



School Committee Meeting Materials

Regular School Committee Meeting

November 19, 2018

7:00pm

*Ms. Mary A. Manning
Mr. James M. Fleming
Ms. Kristine Wilson*



*Ms. Ana Nuncio
Mr. Manny Cruz
Ms. Amanda Campbell*

Mayor Kimberley Driscoll, Chair

“Know Your Rights Under the Open Meeting Law, M.G.L. c.30A § 18-25 and City Ordinance Sections 2-2028 through 2-2033”

November 19, 2018

REGULAR SCHOOL COMMITTEE MEETING

Notice is hereby given that the Salem School Committee will hold a Regular School Committee meeting on Monday, November 19, 2018 at 7:00 p.m. The meeting will be held in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

I. Call of Meeting to Order

II. Revised Consent Agenda

- a. Minutes of the Regular School Committee meeting held November 5, 2018
- b. Minutes of the Committee of the Whole meeting held November 7, 2018
- c. Approval of Warrants: 11/8/18 in the amount of \$380,764.16, 11/15/18 in the amount of \$354,714.04, 11/21/18 in the amount of \$396,820.70

III. Approval of the Agenda

IV. Public Comment #1: Questions and Comments from the Audience

V. Presentation and Reports

Superintendent’s Report

Other Reports:

Update on the results of the Staff Exit Survey (Spring-Summer 2018)

VI. Action Items: Old Business

- a. Deliberation and Vote on the Third Reading of the Revision to School Committee Policy #6501 Subcommittees

VII. Action Items: New Business

- a. Deliberation and Vote on the request by the Polish Language School to retroactively waive the unpaid fees for the use of Carlton Innovation School for the 2017-18 school year.
- b. Deliberation and Vote on the First Reading of the Revisions to School Committee Policies in the 4000s series focusing on Personnel:

4101 Staff Conflict of Interest
4102 Drug Free Workplace

4102.01 Off the Job Drug and Alcohol Use and Activity
4103 Staff Health and Safety
4103.01 HIV
4103.02 Communicable Diseases
4104 Worker's Compensation Insurance
4106 Nondiscrimination and Equal Employment Opportunity
4106.01 Racial Discrimination – recommended for deletion
4107 Personnel Records
4109.01 Small Necessities Leave
4112 Employee Arrest
4113 Staff Participation in Political Activities
4114 Staff Participation in Community Activities
4115 Resignation of Employees – recommended for deletion
4202 Certification Requirements for Professional Staff
4206 Visiting Days, Educational Conferences and Professional Workshops
4207 Non-School Employment by Professional Staff Members
4208 Suspension, Demotion and Dismissal of Professional Staff Members

VIII. Finance Report

- a. Deliberation and Vote on the FY19-3 budget transfer – tabled on 11/5/18

IX. Subcommittee Reports

X. School Committee Concerns and Resolutions

XI. Public Comment #2: Questions and Comments from the Audience

XII. Adjournment

Respectfully submitted by:

Angelica Alayon, Secretary to the
Salem School Committee

Salem School Committee
Meeting Minutes
Monday, November 5, 2018

A regular meeting of the Salem School Committee was held on Monday, November 5, 2018 at 7:05 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Ms. Mary Manning, Mr. James Fleming, Ms. Kristine Wilson, Ms. Ana Nuncio, Mr. Manny Cruz, Ms. Amanda Campbell, and Mayor Kimberley Driscoll

Members Absent: None

Others Present: Margarita Ruiz, Superintendent, Kate Carbone, Assistant Superintendent, Jill Conrad, Chief of Systems Strategy, and Kelley Rice, Chief of Communications

Call of Meeting to Order

Mayor Driscoll called the regular meeting of the Salem School Committee to order at 7:05 p.m.

Consent Agenda

Mr. Fleming motioned to approve the following items as part of the consent agenda:

- Minutes of the regular School Committee meeting held October 15, 2018
- Minutes of the Committee of the Whole (COW) meeting held October 29, 2018
- Approval of Warrants: 10/11/18 for \$417,394.38, 10/18/18 for \$218,063.39, 10/25/18 for \$555,404.04, 11/1/18 for \$308,157.66

Ms. Wilson seconded the motion. The motion carried.

Approval of the Consent Agenda

Mr. Fleming moved to approve the agenda as presented. Mr. Cruz seconded the motion. The motion carried.

Public Comment #1: Questions and comments from the audience

Alexa Ogno, 180A Federal Street, said she represented Salem Education Foundation and explained her concerns and interests in teacher and principal retention rates as well as student grades. Ms. Ogno asked the School Committee for information.

Mayor Driscoll responded that there would be a review for goal setting for next year and those topics are part of that effort. Ms. Driscoll continued they will have more reports at future meetings and Salem Education Foundation is welcomed to participate in that dialogue. In response to Ms. Ogno's question, as to when these meetings would take place, Mayor Driscoll shared the School Committee's timeline process of scheduling these meetings.

