

Berkley Public Schools

**BASIS FOR PERSONNEL POLICIES**

**Policy #3000**

- 3000.1 Realizing that there are distinct advantages in directing human effort by policy, the personnel policy of the school system shall be designed to guide, appraise, and motivate individuals toward maximum contribution and fulfillment. It is felt that adherence to such policy will result in fair treatment to all personnel and minimize inconsistency in decisions affecting individuals.
- 3000.2 All policy shall be evaluated by its contribution to improved organizational effort.
- 3000.3 Among the sources which form the foundation for personnel policy are:
- 3000.31 The General Laws of the Commonwealth of Massachusetts which pertain to “teachers” as certified personnel and the requirements for teaching in Occupational Education as issued by the Division of Occupational Education.<sup>1</sup>
  - 3000.32 The specific provisions of the current agreement between the teachers association and the school committee.
  - 3000.33 Principles of good school personnel administration as detailed in research and in the literature.
  - 3000.34 The Code of Ethics of the Education Profession.
  - 3000.35 In accordance with the laws of the United State and the Commonwealth of Massachusetts there shall be no discrimination against any teacher on the basis of race, creed, color, age, sex, national origin, marital status, or memberships or lawful participation in or association with the activities of the teachers association.

Adopted: May 8, 1973  
Reviewed: Dec. 5, 2006  
Reviewed: Dec. 1, 2010

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<sup>1</sup> General Laws, Chapter 71

Berkley Public Schools

**PROFESSIONAL JOB DESCRIPTIONS**

**Policy #3001**

- 3001.1 It is the responsibility of the School Committee to develop a job description for the Superintendent of Schools.
- 3001.2 It is the responsibility of the Superintendent to develop job descriptions for Principals.
- 3001.3 It is the responsibility of the School Committee and the Superintendent to develop job descriptions for system-wide administrative positions including the Administrator for Student Services, Head of Building and Grounds Maintenance, Cafeteria Manager, and any other system-wide administrative position.
- 3001.4 It is the responsibility of the Superintendent and Principal to develop job descriptions for building-level positions.
- 3001.5 The School Committee will be given the opportunity to review all personnel job descriptions annually.

Adopted: January 27, 1997  
Amended: Jan. 8, 2007  
Reviewed: Dec. 1, 2010

Berkley Public Schools

**OFFICIAL PERSONNEL FOLDER**

**Policy #3020**

- 3020.1 The Superintendent of Schools shall keep on file in his/her office a personnel folder for each teacher. The file shall be updated annually. Teachers shall be required to furnish or aid in the acquisition of information at the request of the Superintendent to complete or revise the following:
- 3020.11 completed application,
  - 3020.12 undergraduate and graduate transcripts and work experience information,
  - 3020.13 teaching certificate (or duplicate thereof),
  - 3020.14 health examinations, sick leave and other records related to the teacher's ability to fulfill the duties and responsibilities of the position,
  - 3020.15 evaluations, letters of appraisal or letters of reprimand,\*\*
  - 3020.16 other records as needed.
- 3020.2 At the written request of the teacher, and by appointment, the teacher is permitted to inspect the contents of his/her personnel folder, files, cards and records, and to make copies of such contents and records as concern his/her work or himself/herself.<sup>1</sup>

\*\*Per Agreement Between Berkley Teachers' Association and Berkley School Committee (9/1/09-8/21/12), "No material derogatory to a teacher's conduct, service, character, or personality shall be placed in a teacher's file unless the teacher is notified that such material is being placed in the file".

Adopted: May 8, 1973  
Reviewed: Dec.5, 2006  
Amended: Jan. 10, 2011

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<sup>1</sup> General Laws, Chapter 71, Section 42C

## Berkley Public Schools

### LEGAL RESTRICTIONS ON TEACHERS

### Policy #3030

- 3030.1 No Committee shall by rule, regulation, or otherwise, restrict any teacher in, or dismiss him/her for, exercising his/her right of suffrage, signing nomination papers, petitioning the general court or appearing before its committees, to the extent that such rights, except voting, are not exercised on the school premises during school hours, or when their exercise would actually interfere with the performance of school duties.<sup>1</sup>
- 3030.2 A member of the School Committee of the town or any of the town or cities of a union or regional district in which the town participates may not hold a teaching position in this district.<sup>2</sup>
- 3030.3 Whoever by speech or by exhibition, distribution or promulgation of any written or printed document, paper or pictorial representation advocates, advises, counsels or incites assault upon any public official, or the killing of any person, or the unlawful destruction of real or personal property, or the overthrow by force or violence or other unlawful means of the government of the commonwealth or of the United States, shall be punished by the imprisonment in the state prison for not more than three years, or in jail for not more than two and one half years, or by a fine of not more than one thousand dollars;
- 3030.31 provided that this section shall not be construed as reducing the penalty now imposed for the violation of any law,
- 3030.32 it shall be unlawful for any person who shall have been convicted of a violation of this section, whether or not any sentence shall have been imposed, to perform the duties of a teacher or of any officer of administration in any public or private educational institution,
- 3030.33 and the superior court, in a suit by the commonwealth, shall have jurisdiction in equity to restrain and enjoin any such person from performing such duties thereafter;
- 3030.34 provided, that any such restraining order or injunction shall be forthwith vacated if such conviction shall be set aside.<sup>3</sup>

