

## **BTU Teacher Bargaining Unit ~ Staffing FAQ**

- **What is my Primary Program Area (PPA) and why is it important?**

We can only have one Primary Program Area. It is the subject/grade(s) we have been teaching in usually for the last couple of school years. The current school administrator in conjunction with the Office of Human Capital who should refer to Appendix A of the BTU contract (Teacher Program Area) to identify and designate the PPA of each teacher based upon what subject/program/grade the teacher is teaching and their acquisition of the proper license to teach in that subject area. Teachers can't change their own PPA. Teachers should inspect the seniority list annually to make sure the subject/grades listed directly under their name is what they are teaching in. It is the subject/grade teachers will be excessed/laid off by in conjunction with their seniority date so it is important to be aware of and monitor.

- **In addition to a primary program area (PPA), don't teachers also have an active alternative/additional program area (APA) in BPS if they have a current MA license on file at Office of Human Capital (OHC) in case they want to apply for a position using that certification?**

No. In addition to having an active license in the subject area teachers are currently teaching in *aka* their primary program area (PPA), teachers to acquire an alternate program area, must fill out an 'Application for Additional Program Area(s) in Boston Public Schools' [attachment 2] Superintendent's Circular HRS -HR-7 "Staffing Reassignment and Hiring for School Year..." which must be submitted on or before February 1<sup>st</sup>. In order for the active license to be considered an APA in Boston, one of the following criteria must be met, in addition to submitting the application;

- Teacher's state cert must be 5 years old or less. This means they need to have obtained it for the *first* time, not just recertified it, within the last 5 years.
- Submit 15 course credits [grad or undergrad] earned within the last 5 years, which are relevant to the cert area.
- A mean score on the National Teachers Exam earned within the last 10 years.
- Two years of teaching experience within the last 10 years where the teacher taught at least 50% of the week or more all year in that subject area. In order to verify this, the teacher must obtain and submit with the application, a letter from their principal detailing the specific years they taught the subject area 50% of the week or more.

The contract reads, "Teachers may be considered for transfer in any subject area in which they recertify under the 1993 Massachusetts Educational Reform Act, even if they do not hold an active Boston Program Area; however, a schools Personnel Subcommittee shall not be required to select any such individual." Often, if a teacher applies to transfer in an area that they do not hold a BPS APA, OHC will not forward the info to the school for consideration.

- **How do I interpret the BPS seniority list?**

The seniority list for BPS employees in the teachers bargaining unit includes only those teacher bargaining unit members who have obtained (PTS) Professional Teaching Status or as BPS refers to it; permanent status. Provisionals or those in acting positions are not included, and thus have not obtained seniority in this district. It is very important to annually review the seniority list to make sure your information is up to date, to see what status your licensure is in, what your (PPA) Primary Program Area is listed as, whether your (APA) Alternate Program Area(s) are up to date, and to monitor your seniority order by PPA in your school/district. The list is usually updated mid-January of each school year, just prior to the staffing season and on-line on the BPS website.

The teachers' seniority list is aggregated in three separate ways. Each of these lists contains the same information that is grouped in a way that accesses the information differently. One way is by **alphabetical (alpha) order**: this list contains all permanent teachers in the district listed by alphabetical order irrespective of their PPA or school/department. The second way is by **(PPA) Primary Program Area**: this list reflects all of the teachers aggregated by the PPA they are currently listed in by seniority order. This second list is especially helpful for teachers in lower incidence areas such as Art as they can see how many other teachers in their discipline are in the district and where they fall in seniority order in case of layoff, etc. The final way teachers are listed is by **School which the district calls Dept.** This is the most useful seniority list to usually reference as it lists the teachers at each school by their PPA. This is the list that informs teachers where they are located in seniority order by the program they are teaching within the school/department they are assigned. When referencing these seniority lists, it is always important to remember that provisional teachers who are teaching at their schools/departments are not listed, but are legally considered the least senior in any area due to the fact that they have no seniority as a provisional.

There are also a group of seniority lists for the smaller in number groups contained within the teacher bargaining unit including but not limited to nurses, SLP, OT, PT, COSSES, etc. These smaller groups are only listed straight up in seniority order; there is no other list in which they are contained as there are for teachers.

The following info describes how to read the seniority list by deconstructing the form. Look at the top row of labels listed vertically above the top line on the page of the seniority report. Start at the far-left side of this area of the form. Employee ID # speaks for itself. Directly next to the actual ID# in the body of the report will be the teachers name, last name then first name as it officially appears in the BPS records. Very important is what is listed directly below the teachers' name - Primary Program Area (PPA). This is what each teachers PPA is listed as for purposes of excessing, layoff and is supposed to reflect what the teacher has been teaching. Please keep track of this designation as it is how each teacher is listed on the school's roster. Only the school's administrator in conjunction with Office of Human Capital (OHC) can change this

designation. However, if it is absolutely not what the teacher is teaching, that teacher should question it with their school/department administrator and let their respective BTU Field Rep know as it could result in the teacher being wrongfully excessed, etc.