Presentation and Reports

Superintendent's Report – Margarita Ruiz

Superintendent Ruiz reported that over 230 8th graders went to Salem State University for the first annual STEM day and announced two important community convenings that will be held at Salem High School. The first convening will be held on Thursday, November 8 from 6:00 to 7:30pm. All respective students and their families are invited to attend and learn of what Salem High has to offer. Students in grades 5 through 8, and their families, are encouraged to attend. The other convening will be held at Salem High School on Tuesday, November 13 from 6:30 to 8:00pm. Superintendent Ruiz informed everyone that Salem district is hosting a team of reviewers from the Department of Education for an accountability site visit. The Department of Education would like to hear from parents and caregivers, as part of this review. Ms. Ruiz encouraged parents and caregivers to attend this meeting, scheduled specifically for families of students who currently attend the Salem district. That convening will take place on Wednesday, November 7 from 4:30 to 5:30pm at the Salem High School

library. Childcare and translation will be available.

Other Reports

Update on the High School Redesign – Update on the Work of the English Language Learning and Bilingual Education Department

Rebecca Westlake presented a brief update on what they are doing in terms of serving English Language Learners and the Dual-Language Task Force they are putting together, for further opportunities to expand Bilingual Education in Salem. Jennifer DeStefano, Principal of Salem High School, provided the School Committee and the public with an update and progress on where they are with the High School redesign project as well as the next steps they are expecting to see in the coming months. Ms. DeStefano walked everyone through the presentation.

Discussion

Mayor Driscoll said she would like to know more about the High School redesign’s work to engage parents, guardians, caregivers, and community organizations, as partners in the redesign and innovation process, and share with them ways they can be a part of it. Members discussed the upcoming structure for Salem District School timeline calendars and transportation.

Action Items: Old Business

Deliberation and Vote on the Second Reading of the Revision to School Committee Policy #6501 Subcommittees

Mr. Fleming motioned to approve the second reading of the revision to School Committee Policy #6501 Subcommittees. Ms. Manning seconded the motion. The motion carried.

Action Items: New Business

Deliberation and Vote on the request by Salem Rotary to waive the facility rental fee for the Rotary’s DCF holiday party on Saturday, December 1, 2018

Mr. Fleming motioned to approve the Salem Rotary request to waive the facility rental fee for the Rotary’s DCF holiday party on Saturday, December 1, 2018. Ms. Wilson seconded the motion. The motion carried.

Finance Report

September 2018 FY19 Quarterly Budget Report

Kristin Shaver, Business Manager, briefly reported on the FY19 year-to-date budget.

Discussion

School Committee members expressed interest in knowing if custodial positions are being filled and asked Ms. Shaver for an update.

Ms. Manning motioned to accept the September 2018 FY19 Quarterly Budget report and place on file. Mr. Cruz seconded the motion. The motion carried.

Budget Transfers

The School Committee approved the following FY19-4 through FY19-7 Teaching & Learning Adjustment budget transfer requests, recommended by the School Business Administrator, Kristin Shaver. Central Office has requested that the fund be transferred in order to align the funds with the intended expense as follows:

Account Description/Use	Account Number	Amount From	Amount To
To cover the tuition incentive payments made to members of the Teachers’ Union in line with the contract.			
Tuition Reimbursement	13990161-5324	\$12,000	
Tuition Incentive	13990160-5144		\$12,000

Account Description/Use	Account Number	Amount From	Amount To
Business Office to align funds with the correct account:			
Personnel - Tutors	13570940-5114	\$44,041	
Personnel – Family Engagement	13570920-5119		\$44,041
Facilitator (CMS)			

Personnel – Tutors	13570740-5114	\$43,551	
Personnel – Family Engagement Facilitator (Saltonstall)	13570720-5119		\$43,551
Personnel – Clerical	13031420-5160	\$48,750	
Personnel – Family Engagement Facilitator (PIC)	13031420-5119		\$48,750
Personnel – Tutors	13700720-5114	\$10,150	
Personnel – Tutors	13700920-5114	\$17,000	
Personnel – Paraprofessional	13640220-5163	\$11,008	
Personnel – Tutors	13700620-5114	\$19,064	
Personnel – Community Coordinator	13570620-5102	\$16,340	
Personnel – Family Engagement Facilitator (ECC)	13641120-5119		\$18,281
Personnel – Family Engagement Facilitator (Carlton)	13570420-5119		\$18,281
Personnel – Family Engagement Facilitator (HMLS)	13570620-5119		\$37,000

		\$73,562	\$73,562
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Account Description/Use	Account Number	Amount From	Amount To
Business Office to allocate funds from unfilled positions to cover temporary workers:			
Personnel – Clerical Business Office	13252010-5160	\$16,000	
Contract Services – Business Office	13252030-5320		\$16,000
Personnel – Clerical (Transportation)	13640180-5165	\$7,000	
Contract Services – Transportation	13570151-5320		\$7,000

Account Description/Use	Account Number	Amount From	Amount To
English Language Learning Department & Central Office request the following transfers to reallocate funds from an unfilled position. These funds will be used to support World Language Instruction and support for IT initiatives:			
Personnel - Teaching	13701020-5140	\$75,661	
Contract Services – ELL	13702030-5320		\$21,500
Instructional Supplies – ELL	13702030-5514		8,000
Stipends – ELL	13700120-5150		8,000
Contract Services – Central Office	13032041-5320		38,161

Discussion

Members shared feedback, asked questions, and agreed to have the Finance Subcommittee review and further discuss the FY19-3 budget transfer.