Adopted: May 8, 1973  
Reviewed: Dec. 5, 2006  
Reviewed: Dec. 1, 2010

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<sup>1</sup> General Laws, Chapter 71, Section 44

<sup>2</sup> General Laws, Chapter 71, Section 52

<sup>3</sup> General Laws, Chapter 264, Section 11

Berkley Public Schools

**REGULATIONS FOR CONDUCT OF TEACHERS**

**Policy #3100**

(As required by Chapter 71, Section 37G)

- 3100.1 The School Committee encourages and expects teachers to abide by the standards of conduct outlined in their own code of ethics.<sup>1</sup>
- 3100.2 The School Committee's existence and power are established by the General Laws of Massachusetts.<sup>2</sup> Teachers have the responsibility of abiding by the written policies adopted by the School Committee and included in the official policy manual. Further, they must abide by regulations promulgated by the Superintendent to carry out the policies of the School Committee.
- 3100.3 The School Principal and Superintendent have the power and responsibility to take action with reference to the misconduct of teachers by virtue of specific sections of the General Laws. Here are three among a number of sections of the General Laws which pertain to the misconduct of teachers:
- 3100.31 A teacher (employed at discretion) may be suspended "...for unbecoming conduct or other good cause."<sup>3</sup>
  - 3100.32 A teacher (employed at discretion) may be dismissed "...for inefficiency, incapacity, conduct unbecoming a teacher, insubordination, or other good cause".<sup>4</sup>
  - 3100.33 A teacher may not "...engage in, induce, or encourage any strike, work stoppage, slowdown or withholding of services."<sup>5</sup>
- 3100.4 Teachers will abide by any provisions relating to conduct, which are a part of the current agreement negotiated by the duly authorized bargaining agent for teachers and the School Committee.
- 3100.5 In addition to the above, the School Committee hereby establishes the following specific regulations pertaining to the conduct of teachers. Each teacher shall:
- 3100.51 Make adequate advanced preparation of lessons.
  - 3100.52 Know and follow regulations for emergency drills and other provisions established for the health, safety, and security of the pupils.
  - 3100.53 Supervise pupils and maintain discipline during regularly scheduled instruction and homeroom periods.

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<sup>1</sup> Code of Ethics of Education Profession, latest revision as approved by the Representative Assembly of the National Education Association, July 5, 1968

<sup>2</sup> General Laws, Chapter 71, Sections 16 and 37

<sup>3</sup> General Laws, Chapter 71, Section 42D

<sup>4</sup> General Laws, Chapter 71, Section 42

<sup>5</sup> General Laws, Chapter 149, Section 178M

- 3100.54 According to policy and administrative regulations, provide notification to the school in case of absence from duty.
  - 3100.55 In case of absence, provide complete lesson plans and instructions for the substitute.
  - 3100.56 Have health examinations and x-ray diagnoses as required by law and School Committee policy.
  - 3100.57 Take reasonable care of school district property including classroom, furniture, equipment, and supplies.
  - 3100.58 Not exclude, on the basis of race, color, creed, or national origin, any student from participating in any school program.
  - 3100.59 Keep in confidence information that has been obtained in the course of professional service unless disclosure serves professional purposes or is required by law.
  - 3100.510 Not privately tutor for remuneration students assigned to his/her classes unless no other qualified teacher is reasonably available and permission is granted by the administration.
  - 3100.511 Not use institutional privileges for private gain or to promote political candidates or partisan political activities.
  - 3100.512 Not accept gratuities, gifts, or favors which might impair or appear to impair professional judgment, nor offer any favor, service, or thing of value to obtain special advantage.
  - 3100.513 Use time granted for the purpose for which it is intended.
  - 3100.514 Adhere to the terms of the individual contract or appointment made between the teacher and the School Committee.
- 3100.6 The Principal of each school will provide each teacher with a copy of this policy, which pertains to regulations for conduct of teachers. Copies of these regulations will be made available from the Principal of each building to any person on request and without cause.<sup>1</sup>
- 3100.7 These regulations along with a certification indicating their availability as provided in paragraph 6 were filed with the Commissioner of Education on May 8, 1973.
- 3100.8 Additions and deletions to this policy will be promulgated and filed in the same manner as the original statement of policy.
- 3100.9 This policy is effective as per adoption date of the policy.

