

**Mount Diablo Unified School District (MDUSD) and California School Employees Association and its  
Chapter 43 (CSEA)  
Memorandum of Understanding Regarding AB86 and Paraprofessionals**

June 17, 2021

In compliance with AB 86 as signed by Governor Newsom on March 5, 2021 to provide supplemental instruction and support through the duration of a learning recovery program, with a priority for full-time paraprofessionals, where supplemental instruction and support shall be prioritized for English learners and pupils who are individuals with exceptional needs, MDUSD shall prioritize rehiring paraprofessionals subject to layoff or release after the expiration of the protections included for classified employees in Section 94 of Chapter 24 of the Statutes of 2020, and further increasing the number of paraprofessional staff to meet the requirements of AB 86 (on a non-precedent setting basis). Therefore, the District and CSEA agree to the following until the end of the program:

1. **Rehiring of Paraprofessionals.** In order to mitigate the effect of learning loss and in service of the stated goal of AB 86 stated goals to prioritize rehiring paraprofessionals subject to layoff or release, the following positions will be reinstated and posted:
  - a. All Instructional Assistant positions laid off or eliminated in the past 18-months reinstated at their previous FTE level and the district will offer 5 to 8 hours a day as needed, following current CSEA district seniority measured amongst others on their site, and as agreed upon by each employee by a specific date determined by the District.\*\*
  
2. **Hiring of New Paraprofessional/Instructional Assistants.** To further comply with the stated goal of AB 86 to increase the number of paraprofessional staff to meet the requirements of Education Code section 43522 subdivisions (b) and (c), the District shall hire new full-time employees in paraprofessional/instructional assistant positions. Each newly hired employees in paraprofessional/instructional assistant positions shall receive hiring bonus amount of \$1,500, subject to the following:
  - a. The timeframe of work completed before full bonus is awarded is to be decided by the District, but not before passing probation and not more than 12-months from date of hire.
  - b. For bonuses awarded before probation, member shall sign a repayment agreement if released before end of probation.
  - c. Use a \$500/\$500/\$500 plan where new hires receive \$500 upon hiring, \$500 after reaching their 6-month probation date, and \$500 after successfully completing the 2021-2022 school year.

3. **Increase of Work Hours for Existing Paraprofessional/Instructional Assistants.** Additionally, the work hours for each existing paraprofessional/instructional assistant shall be increased from the current position's FTE as needed, following current CSEA district seniority measured amongst others on their site, and as agreed upon by each employee by a specific date determined by the District up to and including full time (8-hours).
  - a. Work hours shall be increased in 30-minute increments, depending on the preference of the employee, and district need.
    - i. For example: An employee may agree to add to their permanent schedule in increments of 30 minutes, up to 1.0 FTE (8 hours)
    - ii. The decision must be made by specified date determined by the District (DATE).
    - iii. After decision is made, member must follow the CBA for any change of hours desired.
  
4. **The parties agree to meet and discuss hiring retention bonuses In order to mitigate the effect of learning loss and also in service of the stated goal of AB 86. CSEA and MDUSD will put a date no later than October 20, 2021 on the calendar to negotiate as soon as is possible.**

#### **Paraprofessional and Instructional Assistant**

The term paraprofessional above is, for this MOU, defined and limited to mean any level of MDUSD jobs categorized as funded Instructional Assistants or Special Education Assistants excluding fte funded previously by PFC or parent funds (i.e. the District is not using AB86 funds to backfill extra/additional paraprofessional positions funded previously by parent funding). \*\*\*

If the 10% threshold (currently estimated to be approximately 1.9 million dollars) as required by AB 86 is insufficient to support all the above three (3) areas, where the areas are prioritized according to the intent of AB86, the District will work to meet each area in the above order. The District may however go beyond the 10% threshold to attempt to meet all of these areas. It is noted that AB86 funding beyond the 10% designated for paraprofessionals may be used to address learning loss mitigation.

This agreement is non-precedential and will remain in place until August 2022. The MDUSD board will determine if these fte's (in terms of number of positions or level of hours) will be later reverted to their levels as they existed prior to June 23, 2021. MDUSD will follow all required Education code and MDUSD-CSEA Collective bargaining requirements as needed in terms of notice, reductions and layoffs as needed.

NOTE: Subject to the CSEA 610 process and CSEA Charter 43 and Board ratification.  
Instructional Assistant and Paraeducator is defined in Education Codes 45343(a) and 45330(a).

### Notes and Appendices:

\*\* Clarifications on letter to members about the possibility of extra hours. In collaboration with the school district: develop a letter to go out to current and any laid-off/eliminated IA:

- District should provide in the letter :
  - An offer of reinstatement if letter is going to someone who is not currently in paid status/on the reemployment list.
    - Unit member should know the current offer for work in terms of hours and site
      - Have an option to accept by a certain date
      - Have an option to request extra hours, if needed by district and if any are desired
  - Information about current member's hours and site for the following school year and the option to elect the desire for extra hours if any.
  
- What member should provide back to the District:
  - Desire for extra hours if any, but no more than 8 hours total (FTE of 1.0).
  - If yes, how many more in hours and/or 30min increments would you like?
    - i.e. "2 hours and 30 minutes" or "30 minutes only" or "Take me up to 8 hours"
  - No extra hours for me, thanks.
  
- Information members need to know about the extra hours:
  - Extra and/or requested amount of hours may not be available for all members.
  - Extra hours may be in the AM or PM – no guarantee on how additional hours will be given.
  - Hours will be given according to seniority at your site and the needs of the students at the site.
  - Extra hours may be worked in general education or special education no matter your classification.
  - Member will remain at their assigned site:
    - Any potential changes will follow the CBA

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**Appendix A: Classifications considered Paraprofessional or Instructional Assistant:**

**(Instructional Assistant and Paraeducator is defined in Education Codes 45343(a) and 45330(a).)**

**CSEA Classifications included in this**

- Instructional Assistant
- Instructional Assistant – Bilingual
- Instructional Assistant – Visually Impaired
- Senior Instructional Assistant
- Senior Instructional Assistant – Bilingual
- Special Education Assistant I/Classroom
- Special Education Assistant I/IEP
- Special Education Assistant II/Classroom
- Special Education Assistant II/IEP
- Special Education Assistant/General Education Assistant III
- Special Education Assistant IV/Behavior Assistant
- General Education Assistant, Behavior Assistant
- Assistant to Deaf and Hard of Hearing I
- Assistant to Deaf and Hard of Hearing II
- Educational Interpreter
- Instructional Assistant Computer

For the District:



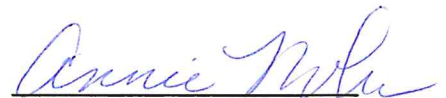
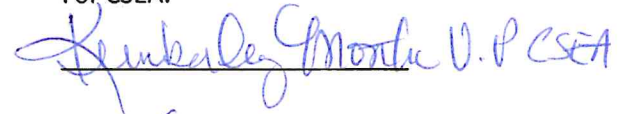
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For CSEA:



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