Mr. Fleming motioned to refer the FY19-3 budget transfer to the Finance Subcommittee for further review and discussion. Mr. Manning seconded the motion. The motion to refer the FY19-3 budget transfer to the Finance Subcommittee carried.

Mr. Fleming moved to approve budget transfers FY19-4 through FY19-7. Ms. Nuncio seconded the motion. The motion was approved.

Subcommittee Reports

Buildings and Grounds Subcommittee: Mr. Fleming informed School Committee members that the Buildings and Grounds Subcommittee met on October 29, 2018, at 8:30am, for an update on the Bertram Field and Facilities

Assessment. They met with City Personnel and design consultant relative to the Bertram Field renovation, specifically towards parking. The current plan is that there will be five (5) lost spaces. Mr. Fleming explained that the Buildings and Grounds Subcommittee will recommend approval of that to the School Committee when, and if, there is a final plan, which may take some time due to budget constraints. Mr. Fleming continued that the other part of that meeting was an assessment survey of the Buildings and Grounds that developed tremendous plans for preventative maintenance, immediate repair, long-term capital plan and a price on each item. Mr. Fleming said that he has the paperwork, he considers this to be a great plan, and commented that Ms. Shaver, Business Manager, may want to look at the specifics of the plan. Mayor Driscoll suggested a Committee of the Whole (COW) meeting for a full review of the assessment and opportunities for the work order system that follows.

Policy Subcommittee: Ms. Nuncio informed the School Committee that the Policy Subcommittee members met on October 15 and on this day, November 5. They continued their review of Personnel policies, in the 4000 category, and will refer them to the School Committee on November 19.

School Committee Concerns and Resolutions

Mr. Fleming said he continues to ask for funding for the Early Childhood program. He hopes they will have additional funding for it. Dr. Brendan Walsh, a previous School Committee member who talked about the Early Childhood program at the School Committee meeting on October 15, 2018, echoes this request. Mr. Fleming asked that Administration and Finance Subcommittee prepare additional increase, relative to that program. Mayor Driscoll said that it is one of the topics that will be discussed at one of the upcoming Committee of the Whole (COW) meetings. Mr. Fleming shared concern on the alignment of Saltonstall School's calendar schedule with other Salem schools. Members engaged in discussion. Mr. Fleming asked everyone to please cast their vote tomorrow, November 6th. Mayor Driscoll explained that the School Committee's Vice Chair, Ms. Mary Manning, is charged with putting together the outline and working with the Superintendent and School Committee member to facilitate the process for the Superintendent's evaluation, consistent with state law and Salem policy objectives. Mayor Driscoll continued that Ms. Manning met with the Superintendent and is trying to outline the process, going forward. Ms. Manning went through a detailed outline for everyone.

Public Comment #2: Questions and comments from the audience – None

Adjournment

There being no further business to come before the School Committee this evening. Mr. Fleming entertained the motion to adjourn. Ms. Wilson seconded the motion. The meeting was adjourned.

Respectfully submitted by:

Angelica Alayon, Secretary
Salem School Committee

Meeting Materials and Reports

School Committee Consent Agenda November 5, 2018
Minutes of the October 15, 2018 Regular School Committee meeting
Minutes of the October 29, 2018 Committee of the Whole (COW) meeting
Update from EL and Bilingual Education Department (November 2018)
Presentation Salem High School Redesign
Policy #6501 Subcommittees
Salem Rotary Club Rental Fee Waive Request
September 2018 – FY19 Year to Date Budget Report
Budget Transfers

Salem School Committee
Committee of the Whole Meeting Minutes
Wednesday, November 7, 2018

A Committee of the Whole (COW) meeting of the Salem School Committee was held on Wednesday, November 7, 2018 at 5:45 p.m. in the School Committee Chambers at Collins Middle School, 29 Highland Avenue, Salem, MA.

Members Present: Ms. Mary Manning, Ms. Kristine Wilson, Ms. Ana Nuncio, Mr. Manny Cruz, Ms. Amanda Campbell, and Mayor Kimberley Driscoll

Members Absent: Mr. James Fleming

Others Present: None

Review and Discussion of Process, Timeline, and Templates

Members reviewed and discussed the process, timeline, and templates that will be used in the upcoming evaluation of Superintendent Ruiz by the Salem School Committee.

Adjournment

There being no further business to come before the Committee of the Whole (COW) School Committee meeting, members motioned to adjourn and seconded the motion. The motion carried. The meeting was adjourned.