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<sup>1</sup> General Laws, Chapter 71, Section 37G

Berkley Public Schools

**MAINTENANCE OF DISCIPLINE**

**Policy #3120**

- 3120.1 Teachers and other certified educational employees shall maintain discipline in classrooms as well as during out-of-class activities connected with the school program.
- 3120.2 Teachers and other certified educational employees may take appropriate action consistent with Policies 6600, 6640 and 6750 at any time to maintain discipline and insure the safety of pupils.

Adopted - May 8, 1973  
Amended - March 18, 2002  
Reviewed - Dec. 5, 2006

Berkley Public Schools

**RESPONSIBILITY FOR SUPERVISION OF CLASSES**

**Policy #3130**

- 3130.1 The teacher is responsible for the health, safety, and security of students assigned to the teacher during the regularly scheduled instruction and homeroom periods.
- 3130.2 Should it be necessary for the teacher to temporarily leave the classroom, the teacher should make specific arrangements with qualified school personnel to take responsibility for the class.
- 3130.3 It is recognized that, after proper preparation, a student teacher or intern needs the experience of teaching a class without the supervising teacher being present. However, the supervising teacher retains responsibility for the class during such circumstances and shall remain in close proximity in event the student teacher or intern needs assistance.
- 3130.4 The certified teacher cannot avoid the continuing responsibility for supervision of students. The school committee elects and contracts with the teacher on the basis of qualifications for teaching and the capacity "for the government of schools".<sup>1</sup>

Adopted - May 8, 1973  
Amended - March 18, 2002  
Amended - Jan. 8, 2007

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<sup>1</sup> General Laws, Chapter 71, Section 38

Berkley Public Schools

**RESPONSIBILITY FOR WORK OF SUBSTITUTES**

**Policy #3140**

A teacher who is unable to be present on account of sickness or other reasons shall notify the Superintendent or whomever he designates as soon as possible so that a substitute may be obtained. The teacher is responsible for making it possible for the substitute to function effectively.

3140.1 Lesson plans for the day, seating chart, and a description of classroom procedures should be made available to the substitute.

3140.2 A folder which contains the class roster, all slips and forms which are used on a daily basis, and any other pertinent information about classroom and school operation should always be kept available in the teacher's desk.

Adopted - May 8, 1973

Amended - March 12, 2007

Berkley Public Schools

**CARE OF SCHOOL PROPERTY**

**POLICY #3150**

- 3150.1 Teachers are responsible for the appearance and care of their rooms and the furniture and fixtures in those rooms.
- 3150.2 The need for maintenance, repair, or replacement of furniture, fixtures, or equipment should be reported promptly to the principal.
- 3150.3 Teachers have responsibility for insuring that students properly use textbooks and other learning materials, instructional equipment and aids, furniture, and the classroom itself.
- 3150.4 Any abuse by students in the care and use of school property shall be handled appropriately by the teacher and principal. When appropriate, the parent will be notified by the Teacher or Principal.

Adopted - May 8, 1973  
Amended - March 12, 2007

## Berkley Public Schools

### ESTABLISHMENT OF POSITIONS

### Policy #3180

- 3180.1 The Superintendent will recommend to the School Committee the establishment or abolition of all regular full-time and part-time positions in the school district—administrative, teaching, and non-instructional.
- 3180.2 Positions are established by action of the School Committee. Generally, that occurs with School Committee approval of budget items funding positions. The position description, position goal, and organizational relationship of positions should be part of a job description developed for each position.
- 3180.3 Examples of statements of position:
- Assistant Superintendent of Instruction: Responsible directly to the Superintendent; works cooperatively with others on Superintendent's immediate staff and principals; supervises all special teachers, supervisors, and persons on curriculum committees and projects.
- Elementary teacher: Responsible to principal.
- Cook: Works for cafeteria manager; supervises workers as assigned.
- 3180.4 The Superintendent has authority to hire and dismiss irregularly employed part-time personnel apart from the provisions of this policy and policy #3190.
- 3180.5 Every new position will be posted a minimum of five (5) days.