Looking back to the top line of the seniority report page is listed Dept ID which is the number for the school and next to it is the Dept. title which is the name of the school the teacher is assigned to. Below the top line, on the same level and to the right of the PPA, is the Alt. Program Area. This indicates whether a teacher may have activated an additional program area through filling out a form the SY prior in the Superintendent's Circular HRS #7 on Staffing documenting that the teacher has fulfilled the contractual requirements to add this Program Area to the seniority report as their Alternate. The requisites to do so are enumerated in the contract as well as in the afore mentioned Superintendent's Circular on Staffing. Activating an Alternate Program Area is a component of the process that the teacher is in charge of initiating and once approved by OHC, is good for 5 years.

Further along the top line of the seniority report form are designations for Gender, Equity Group, Veterans Status and Score. Next is listed Init (initial) Perm Date; Erlst (earliest) Service Date; followed by the most important - Seniority Date – the third date in from the left of the form. This is a date you should commit to memory as it is a very important fact that can affect your status in the district. Beyond this date are designations for provisional dates temporary (substitute) time a teacher may have worked in the BPS.

On the form, directly below the seniority date is the designation of "License Title". Under that heading is a list of the areas/subjects a teacher is certified in. To the right of that is the heading "Stage" referring to the level of the licensure (Preliminary, Initial, Professional). It is the goal to obtain Professional level licensure. A teacher can only teach for 5 school years on the Preliminary and Initial level in each of the certification areas they have and then if the teacher doesn't apply for a one-time extension prior to the expiration or take the actions necessary to move their licensures to the next level-the licenses expire. To the right of that on the seniority report form, is the heading "Level" which designates the grade span this license the teacher has covers. Finally, to the right of that on the form, is the heading "Exp Dt" (expiration date). This is the date that a Professional level license must be renewed or it will expire thus rendering the holder of said license unemployable in a Mass. public school district. The responsibility for keeping track of the stage, level, and expiration date of licenses falls directly with the individual holder of said licenses: the teacher. It is not up to anyone else, the district or DESE to remind the teacher of the status of their respective license and the actions that must be taken to advance or renew them. Please review this very important info on a regular basis and visit the DESE/DOE website to obtain salient info on the course of action to take in order to maintain your licensure. Without it, as with a car, one can't operate the vehicle or teach the children.

If you have the same PPA as a colleague in the district and you both have the same seniority date – how is the most senior teacher determined? There is a mechanism for breaking the tie if the latter is the case. When the PPA and seniority dates are identical the first component to be consulted to break the tie is the "earliest service date" on the seniority list. If these two dates are

identical, the next component in the tie breaker is to consult the “initial permanent date”. If these two dates are also identical for both teachers, then “veteran status” must be consulted with the veteran winning the tie. If both teachers are veterans, then the disabled veteran wins the tie. If neither or both teachers are veterans, then the final tie breaker is a flip of the coin by the administrator with both teachers who are tied present!

- **What are school “attachment rights”?**

“Attachment rights” apply primarily to all ‘traditional’ BPS schools as well as those pilot and innovation schools whose Election to Work Agreements (EWA) do not clearly eliminate attachment rights.

“Attachment rights” are to a school based upon a permanent teacher’s PPA and by each individual teacher bargaining unit member’s city-wide seniority date. If a school has a reduction in the amount of math teachers needed in a middle or high school, the least senior teacher with math listed as their PPA would be the one to be involuntarily excessed from the school. So, the least senior teacher in a given PPA will be the one to be involuntarily excessed if there is a reduction in the number of teachers required by a school in that teacher’s program area and grade span of certification.

In an elementary position, the teachers have attachment rights by their PPA (Elementary/ECE, etc.) as well as the particular grade they’ve been teaching in. If there is a reduction in the third grade, the least senior third grade teacher will be excessed from that grade. If there is another opening/vacancy or a provisional teacher in their PPA in the school, the excessed third grade teacher is able to fill that position. If there is not a vacancy/provisional in the teacher’s PPA in the school, then the teacher is involuntarily excessed from the school.

If a permanent teacher is on leave, they must return within a calendar year by the exact date the leave began, in order to retain their attachment rights back to the school that they took an approved leave from. A position in the school in their PPA must also exist for them to return to. Any teacher unit member must also in writing, notify the OHC by January 15 that they will be returning to the school they are on leave from in September to maintain their attachment right back to the school. Failure to so notify OHC in writing by that contractual date, will result in the teacher’s forfeiture of their attachment rights to the school. If this occurs, the teacher will then be excessed from said school and will have to aggressively apply for open posted positions elsewhere in the district.