Respectfully submitted by:

Angelica Alayon, Secretary
Salem School Committee

Strategic Plan Pillar 3 – Nurture Staff Leadership & Empowerment

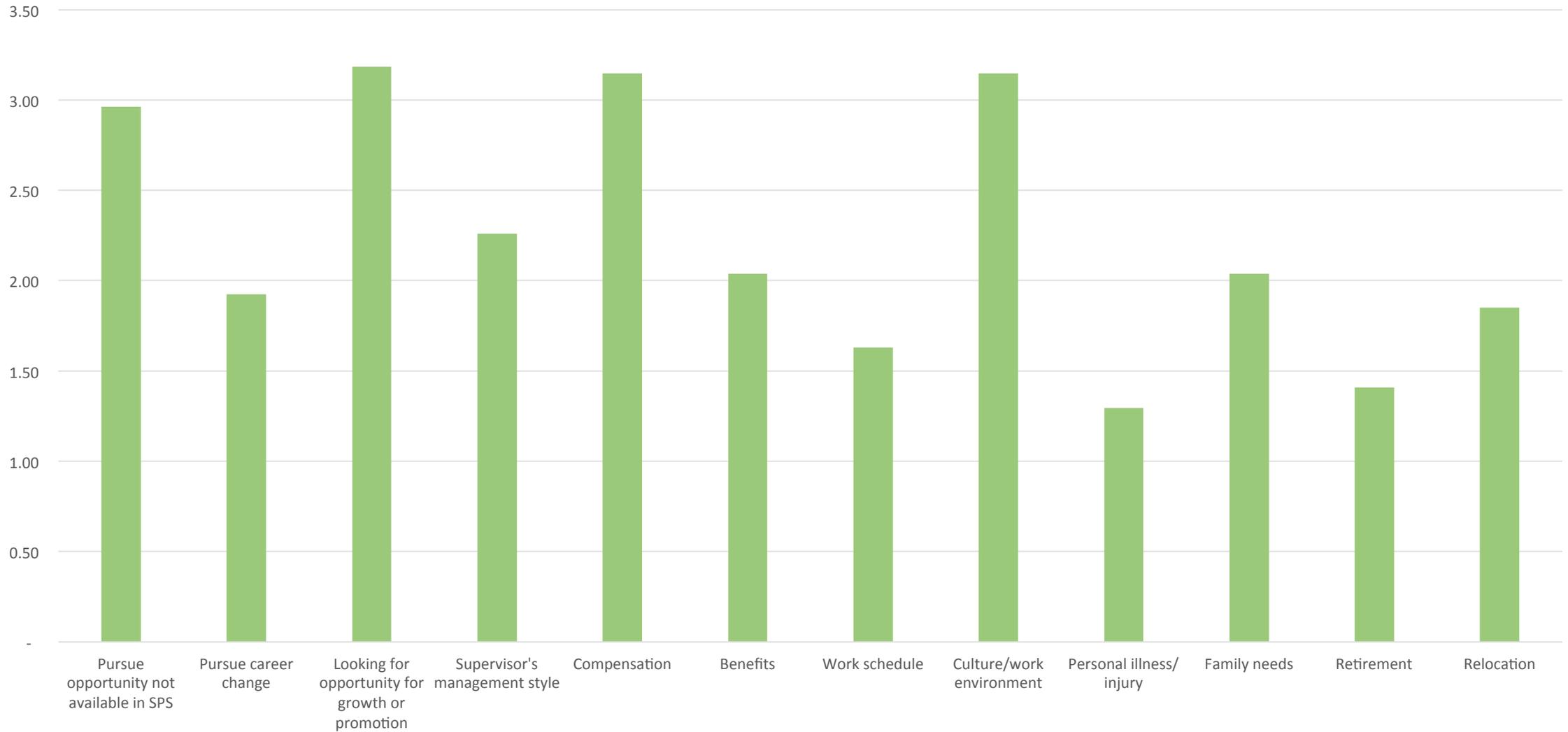
Exit Interviews

April 1, 2018 – August 31, 2018

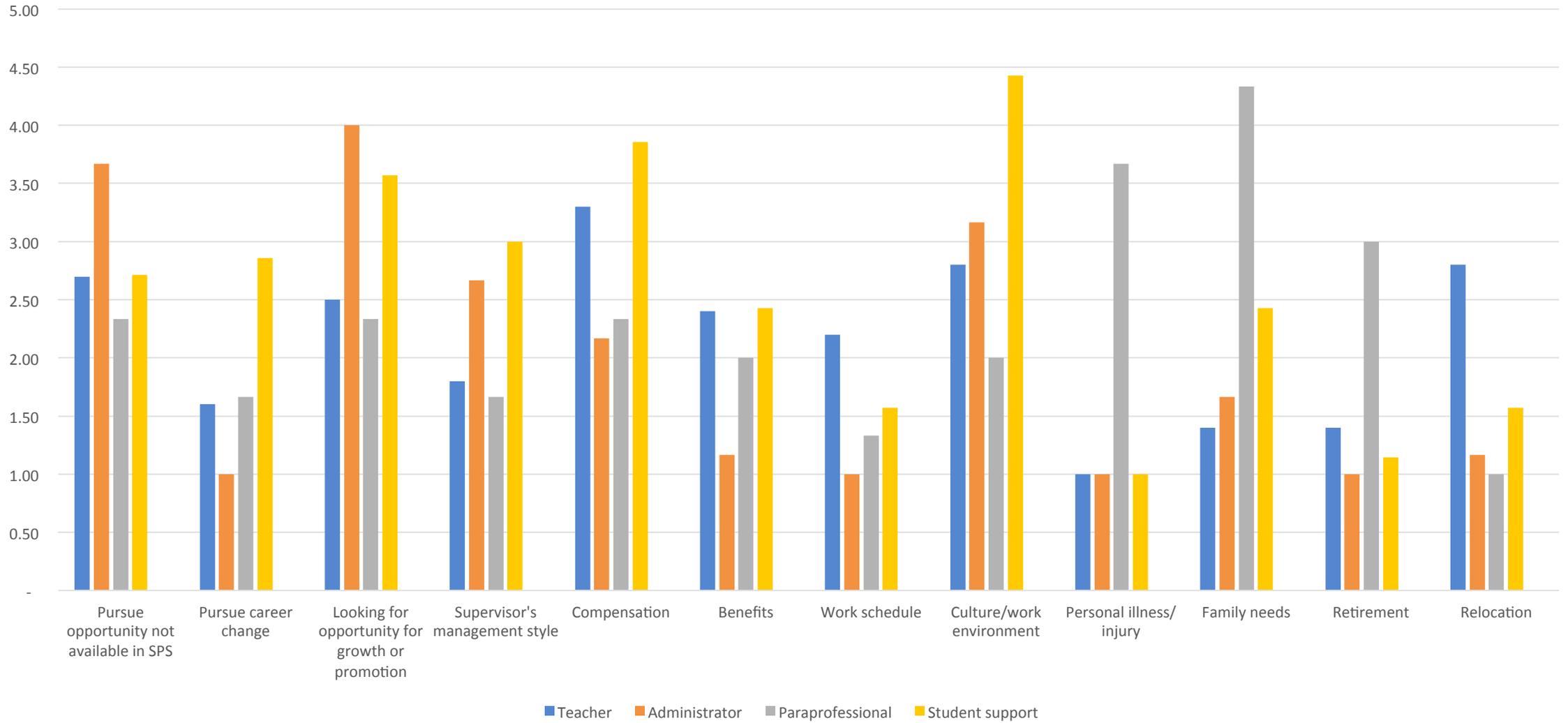
Survey Responses

- 27 of 92 (29%) of people who decided to leave SPS between April 1 & August 31, 2018
- 10 of the 33 teachers (30%)
- 3 of 23 paraprofessionals (13%)
- 6 of 13 administrators (46%)
 - Assistant Principals & Special Education Team Chairs; no principals responded
- 7 of 14 in student support roles (50%)
 - School Adjustment Counselors, School Nurses, BCBA's, Instructional Coaches & Reading Specialists
- 1 of 7 AFSCME members (14%, but too low to use)
 - Clerical, transportation, food service & buildings and grounds

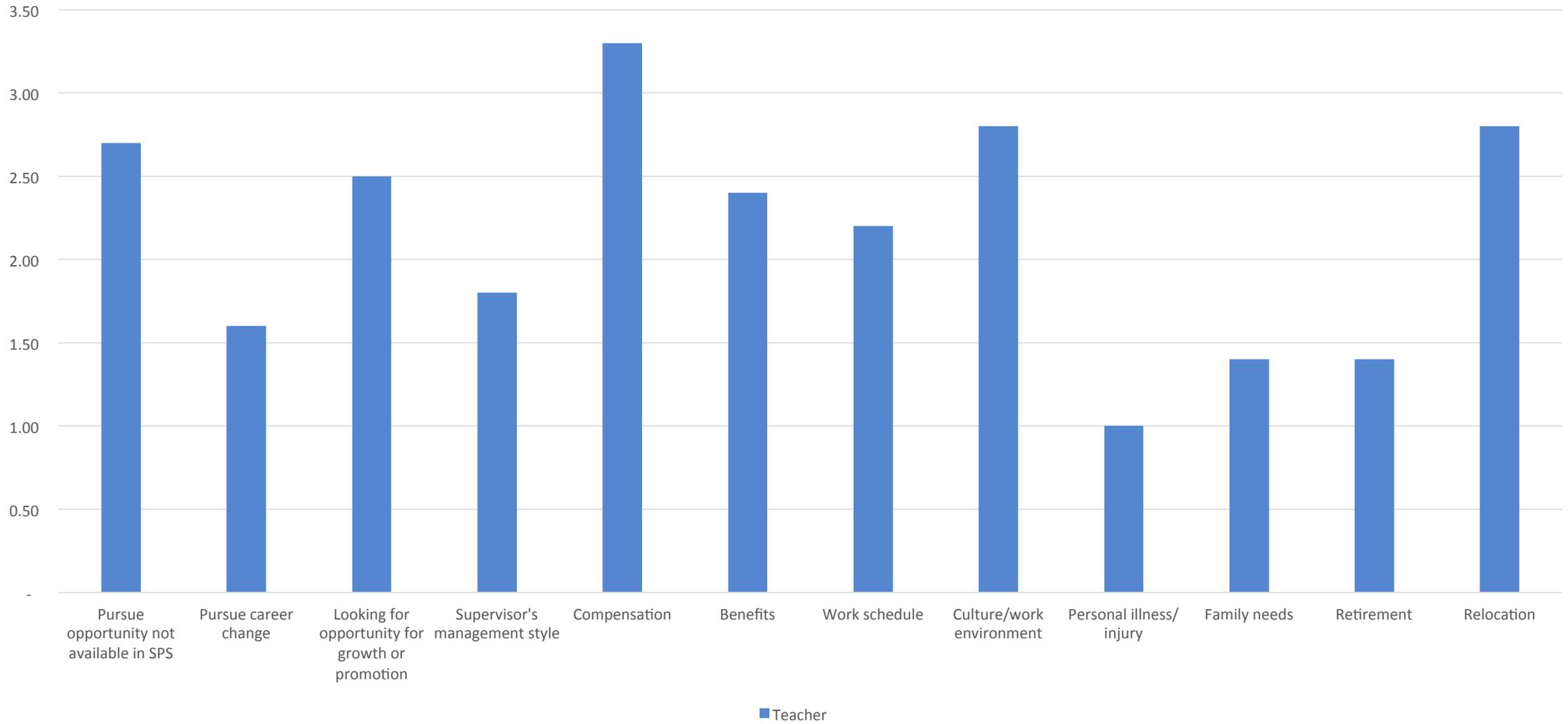
Impact on Decision to Leave – Average Overall Response