Adopted - May 8, 1973  
Reaffirmed - February 10, 1992  
Reviewed/Amended - November 8, 1993  
Amended - June 14, 1999  
Amended - May 21, 2007

## Berkley Public Schools

### REQUIREMENT FOR POSITION DESCRIPTIONS

### Policy #3190

- 3190.1 The Superintendent is responsible for developing position descriptions for inclusion in the Personnel Manual. Examples are all administrative positions, department heads or coordinators, classroom teachers, and key non-instructional supervisory personnel.
- 3190.2 As needed for recruiting and evaluative purposes, the Superintendent will develop and maintain position descriptions for the remaining positions in the school district.
- 3190.3 Creating position descriptions for positions serves a number of purposes:
- 3190.31 Facilitates recruitment, selection, and placement.
  - 3190.32 Prevents overlapping and duplication of functions.
  - 3190.33 Provides a rational base for compensation planning.
  - 3190.34 Clarifies organizational relationships.
  - 3190.35 Determines adequacy of staff.
  - 3190.36 Minimizes neglect of established responsibilities.
  - 3190.37 Provides a basis for budgeting for personnel needs.
  - 3190.38 Makes available information for decisions relating to in-service programs, transfer, and promotion.  
Makes the task of supervision and appraisal more realistic.<sup>1</sup>
- 3190.4 The Superintendent will submit to the School Committee his/her estimate of the administrative and clerical time that will be necessary to implement this policy and policy #3180 – ESTABLISHMENT OF POSITIONS so that the necessary resources are provided to support this important part of the personnel function of the school district.

Adopted - May 8, 1973

Amended - November 8, 1993

Amended - June 14, 1999

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<sup>1</sup> Adapted from William B. Castetter, Administering the School Personnel Program, New York: The MacMillan Company, 1962. pages 149 - 151.

**FORMAT FOR POSITION DESCRIPTIONS**

**Position Description:** \_\_\_\_\_  
(Title of Position & Length of Work Year)

**Position Goal:**

**Qualifications:** (preparation, experience, competencies, and personal attributes)

- 1.
- 2.
- 3.
- 4.

**Reports to:** Is responsible directly to...  
Must work cooperatively with...

**Supervises:** Supervised the work of...

**Performance Responsibilities:**

- 1.
- 2.
- 3.
- 4.

**Terms of Employment:**

**Evaluation:**

**RECRUITMENT AND SELECTION OF TEACHERS**

**Policy #3400**

From a long-term perspective, the quality of classroom teaching in this school district is influenced in a major way by what happens in teacher recruitment and selection. The following principles shall form the foundation for the recruitment and selection program for this school district.

Within the financial resources available, every effort will be made to recruit persons of highest professional and personal qualifications.

The school district welcomes applications from those whose qualifications fit those stated in the position description. Procedures in recruiting and selection will be open and fair. Communications with applicants will be straightforward, prompt, as well as courteous.

There will be no discrimination on the basis of race, color, sex, religion, national origin, sexual orientation or disability, nor will there be any favoritism shown on the basis of a family relationship to a school committee member or any present employee in the school district.<sup>1</sup>

Every effort will be made to hire MA certified or certifiable teachers in all subject areas and grade levels.

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<sup>1</sup> General Laws, Chapter 71, Section 39

Berkley Public Schools

**SOURCES OF APPLICANTS**

**Policy #3410**

- 3410.1 The Superintendent will cultivate a variety of sources for applicants for teaching and supervisory vacancies.
- 3410.2 Adequate time will be allowed between the time a vacancy is announced and the time a selection is made to insure that qualified applicants from all sources are given fair consideration.
- 3410.3 Among the varied sources to cultivate are:
  - 3410.31 Present teachers and other employees of the school system.
  - 3410.32 College and university placement services in the northeast.
  - 3410.33 Advertisements in local and regional newspapers and on the internet.
  - 3410.34 The placement service of the state department of education.<sup>1</sup>
  - 3410.35 The most promising of those who are or have been student teachers or interns in the school district.

Adopted - May 8, 1973  
Amended - March 12, 2007

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<sup>1</sup> General Laws, Chapter 69, Section 6

Berkley Public Schools

**APPLICATION FOR POSITION**

**Policy #3420**

- 3420.1 A person indicates interest in a teaching position by submitting an application blank, placement credentials, and official transcripts to the Superintendent of Schools. On the basis of materials submitted, the Superintendent or Building Principal will decide which applicants will be granted interviews.
- 3420.2 During the application process, an applicant should not contact school committee members or employees of the school district unless by arrangement set up by the Superintendent or Building Principal.
- 3420.3 If application is made for a position in which service will begin prior to the expiration of an existing contract in another district, this fact should be fully and freely made known to both districts concerned.
- 3420.4 No effort should be made to obtain a position by means of influences other than those represented by personal and professional qualifications.

Adopted - May 8, 1973  
Amended - March 12, 2007

Berkley Public Schools

**FAMILY RELATIONSHIPS AND EMPLOYMENT**

**Policy #3425**

- 3425.1 Favoritism based on family relationship will at no time be a factor in the employment, assignment, or promotion of personnel.
- 3425.2 Under The Education Reform Bill of 1993, the School Committee will be responsible for hiring the Superintendent of Schools only.
- 3425.3 The hiring of relatives or present administrators is discouraged.
- 3425.4 A “relative” is defined as a parent, child, spouse, sibling, parent-in-law, sibling-in-law, child-in-law, or stepchild.

