



INTERNAL MONITORING REPORT

To: WSD Board President and Board of Trustees
From: Wilmer Chavarria, WSD Superintendent
Re: **Annual Monitoring Report on Executive Limitations
Policy Title 2.2: Treatment of Staff**
Date: 10/09/2024

Dear Members of The Board,

Below please find my Annual Monitoring Report on your Executive Limitations Policy 2.2 "Treatment of Staff," presented in accordance with your monitoring schedule. I certify that the information contained in this report is true.

Thank you for your work in advancing the mission of our district to form students who will "lead healthy, productive and successful lives and engage with their local and global community."

Respectfully Submitted,

Wilmer A. Chavarria, NBCT
Superintendent of Schools
Winooski School District
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POLICY WORDING

Policy Title: 2.2 Treatment of Staff

With respect to the treatment of paid and volunteer staff, the superintendent shall not:

1. Operate without written personnel rules that:
 - a. clarify rules for staff,
 - b. provide for effective handling of grievances, and
 - c. protect against wrongful conditions.
2. Permit staff to be uninformed regarding the performance standards by which they will be assessed.
3. Discriminate against any staff member for nondisruptive expression of dissent
4. Allow staff to be unprepared for emergency situations
5. Violate any provisions of any negotiated contract

1. INTERPRETATION

"Written personnel rules" is interpreted as all procedures, guidelines, protocols, and expectations related to staff matters that are codified and published in writing and that are based on board-issued policy, collective bargaining agreements, and statute.

"Clarify rules for staff" means that all written personnel rules are not only created and disseminated, but that opportunities exist for employees and volunteers to ask questions and seek clarity regarding said rules so that they are less likely to commit unintended errors.

"Effective handling of grievances" means the strict adherence to agreed-upon rules related to the grievance process at every stage and the maximization of strategies to resolve personnel matters in positive and productive ways early.

"Wrongful conditions" means elements within the employee or volunteer's physical and psychological environment that are detrimental to their wellbeing especially when those elements are not a natural reality of the position's duties regardless of employer. Wrongful conditions are avoidable, arbitrary, unfair, and not based on strict adherence to administrative procedures that are policy-based, ethical, and considerate.

1. INTERPRETATION (CONTINUED)

"Nondisruptive" means speech, actions, or their absence that does not result in the willing interruption of one's professional duties to care for every student or the intentional or unintentional alteration of a noticeable portion of the school's regular routines.

"Nondisruptive expression of dissent" means any opinion, expressed in the manner that the staff member believes to be appropriate, which is in opposition to administration or the district as long as this expression, in addition to being nondisruptive as defined above, does not effectively foster an environment in which students or subpopulations of our student body feel intimidated, unsafe, embarrassed, or attacked, especially due to reasons beyond their control. This includes expressing religious nationalism, homophobia, racism, transphobia, or any prejudicial sentiment against historically marginalized populations in the USA while masking this rejective and exclusionary speech as "expression of dissent."

"Emergency situations" includes all safety hazards and situations where the staff member is expected to act outside the routine in a sudden manner.

Being **"prepared"** means feeling confident that, should an emergency arise, one is well informed and ready to make the most effective decision. Confidence in one's preparedness is built when provided materials, expectations, and training well in advance of emergency situations and when the expectations around one's role in such moments are reasonable.

The allusion to a **"negotiated contract"** refers solely to the negotiated agreement between the WSD and the Winooski Education Association and ratified by both parties.

"Violating any provisions" means that both parties accept that an action on the part of the WSD was in contradiction to a specific provision within the contract. This acceptance may occur at any stage of a grievance process or before.

2. COMPLIANCE CONDITIONS

Procedures, guidelines, protocols, and expectations related to staff matters are formally created through collaborative processes, published in writing, made visible and accessible through district channels, and go above and beyond basic requirements established by WSD Board policy, Collective Bargaining Agreements, and the law. After rules are created and disseminated in writing, opportunities are created for staff to receive regular exposure, training, and clarification so that errors are minimized.