- **If I’m a permanent teacher, can I voluntarily excess myself from my building?**

Yes, you can, but we generally do not advise it. If you excess yourself and do not get hired, you may be assigned to a “Suitable Professional Capacity” position, without rights to continue in that position after a year. So unless the situation at your school has become so untenable, that you are willing to risk being placed as a “suitable professional capacity” teacher, you may want to

not self-excess, but rather aggressively apply for positions in other schools for the upcoming school year. If you do not obtain a new position, you will return to your current school and placement. If you were to self-excess, and you were unable to obtain a new position through postings, you would not be able to return to your current placement and may then be placed at a school in a “Suitable Professional Capacity (SPC) placement”.

If you still choose to self-excess, a permanent teacher must fill out a form *in* Superintendent’s Circular [attachment 1] of Human Resource Superintendent’s Circular HRS-HS-7 *Staffing, Reassignment and Hiring for SY...*” The application asks the teacher to return the form to the Principal of their school. A teacher is welcome to do so, however, in order to ensure the application is received by the deadline of February 1<sup>st</sup> at the Bolling Building, the teacher should submit it directly to OHC, as well as the Principal. Provisional teachers are not able to self-excess themselves. Please contact your respective BTU Field Representative with any additional questions or concerns relative to this matter.

- **Should the school administrator request a permanent teacher to excess themselves?**

Administrators should not be directing teachers to excess themselves. Teachers can’t be compelled to do so. Excessing is not justified unless a position must be eliminated due to a reduction in the school’s budget, a decline in enrollment or similar factors.

- **How is a permanent teacher involuntarily excessed from a school/program?**

In “traditional” schools or in other BPS schools with “attachment rights”, administration can excess permanent teachers if there is a reduction in the teacher’s listed PPA and the teacher is the least senior in that PPA in the school based upon city-wide seniority in the school district and all provisional teachers in that school in that PPA have been noticed for non-renewal. The notification for involuntary excessing must be officially done by the Office of Human Capital *prior* to the upcoming school year initial on-line posting of job openings, usually around March 1<sup>st</sup>. In non-traditional schools, permanent teachers should be excessed by February 1<sup>st</sup>.

Being excessed as a permanent teacher does not allow a teacher to collect unemployment. Excessed teachers are employed in the district for the upcoming SY, as long as there’s a provisional teacher whose position the excessed teacher is qualified to fill. The location of the excessed teacher’s new assignment just has not yet been determined.

- **How are permanent teachers laid off?**

If there is a reduction in the number of teacher bargaining unit members in a particular Primary Program Area in the district, teachers in that particular PPA can be laid off in reverse seniority order based upon the city-wide seniority list in that identified PPA. All provisional teachers teaching in that PPA would have to be non-renewed and only then can a permanent BPS

teacher be laid off. The least senior permanent teacher (newest seniority date) would then be laid off. The BTU-BPS contractual deadline for notifying permanent BPS teachers of layoff is June 1<sup>st</sup>.

Permanent teachers who receive a layoff letter can apply for unemployment after the last day of that given school year. If they are recalled or apply for and obtain another position in the BPS sometime during the summer for the upcoming school year, they must discontinue the unemployment benefits at the time of re-hire..

- **If I want to apply to a position in another school, are there any time limits to do so?**

If you apply to the position at another school and are hired into it officially by OHC by the end of the school year, you are fine. If you apply for a position and have not yet been officially hired by the beginning of July, then your current administrator, the administrator/personnel sub committee of the school you wish to go to, as well as OHC, need to all agree to release you to that position prior to hiring you. Your current administrator and/or the OHC have the ability not to release you from your current school. At that time of year, the OHC is the final arbiter as to whether or not your move to another school is allowed.

- **Why aren't provisional teachers excessed?**

Provisional teachers have no legal 'standing' in the district unless/until they are granted Professional Teaching Status (PTS) which is what the BPS calls permanent status. They do not obtain seniority until that time. Provisionals are treated legally as having a fixed duration (one (1) year) of employment from school year to school year. If the school or OHC does not plan on renewing their provisional teaching contract for the upcoming SY, the OHC must officially "non-renew" them by June 15<sup>th</sup> for the following SY. This is based upon MA state law.