Adopted - May 8, 1973  
Amended - April 1992  
Amended - June 14, 1999  
Amended - March 12, 2007

Berkley Public Schools

**APPOINTMENT OF PERSONNEL**

**Policy #3431**

- 3431.1 While the School Committee no longer appoints personnel other than the Superintendent and Assistant Superintendent, it still establishes parameters of the hiring process and establishes the budget for a position. The School Committee also retains responsibility for bargaining with those units represented collectively.
- 3431.2 The Superintendent has responsibility for the hiring of all personnel, either directly in the case of employees not full-time under one Principal or in concert with Principals who recommend personnel working full-time in their building(s).
- 3431.3 The Superintendent of Schools has the authority to appoint administrators and any other school personnel who are assigned to serve in more than one school.
- 3431.4 Subject to district policy, state law, and the approval of the Superintendent, the principal(s) have responsibility for the hiring and termination of all personnel in their buildings(s).
- 3431.5 Section 54 of the Education Reform Act requires a two-week advance written notice to the School Committee of any proposal to employ a member of the immediate family of a Superintendent, central office administrator, or School Committee member. The same notice is required for the assignment of a member of the immediate family of a Principal as an employee in the Principal's school. This provision is in addition to existing language on conflict of interest under Chapter 268A of the General Laws.
- 3431.6 Access to Criminal Offender Record Information will be applied for all School Department hiring.
- 3431.7 The School Committee is still the employer under the state collective bargaining law (Chapter 150E). The chairman of the Board of Selectmen participates as a regular School Committee member in collective bargaining and votes on ratification.

Berkley Public Schools

**LIMIT ON AGENCY FEE**

**Policy #3435**

No person shall demand or accept from any applicant for the position of teacher in the public schools a fee or other compensation exceeding two dollars, and no additional sum shall be charged to cover expenses or for any other reason, except that further compensation, not exceeding five percent of the teacher's salary for the first year, provided the position is open to the teacher for said period, may be charged for procuring such position. Violation of this section shall be punished by a fine of not less than fifty nor more than five hundred dollars.<sup>1</sup>

Adopted - May 8, 1973  
Reviewed - April 2, 2007

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<sup>1</sup> General Laws, Chapter 71, Section 45

Berkley Public Schools

**PLACEMENT ON SALARY SCHEDULE**

**Policy #3450**

3450.1 The Superintendent will determine the appropriate placement of new teachers on the salary schedule. The Superintendent's determination will be based on certification, educational preparation, previous teaching experience, other related experience, availability of funds, and the overall needs of the Berkley Schools.

Adopted - May 8, 1973  
Amended - 1992  
Amended - June 14, 1999  
Reviewed - Feb. 6, 2007

Berkley Public Schools

**ASSIGNMENT & TRANSFER OF TEACHERS & OTHER SALARIED PERSONNEL Policy #3470**

- 3470.1 The Superintendent, with assistance of the Principal, is responsible for assigning teachers to specific professional responsibilities. Assignments and transfers will be made with the best interests of the total educational program of the district in mind.
- 3470.2 There are a number of good reasons why a teacher might be changed or might desire a change from one assignment to another: a teacher might want to teach a different age group or desire a fresh set of circumstances in which to teach; better balance of experience might be needed among TEAMS; a teacher might be qualified to teach in an area in which no other qualified person is available.
- 3470.3 A teacher may request a transfer to another position for the next school year. This request should be made prior to April 15. The Principal will make a recommendation in regard to the placement of teachers in the building.
- 3470.4 The Superintendent's decisions on transfers will be made along with decisions on the placement of new personnel. These decisions will be announced by August 15 or earlier if possible.

Adopted - May 8, 1973  
Amended - May 1992  
Amended - June 14, 1999  
Reviewed - Feb. 6, 2007

Berkley Public Schools

**LEAVE OF ABSENCE REQUEST**

**Policy #3471**

The School Committee delegates the responsibility to the Superintendent for granting an unpaid leave up to 30 days to professional and non-professional personnel. Any request for unpaid leave, with or without benefits, for a duration longer than 30 days may be granted by the School Committee.

Approved - Dec. 13, 1999  
Reviewed - Feb. 6, 2007

Berkley Public Schools

**SUPERINTENDENT ACCEPTANCE OF RESIGNATION OF INSTRUCTIONAL PERSONNEL  
Policy #3475**

It is the policy of the School Committee that as its agent, the Superintendent of Schools may accept resignations, including resignations for the purpose of retirement on behalf of the Committee. Such acceptances will be in writing with copies to the School Committee.

