provision will be made only upon documented agreement by both the teacher and the principal.

B. Teachers of Performing Arts Drama

Effective May 1, 2020, the existing license for Performing Arts Drama Day High School (655B) will be broadened to include all grades and will become "Theater". The following is agreed upon with respect to implementation for teachers impacted by the broadened license:

- 1) Any teacher currently holding the Performing Arts Drama Day High School license will not have any change in any aspect of their terms and conditions of employment including but not limited to their seniority or completion of probation status.
- 2) Teachers who have an assignment to teach Theater and who hold valid State certification to teach Theater or Performing Arts Drama but who are serving in a non-Theater license may change their license to Theater according to the following:
 - i) Such a teacher may change to the Theater license with an appointment effective as of the earliest date the teacher both has been continuously assigned to teach Theater and held a valid State certification in Theater or Performing Arts Drama.
 - ii) Teachers who make such a change will be subject to all applicable laws and rules concerning the completion of probation in the Theater license area.
 - iii) Teachers who have already completed probation in a non-Theater license will not have that status affected by any retroactive change in license pursuant to this section B.3. For such teachers, during any applicable probationary period serving in the Theater license, the teacher will be treated as having completed probation for the purpose of excessing. If probation in the Theater license is discontinued, the teacher will revert to his/her prior license and take his/her rightful place in seniority order in the school with credit for the time served as a probationary teacher in the Theater license.
 - iv) Teachers who have not already completed probation who change to the Theater license will have all of their probationary service combined for all purposes including but not limited to for excessing and toward the completion of probation, provided that a teacher must serve at least one year in the Theater license to be eligible for completion of probation.

- v) A change in license under this provision will be made only upon documented agreement by both the teacher and the principal.

C. Special Education

Effective May 1, 2020, teachers in a non- special education license who hold a valid State certificate in Special Education/Students With Disabilities and are assigned to a special education program, may change to the corresponding special education license based as follows:

- 1) For all purposes, except as stated below, such teachers will not have any change in any aspect of their terms and conditions of employment, including seniority.
- 2) Teachers who have already completed probation in a non-special education license will not have that status affected by any change in license pursuant to this section C.3.
- 3) Such teachers must serve one year in the special education license to be eligible for completion of probation.
 - a) During any such probationary period, the teacher will be treated as having completed probation for the purposes of excessing.
 - b) If probation is discontinued, the teacher will revert to the prior license and take his/her rightful place in seniority order in the school with credit for the time served as a probationary teacher in the special education license.
- 4) Such teachers who have not already completed probation will have all their probationary service in the non-special education license and in the special education license combined for all contractual purposes including, but not limited to, for excessing and toward the completion of probation, provided that such a teacher must serve at least one year under the special education license to be eligible for completion of probation.
- 5) A change in license under this provision will be made only upon documented agreement by both the teacher and the principal.

D. General

- 1) This agreement and consequent license changes will have no effect on excessing or any other determination where seniority is a factor that was made prior to the date of the implementation of the change.

2) If any provision of this Agreement is or shall at any time be contrary to law, then such provision shall not be enforced, except to the extent permitted by law, but such unenforceability shall not affect any other term or provision of this Agreement. Upon such determination that any provision is unenforceable, the affected teachers (if any) shall be returned to their prior license retroactive to day the change pursuant to this Agreement was made and the parties shall negotiate in good faith to modify this Agreement so as to effect the original intent of the parties as closely as possible in a mutually acceptable manner.

For the UFT:



Beth A. Norton
General Counsel
United Federation of Teachers

For the DOE:

