

Special Report



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Highlights

- Limiting seniority as a factor in teacher transfers and reassignments is an important reform.
- An improved teacher evaluation system effectively implemented would reduce the number of teachers placed administratively.
- The final contract should contain systemic reforms and be economically sustainable.

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BPS-BTU Contract: Teacher Transfers & Reassignments

Parties should finalize talks to implement new teacher transfer agreement

The transfer and reassignment of teachers into schools is one of the key reform issues on the table in negotiations between the Boston Public Schools (BPS) and Boston Teachers Union (BTU). Boston's schools need greater control over teacher selection to better ensure a cohesive education team committed to the same school philosophy. However, in this school year, 370 Boston teachers were part of an administrative process that placed them in schools with little or no involvement of the principal and the School Site Council Personnel Subcommittee, based only on seniority and certification, not performance. The closing of eight schools contributed to the large number of assignments.

The teacher transfer process for SY2012-2013 begins in early April and unless a new reform contract is finalized soon, the benefits of a tentative agreement by the parties on teacher transfers and reassignments will not prevent a larger than necessary placement of teachers by Human Resources without school approval for the next school year. At this early stage, the BPS has identified approximately 244 permanent teachers who will participate in an excess process with many eventually being placed administratively.

More flexibility by schools in hiring teachers is an important factor in the success of Boston's Pilot and Innovation schools and public charter schools. The ability to select staff is central to the state's Turnaround school effort. Teacher seniority is less of a factor in teacher assignments in Boston than in the past, but currently it still plays more of a role than it should.

The BPS and BTU negotiating teams have been negotiating for 21 months and are still apart on issues of salary increases and extended time, but in negotiations they have come to a tentative agreement on the issue of teacher transfers and reassignments that will remove remaining seniority requirements and open the decision-making process to mutual consent in most cases. Even so, this reform measure will not be available for planning the next school year which begins shortly if the parties remain [\\$83.5 million](#) apart on the salary package and other negotiation positions on the table are not resolved.

Transfer Process

The BPS teacher transfer process begins in March or April with the 39 BPS schools with flexibility (Pilot, Innovation, Horace Mann In-District Charter & Turnaround). These schools are able to recruit teachers within the system and outside the BPS for vacant positions through the open posting process. This process is based on the existing contract that remains in force until the new contract is ratified.

Once the remaining vacancies are posted in March or early April, the voluntary in-transfer of permanent teachers to open positions in their certification occurs. Permanent teachers have 10 school days to apply for a position. The principal and personnel subcommittee interview eligible permanent teachers who applied. After interviews, if the school's principal and other members of the personnel subcommittee (selected teachers and parents and a student in high schools) agree, the teacher can be recommended for hire for the next school year without regard to seniority. Also provisional teachers (1st, 2nd and 3rd year) with reasonable assurance letters can apply to their current positions. Permanent teachers who were not successful in securing a new position through the transfer process retain their current positions, unless they were excessed.

All vacancies after this process must be posted on the BPS website by April 15. The first priority of the BPS is to fill vacant positions with permanent teachers through the transfer posting. A teacher who has received two interim unsatisfactory evaluations during the year may be rejected for transfer by the Office of Human Resources. A teacher with an annual performance evaluation of unsatisfactory generally is not eligible to transfer. If only one candidate for a vacancy applies, the school does not have to hire the applicant.

Excess (reassignment) Pool

All permanent teachers who are unassigned after the transfers process will participate in an Excess (reassignment) Pool. The Excess Pool is a grouping of teachers and vacant positions that are matched according to the teacher's program area. Teachers who participate in the Excess Pool are those who were not selected in the transfer process, teachers who lost their positions due to program changes at his or her school and teachers returning from leave over 12 months or maternity leave over 18 months. Teachers returning in less than 12 or 18 months respectively retain attachment rights to their old positions.