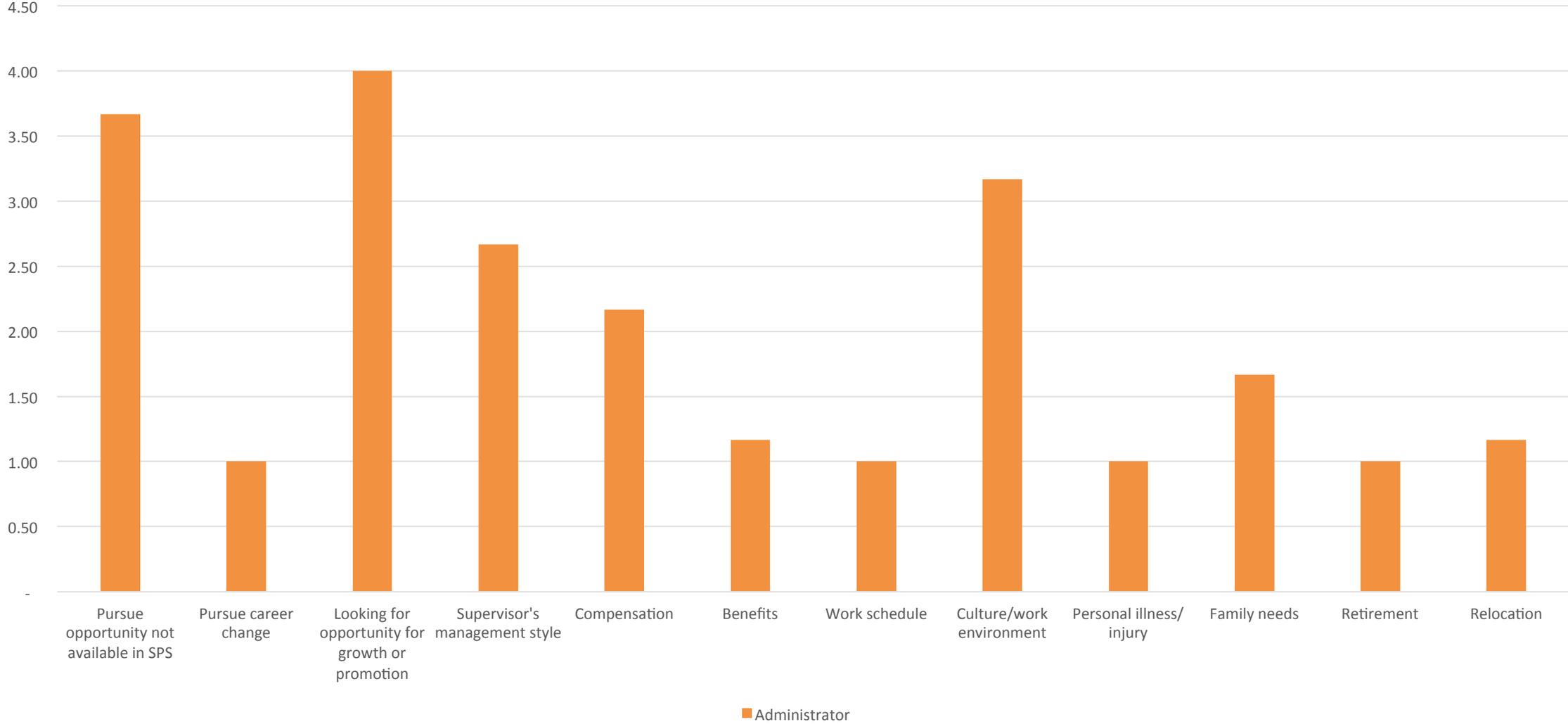
Impact on Decision to Leave, by job type