Grievances are prevented by ensuring that every portion of the Bargaining Agreement is followed and by establishing a culture of collaboration and open communication with employees. When grievances do occur, the administration approaches the process with humility and an open mind and is willing to admit shortcomings and seek clarity. Additionally, the administration models a high standard of ethics and integrity by not seeking to engage in arbitrary processes that make the agreed-upon rules nebulous. The administration expects the Association to act in a similar manner.

Wrongful conditions are avoided by the constant and regular revision of existing procedures and practices that may result in unnecessarily burdensome or inappropriate expectations for staff and by requesting periodic feedback that is used by the administration to continually improve. Additionally, wrongful conditions are minimized by the open and transparent communication between administration and staff and the periodic revision of duties when they become objectively unattainable, or the re-training of staff when substandard performance creates a false perception of a wrongful condition.

Policies and procedures are not enacted that directly or indirectly enable administration and the superintendent to arbitrarily discriminate or retaliate against staff members expressing dissent that is nondisruptive and that centers the needs of students (when alleged "dissent" is a manifestation of prejudice at the expense of a subsection of students from a historically marginalized group, the administration is mandated to consider action). Non-disruptive dissent is protected by clarifying further what it is and what it is not. Clear rules are created to address dissent specific to certain subjects or areas within the school's business, such as library materials, curriculum, traditions, etc., and these rules continue to be created, updated, and properly disseminated among staff.

3. EVIDENCE OF COMPLIANCE (CHANGED)

2.2.1.a: The superintendent shall not operate without written personnel rules that clarify rules for staff

After starting practically from scratch, we have now created and disseminated a large number of administrative procedures that cover many aspects of the system's operations. I expect this work to continue as more policies are updated and adopted at the board level.

2.2.1.b: The superintendent shall not operate without written personnel rules that provide for effective handling of grievances

The handling of grievances is laid out in detail in the CBA and my office continued to abide by the specified process. No change has been made since the last report.

2.2.1.c: The superintendent shall not operate without written personnel rules that protect against wrongful conditions.

Rules regarding wrongful conditions are laid out in the CBA and continue to be followed.

2.2.2: The superintendent shall not permit staff to be uninformed regarding the performance standards by which they will be assessed.

After much labor and careful thought, we issued the new and updated staff evaluation process as reported to the board last month. The new system clarifies and simplifies what was otherwise made of pieces in a convoluted and redundant set of expectations, which made it harder both for staff to understand the standards under which they were assessed and for the administrators to fulfill their evaluative role in a consistent manner.

2.2.3: The superintendent shall not discriminate against any staff member for nondisruptive expression of dissent.

I have not discriminated against any staff member for any reason. "Expression of dissent," when non-prejudicial, is welcome, and a culture of transparency is expected to be fostered at all levels, with me leading by example. In addition, all staff remain covered by non-discrimination laws, the CBA, and multiple layers of administrative accountability and recourse to ensure that staff are protected from discrimination based on non-disruptive expression of dissent.

2.2.4: The superintendent shall not allow staff to be unprepared for emergency situations

We have made strides toward compliance in this area since the last report. A well-organized command structure has been established and rehearsed, a robust and clearer Emergency Operations Plan was collectively updated, and a comprehensive Options-Based protocol was created from scratch in response to new law and board policy. Staff and the larger education community are substantially more prepared today than they were a year ago.

2.2.5: The superintendent shall not violate any provisions of any negotiated contract

I have not violated any provision of the two negotiated contracts between the Winooski Education Association and the WSD. The WEA president meets with me on a standing basis to share information both ways and to maintain a productive and positive relationship between the two entities. Any claim of potential violations by the WSD administration is resolved under the provisions established in said contracts.

4. COMPLIANCE STATUS

I report **compliance**: Given the substantial progress made over the past 12 months regarding the issuing of guidance, rules, and procedures, and the overall satisfactory performance of the system under the criteria established by this policy, I am glad to report compliance. This is an improvement from last year's status.