- **When do programming preference sheets come out?**

The contract states, "*No later than February 1<sup>st</sup>, programming preference sheets shall be distributed to all teachers.*" For High and Middle School teachers it reads, "*Programming preference will be honored to the extent consistent with the provisions of this Agreement [contract]. All preference sheets shall be returned by March 1.*" This means that a 'preference' is just that, it does not mean that the teacher is guaranteed their choice as submitted. The contract also details, "*On or before February 1, a list of all non-teaching assignments for which administrative periods are given in a teachers' program shall be posted in each school. These assignments may be applied for in the teacher's program preference sheet as herein [within the contract] provided. An applicant for such a non-teaching assignment who does not receive the assignment shall, upon his/her request, be given the reasons for not having been selected by the Principal or Headmaster.*"

- **What does it mean to be a “permanent” teacher in BPS?**

So-called ‘**permanent**’ **BPS teachers** actually have what General Law c. 71, s. 41 refers to as **professional teacher status or PTS**. This section of the law reads: “For the purposes of this section, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist who has served in the public schools of a school district for the three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, upon the recommendation of the principal, may award such status to any teacher who has served in the principal’s school for not less than one year or to a teacher who has obtained such status in any other public-school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.”

G.L. c. 71, s. 42 section of the same law states: “A teacher with professional teacher status, pursuant to section forty-one, shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards developed pursuant to section thirty-eight of this chapter or other just cause

A teacher with professional teacher status may seek review of a dismissal decision within thirty days after receiving notice of his dismissal by filing a petition for arbitration with the commissioner. . . .”

- **How does a provisional teacher become a “permanent” teacher (with PTS) in BPS?**

According to state statute/law, a teacher must teach for more than 3 full *consecutive school years*, in the same public-school district, holding valid MA licensure/DESE qualifications in the area/grade they are teaching in, receive a ‘proficient’ or above rating on all 4 areas of their 3<sup>rd</sup> provisional year’s summative evaluation/assessment, and then be hired for their 4<sup>th</sup> consecutive school year in the same district in an area of their certification. If the teacher is not sent a timely (by June 15th) non-renewal notice in their third consecutive year of service, they are deemed renewed for their fourth year of service. Permanency cannot be acquired on the basis of per diem substitute teaching service and generally involves a provisional teaching contract for each of the teacher’s 3 consecutive years.

- **When do principals make recommendations to grant permanent status to provisional teachers?**

According to the contract, *“Principals will be required to make recommendations as to which provisional teachers they want to make permanent teachers by February 1<sup>st</sup> of each year.*

*Principals will be notified by February 15<sup>th</sup> if their recommendations have been approved. The Superintendent shall make permanent appointment of provisional teachers by March 27<sup>th</sup>.*

- **Can I be required to teach out of my primary program area?**

No. The contract clearly states, *"No teacher shall be required to teach out of certificate and no teacher will teach out of certificate if it prevents others from being appointed from the rated list. A teacher may consent to teach outside of his or her primary program area to avoid being voluntarily excessed, provided the teacher is state certified and the assignment does not cause the layoff or prevent the recall of another teacher."* In addition, state law prohibits the teaching of subject areas for which the employee is not licensed unless a valid waiver is secured by BPS from DESE.

- **What is the role of the School Site Council's Personnel Subcommittee in hiring?**

The role of the Personnel Subcommittee of the SSC is mandated to:

- 1.) Interview and approve the hiring of BTU teachers' bargaining unit staff, the in-transfer of BTU teachers' bargaining unit staff from other schools in the system as well as outside applicants to the Open Posting lists throughout the entire school year.
- 2.) Approve the selection of Lead Teachers, [school based] New Teacher Developers, and new athletic coaches; and
- 3.) Determine the schedules and procedures for reviewing candidates for positions.

The Personnel Subcommittee is comprised of the Principal/Headmaster, two teachers and one parent as well as one student on the high school level [who are elected members of the SSC]. Decisions are urged to be made by consensus. Decisions need to be formalized by majority vote with the Principal/Headmaster voting with the majority. The decisions of the Personnel subcommittee are not subject to the approval of the School Site Council as a whole. The Personnel Subcommittee is required to meet for all hires made from the beginning of one school year through the last day of the same school year.

There is a way to involve others on the Personnel Subcommittee who possess more expertise in a particular position to be filled. Teacher and parent representatives on the SSC may designate temporary replacement representatives on the Personnel Subcommittee according to the positions being filled. These temporary replacements do not need to be members of the SSC. For example, a special education teacher may replace a teacher on the Personnel Subcommittee when a special education position is being filled, only if the elected SSC BTU members [or parents] choose to do so. The administrator cannot appoint people that they choose. It is up to the BTU elected SSC members to caucus on their own to elect the two that will be the BTU Personnel Subcommittee members. It is prudent to also elect an alternate in case one of the two selected is unable to participate on a particular day/time. BTU members are not obligated to select someone that possess a particular expertise that is a BTU member to serve on the Personnel Subcommittee. It is entirely up to the BTU SSC members as a whole to



decide this option on their own. They cannot be compelled to do so by the administration. The same is true of the parent members. SSC parents select their own member to serve on the Personnel Subcommittee as their representative by caucusing on their own to do so. On the high school level, the two elected SSC student's members also select which one of them will serve as a member of the Personnel Subcommittee.