Adopted - May 10, 1993  
Reviewed - Feb. 6, 2007

Berkley Public Schools

**SUBSTITUTE TEACHERS**

**Policy #3480**

- 3480.1 The School Committee believes that the role of the substitute teacher is highly important for maintaining continuity in teaching and learning. An effective program for selecting and assigning all substitute teachers and for evaluating their performance will be established by the professional staff under the direction of the Superintendent.
- 3480.2 Whenever possible, a substitute teacher will be a person who is employed in the absence of the regular teacher and who possesses knowledge in the area of assignment and demonstrated successes in teaching, so that the instructional program can be effectively carried on.
- 3480.3 The assignment of a substitute will be made on the basis of the substitute's ability to teach and supervise a specific age group.
- 3480.4 Substitute teachers will be any teachers not under contract and employed for less than a school year. (Exception: Full-year long-term substitutes on the Salary Schedule)
- 3480.5 Qualifications for substitute teachers will be the same as those for regular teachers.
- 3480.6 The substitute teacher list will be prepared in the Office of the Superintendent who will maintain a complete file on all substitute teaches. This file will include transcripts, credentials, recommendations and other pertinent information.
- 3480.7 A substitute employed 11 or more consecutive days in the same position will be considered to be a long-term substitute. The designation will be in effect on the eleventh consecutive day and thereafter in the same position. "Eleven or more days" is defined as days in which school actually was in session. Assignment of long-term substitutes will be by the Superintendent or Building Principal.
- 3480.8 Substitute teachers will not participate in the health and welfare plans or other fringe benefits of the school system for the first 60 days while working as a substitute teacher. Effective the 61st consecutive day, benefits will be prorated according to the collective bargaining agreement.
- 3480.9 No substitute shall be employed without the consent of the Superintendent.

## Substitute Guidelines

1. Certified substitute Teacher (certified in any state) is the first choice for classroom substituting.
2. Alternate Choices (best decided by Principal):
  - a. College graduates - not teacher certified
  - b. Non-college graduate/non certified - Minimum of two years college completed and highly thought of by Principal (time card required)
  - c. Nurse substitute - RN & LPN
  - d. Teacher aide substitutes (time card required)

### Notes:

Use a teacher aide to substitute for an instructional aide whenever possible.

Use substitute teacher guidelines for substitutes for tutors.

When getting substitutes for a teacher with an instructional aide in the program, use the instructional aide in charge of the room with a teacher aide substituting for the instructional aide.

Long-term substitutes should be certified teachers (exception given by Superintendent)

Adopted - May 8, 1973

Amended - March 8, 1993

Amended - December 9, 2002

Amended - March 12, 2007

Berkley Public Schools

**STUDENT TEACHERS, INTERNS AND APPRENTICE TEACHERS Policy #3490**

3490.1 Student Teachers and Interns

The School Committee encourages proposals from teacher preparation institutions for the placement of and supervision of student teachers and interns. These programs will be evaluated regularly by teachers and principals. The Superintendent will recommend beginning, continuing, or terminating the relationship with a particular college or university on the basis of the following criteria:

- 3490.11 The qualifications of the student teachers and interns as determined by application, interview, and/or prior visitations
- 3490.12 The extent and nature of the preparation given the student teachers or interns as this relates to the subjects and age levels to which they are assigned.
- 3490.13 The quality and extent of the supervisory and other services provided to the school district by the college or university.
- 3490.14 The availability of experienced teachers who are willing to accept the responsibilities of being supervisory teachers.

3490.2 Internships

Massachusetts regulations require an evaluation of on-the-job performance. Some individuals who have not completed Massachusetts approved or registered programs or who do not qualify for certification under reciprocity are required to complete at least either a half practicum or full internship. An internship may be either college sponsored or locally sponsored. Before a locally-sponsored internship may be undertaken, several requirements must be made:

- 3490.21 The school system must be approved by the Bureau as an internship site.
- 3490.22 The intern must be pre-registered with the Bureau and have completed most of the requirements for certification. The registration process is initiated by the school system and must be completed before the candidate starts the internship. The intern must receive an authorized internship approval form before the internship can begin.

3490.3 Apprentice Teacher

This program consists of an individualized preparatory program which allows a candidate who meets the subject matter (field of knowledge) requirement to teacher as an apprentice for two full years or the equivalent while earning his/her certificate. They must first apply to the Bureau, which will ascertain whether or not they meet the field of knowledge (Standard I) requirement. If

qualified, they then may seek employment as apprentice teachers. The school district files a plan for approval by the Bureau. This outlines the candidate's plan of preparation for certification and is sometimes developed in conjunction with a college.