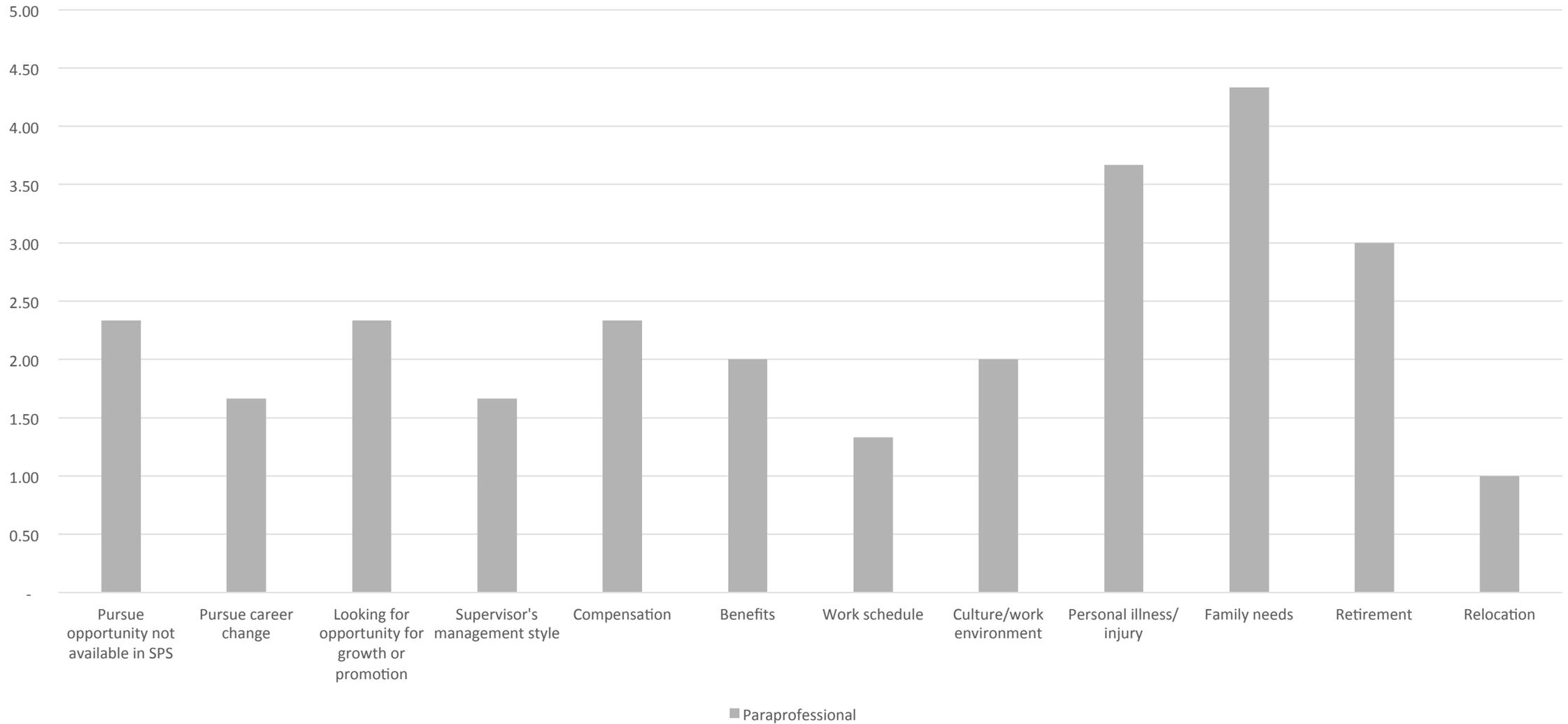
Reasons for leaving - Teachers



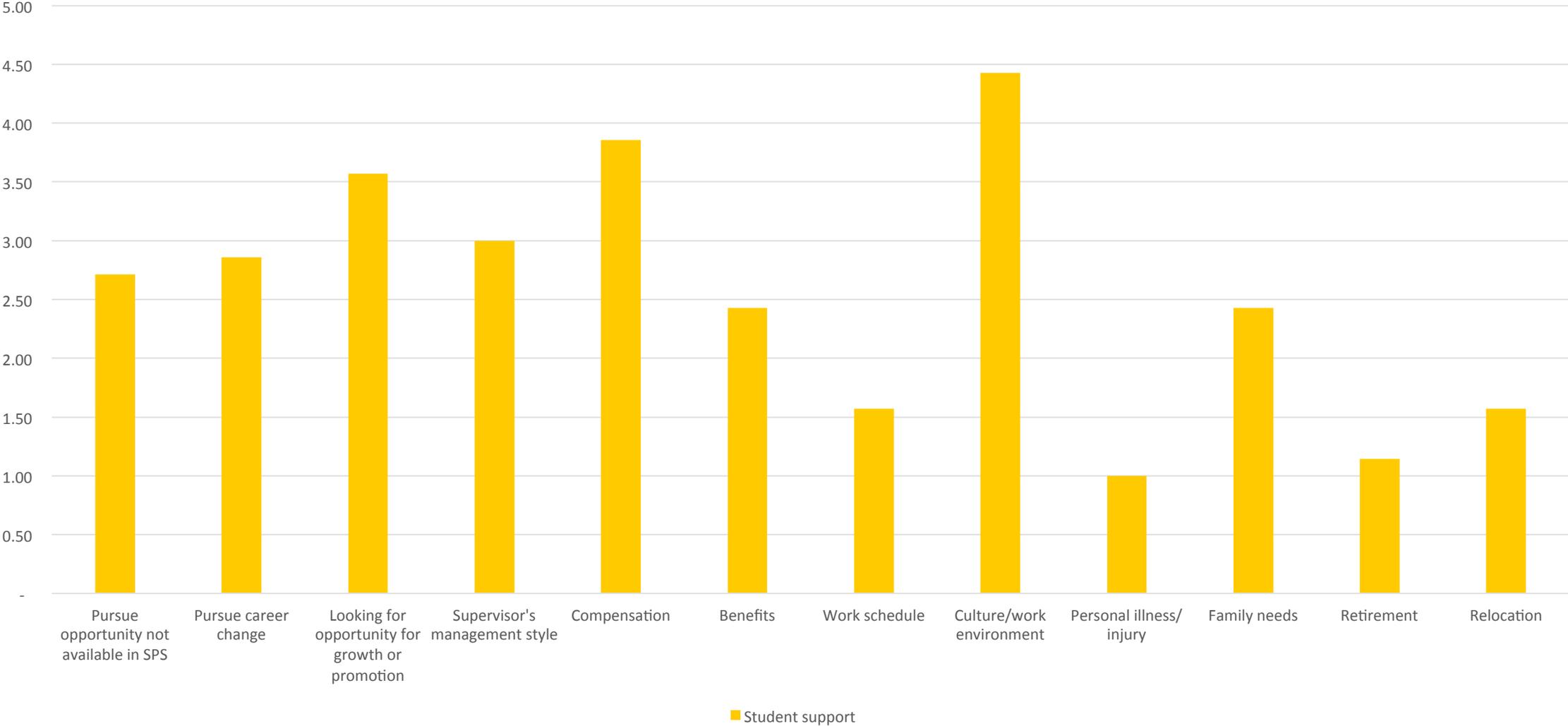