Rule of Three - Excessed permanent teachers not yet assigned a teaching position can bid on three positions for which they hold certification. The order of bidding is determined by the system-wide excess list of teachers based on seniority with the most senior teacher bidding first. Once a position has received three bids, it is closed to further bidding and teachers with less seniority cannot apply. A teacher is guaranteed to receive one of his/her bids. The principal can indicate a preference, but the Office of Human Resources makes the assignment decision.

Until all excessed permanent teachers are placed, vacancies continue to be filled in seniority order until late August, at which time teachers who are not matched against vacancies will be administratively assigned to a "suitable professional capacity" which would include substitute service. These teachers remain eligible to fill vacancies as they occur up to November 1.

Provisional Teachers

Provisional teachers who are recommended by their principals and approved by the Office of Human Resources to retain a teaching position in their school in the next year will receive a letter of reasonable assurance by April 15. The positions of these teachers will not be posted. The number of provisional teachers that receive a letter of reasonable assurance is influenced by the number of permanent teachers that need to be assigned. Provisional teachers without a letter may be retained depending on their certification if the BPS believes that they may be assigned a position before the start of school or if not could serve as long-term substitutes. Provisional teachers receiving non-renewal letters by June 15 would have to reapply and be selected in order to return to the school and do not enter the excess process.

Post Transfer Placement Process

The negotiating teams for the BPS and BTU have reached a tentative agreement that would establish a post transfer placement process, replacing the

Excess Pool, that would basically mirror the transfer process. After the remaining vacancies are posted, all permanent teachers would be able to apply for positions in their program area and the decision to hire would be based on the mutual consent of the teacher and principal and personnel subcommittee.

In situations where mutual consent is not achieved, administrative placements would still be required. However, agreeing to an improved teacher evaluation process that is effectively implemented would reduce the number of teachers eligible for transfer, improve the pool of teachers who could transfer and naturally select out teachers who would have to be administratively placed.

In this post transfer process, vacancies would be a consequence of (1) positions not filled after the transfer process, (2) openings as a result of successful transfers and (3) openings from teachers rated exemplary or proficient who excess themselves in an effort to secure a new position in another school.

Further Reform Needed

Limiting the Rule of Three and seniority as a factor in teacher transfer and reassignment decisions would be an important reform step in this contract. The mutual consent change does expand the field for schools to select current permanent teachers for vacant positions but it still restricts the selection to teachers in the district and does not open up the process to teachers outside the BPS.

The current contract discussions do not include creating an exit strategy for permanent teachers who are unsuccessful in securing a permanent assignment through transfer in one of the 125 BPS schools. Until that happens, the contract will force principals and personnel subcommittees to select excessed teachers that would not necessarily be their choice if more options were available and to accept administratively placed teachers as long as there are permanent teachers certified for an open position. That reform change cannot be negotiated unless the state law (MGL c. 71, sec. 42) is amended

that prohibits the layoff of a permanent teacher if certified for a position held by a provisional teacher.

Open Posting - The existing contract does enable a principal and personnel subcommittee to consider and select any qualified applicant from inside or outside of the BPS through an open posting process. Applicants selected for these positions receive a stipend of \$1,250 for additional assigned responsibilities. Before February 15, 60% of the faculty of the school must approve the open posting. This contract feature could be used more frequently to expand the scope of applicants for a vacant position. However, in recent years when a reduction in teaching positions has been required, the BPS has restricted the use of open posting as it seeks positions for excessed permanent teachers. Open posting should be expanded to open up the hiring process by providing schools with more options.

Conclusion

The important benefit by being able to apply these new transfer tools now in planning for the next school year creates a sense of urgency in finalizing agreement on all other contract items on the negotiating table still unresolved. Those issues primarily center around the compensation incentive plan and the final salary increases adopted, the extent of time to complete a full teacher evaluation, the role of teachers in a peer assistance review and the cost and type of extended day plan. The two parties have been in discussion for 21 months and recently agreed to engage in intensive negotiations to reach final agreement preferably before the end of March. That would be a positive outcome but the agreement should contain substantive reforms that extend beyond the teacher transfer and reassignment process and, of course, be economically sustainable.