Chapter 71, Section 38G

Adopted - May 8, 1973

Amended - March 8, 1993

Reviewed - Feb. 6, 2007

Berkley Public Schools

**PHYSICAL AND MENTAL HEALTH EXAMINATIONS**

**Policy #3510**

- 3510.1 Prior to starting teaching duties in the school district, an employee may be required to file the results of a physical examination as evidence that he/she is in satisfactory physical health. The Superintendent may require that this physical examination be done by a physician recommended by the Superintendent.
- 3510.2 If, in his opinion, the health of pupils requires it, the school physician shall make a prompt physical examination of employees.<sup>1</sup>
- 3510.3 Besides being physically able to perform the essential duties of the position with or without a reasonable accommodation, an employee must be mentally and emotionally able to do so. If the educational and emotional welfare of students is threatened because of the actions or behavior of the employee, the employee may be removed from the classroom. The Superintendent may compel the employee to be examined by an appropriate specialist(s), including a psychologist or psychiatrist, who is retained by the Superintendent.

Adopted - May 8, 1973  
Amended - January 13, 2003  
Reviewed - April 2, 2007

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<sup>1</sup> General Laws, Chapter 71, Section 54

**PROFESSIONAL GROWTH FOR TEACHERS**

**Policy #3800**

- 3800.1 The maintenance and improvement of the instructional program in large measure is dependent upon the strength of the professional growth program of teachers. Specific purposes of the professional growth program of the school district are to:
- 3800.11 help teachers secure the new knowledge, skills, and competencies needed because of the discovery of new knowledge and insights in the areas of learning,
  - 3800.12 help teachers extend their competencies in locating and using aids, resources, and technology which can make students' learning more effective,
  - 3800.13 help teachers gain insight into the many options available in using time, space, grouping of students, talents of teachers, and supporting personnel and community resources to enliven and enrich the instructional program,
  - 3800.14 assist teachers in adding specific competencies, which will result in a better balance of competencies within a school or team of teachers,
  - 3800.15 help teachers grow in their leadership and human relations skills,
  - 3800.16 enable each teacher to achieve an increased measure of personal satisfaction in the performance of his professional assignment.
- 3800.2 Activities which enable a teacher to achieve these purposes are varied in scope and intensity. An individual teacher's professional growth program during an entire career might include participation in many of the following activities: college and in-service courses, conferences and workshops, regional and national conventions, professional reading, practicum and internship experiences, appropriate work experiences, visitations to schools as well as agencies and businesses which support or serve education, curriculum building activities, negotiations experience, educational travel, teaching teachers, and writing for publication.
- 3800.3 Within the resources available, the school committee will support a strong well-conceived program of professional growth for teachers.

Berkley Public Schools

**PARTICIPATION IN PROFESSIONAL MEETINGS**

**POLICY #3830**

- 3830.1 The school district should be represented regularly at important national, regional, and local conferences and conventions.
- 3830.2 A conference plan based on the educational needs of the school system should be developed. This plan should insure good coverage of conferences as well as establish criteria for designating teachers, coordinators and directors to attend conferences. Provisions should also be made to assist staff members who may request to attend meetings in their areas of interest.
- 3830.3 Full advantage should be taken of important meetings held in Massachusetts and the Northeast.
- 3830.4 Persons attending educational meetings have the responsibility of reporting information and new ideas received from conference sessions.
- 3830.5 Teachers may attend workshops, conventions, or visit other schools provided that:
  - 3830.61 the trip is approved by the superintendent,
  - 3830.62 the request for the trip is in writing and includes estimated expenses,
  - 3830.63 adequate substitutes can be obtained for classes,
  - 3830.64 budget limitations are not exceeded.

Adopted - May 8, 1973  
Amended - April 9, 2007

Berkley Public Schools

**IN-SERVICE EDUCATION**

**POLICY #3860**

- 3860.1 The development of the in-service education program shall be governed by the following goals:
- 3860.11 improvement of total staff competency,
  - 3860.12 improvement of the individual staff member's competency,
  - 3860.13 improvement of the educational program.
- 3860.2 The plan for in-service education shall be a cooperative venture among the teaching staff and administrative and supervisory personnel. The administration of in-service programs shall be the responsibility of the superintendent or his designee.
- 3860.3 The committee will make every effort to provide funds to aid in the implementation of an effective in-service training program.

Adopted - May 8, 1973  
Reviewed - April 2, 2007

## Berkley Public Schools

### DISMISSAL OF STAFF

**Policy #3940\* / 4080\***

- 3940.1      The Superintendent may dismiss or demote any employee of the school district.
- 4080.1      A Principal, subject to the review and approval of the Superintendent, may dismiss or demote a teacher or other staff person assigned full-time to his/her school.
- 3940.2      Staff with professional teacher status may be dismissed or demoted for  
4080.2      inefficiency, incompetence, incapacity, conduct unbecoming a teacher, insubordination, failure to satisfy teacher performance standards, or other just cause. The professional teacher is entitled to notice and an opportunity to meet with the Principal or Superintendent. The teacher may seek review of the decision by filing a petition with the Commissioner of Education for arbitration of the matter by an arbitrator from an American Arbitration Association list. The petition shall be filed within thirty days after the teacher receives notice of the dismissal.<sup>1</sup>
- 3940.3      A Principal, Assistant Principal, Department Head, or Supervisor who has  
4080.3      served for three consecutive years may be dismissed or demoted by the Superintendent only for good cause. He/she is entitled to written notice and an opportunity for review by meeting with the Superintendent, and may seek review of the decision under the same arbitration process as applicable to individuals with professional teacher status.<sup>2</sup>
- 3940.4      The superintendent retains the right to lay off teachers and other  
4080.4      professional staff pursuant to reduction in force or reorganization resulting from declining enrollment or other budgetary reasons.
- 3940.5      A teacher who does not have professional status, but who has worked  
4080.5      for more than 90 calendar days, is entitled to written notice and an opportunity to meet with the Principal or Superintendent to review the dismissal. Such teachers must be notified by June 15 if they are not to be reappointed for the following school year.<sup>3</sup>

\*Replaces policies #3940, #3970, #3975, #4080.

Adopted - November 8, 1993

Amended - January 13, 2003

Reviewed - March 6, 2007

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<sup>1</sup> General Laws, Chapter 71, Section 42

<sup>2</sup> General Laws, Chapter 71, Section 41

<sup>3</sup> General Laws, Chapter 71, Section 41, 42

Berkley Public Schools

**TERMINATION OF CONTRACT**

**Policy #3945**

- 3945.1 The School Committee considers a contract with a teacher to be a mutually binding agreement, which is to be executed both in spirit and in fact. Requests to be released from such contracts are not encouraged. Teachers who are considering resigning, but who have not done so prior to May 15, must keep the Superintendent informed of their plans.
- 3945.2 The School Committee realizes circumstances may make it necessary for an employee to resign his/hr position during the school year. Professional employees who for any reason intend to resign or who intend to retire are encouraged to indicate their plans in writing to the Committee at as early a date in the school year as plans may become firm and the decision to leave the district is made. In such cases, teachers must give written notice of their intent to resign as soon as possible. Each request by a teacher to be released from a contract will be considered on its merit by the Committee.
- 3945.3 A contract between a teacher and the school Committee may be terminated by mutual consent at any time. The teacher may resign for any reason by submitting at least thirty days' written notice at any time except during the month of August, during which month, unless the contract has been terminated by mutual consent or Committee action, the teacher will accept employment with no other school committee until released from this position and having given thirty (30) days' written notice. Letters of resignation will be submitted to the Superintendent of Schools.
- 3945.4 Teachers will have fifteen (15) days to return signed contracts. A contract not returned within the specified time limit, which will be recorded on the contract, may be deemed as a resignation.
- 3945.5 It is mutually understood and agreed that the teacher's signature indicates acceptance of the rules and regulations of the School Committee pertaining to conditions or employment and further that he/she will not leave the position except upon thirty (30) days write notice.
- 3945.6 No teacher will be suspended, dismissed, reduced in rank or compensation without just cause; and nothing shall abridge or limit the authority of the Committee pursuant to law to reappoint or renew the contract of a non-tenure teacher except if such non-reappointment or non-renewal results from the violation of other express terms of this agreement.

Adopted - May 8, 1973  
Amended - March 8, 1993  
Reviewed - March 6, 2007

Berkley Public Schools

**TENURE AND ATHLETIC COACHES**

**Policy #3955**

The Superintendent may contract to employ athletic coaches for a period of one year. The provisions of section forty-one relative to tenure shall not apply to such athletic coaches, unless they are otherwise entitled to tenure.<sup>1</sup>

Adopted - May 8, 1973  
Amended - April 9, 2007

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<sup>1</sup> General Laws, Chapter 71, Section 47A

Berkley Public Schools

**RETIREMENT OF PROFESSIONAL EMPLOYEES**

**Policy #3990**

3990.1 All professional employees (defined as “teacher”) are subject to the provisions of the Massachusetts Retirement System.

3990.2 Persons intending to retire on the basis of age and/or years of experience should inform the Superintendent in writing sufficiently prior to the date of retirement so that benefits are not delayed.

NOTE: Under Massachusetts law (Teachers’ Retirement Act), all professional personnel participate in a teachers’ retirement plan, which provides several options on time of retirement and benefits granted to those who retire. It also sets limitations on the number of days a retired employee may be re-employed annually on a temporary basis by the school system. Temporary employment up to 90 days or 720 hours per calendar year is permitted at the discretion of the employer (hardship in obtaining qualified substitutes could affect this).

**Reference**

General Laws, Chapter 32, Section 1 and Section 90F

Adopted – May 8, 1973

Amended – April 12, 1993

Amended – Feb. 14, 2000

Amended - May 21, 2007