Reasons for leaving - Administrators



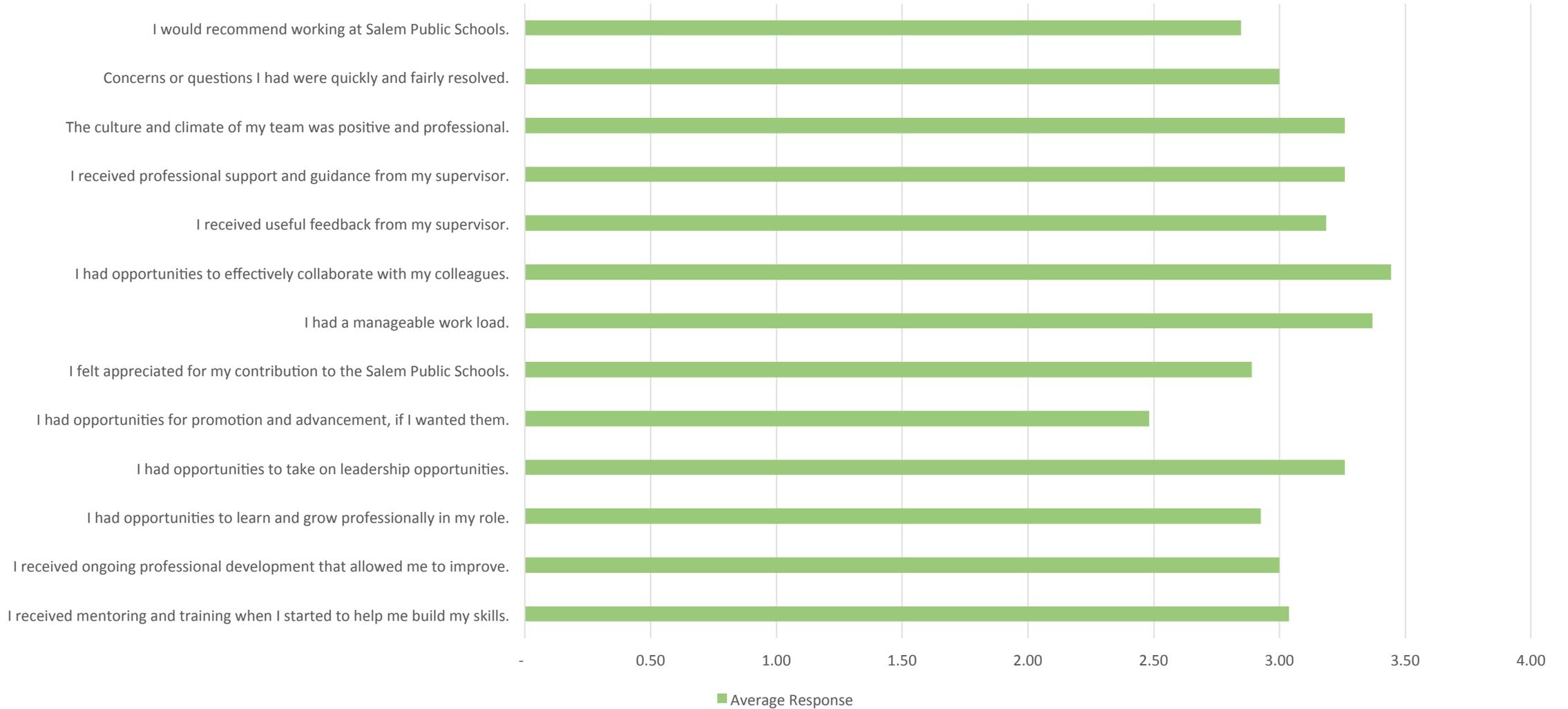
Reasons for leaving - Paraprofessionals



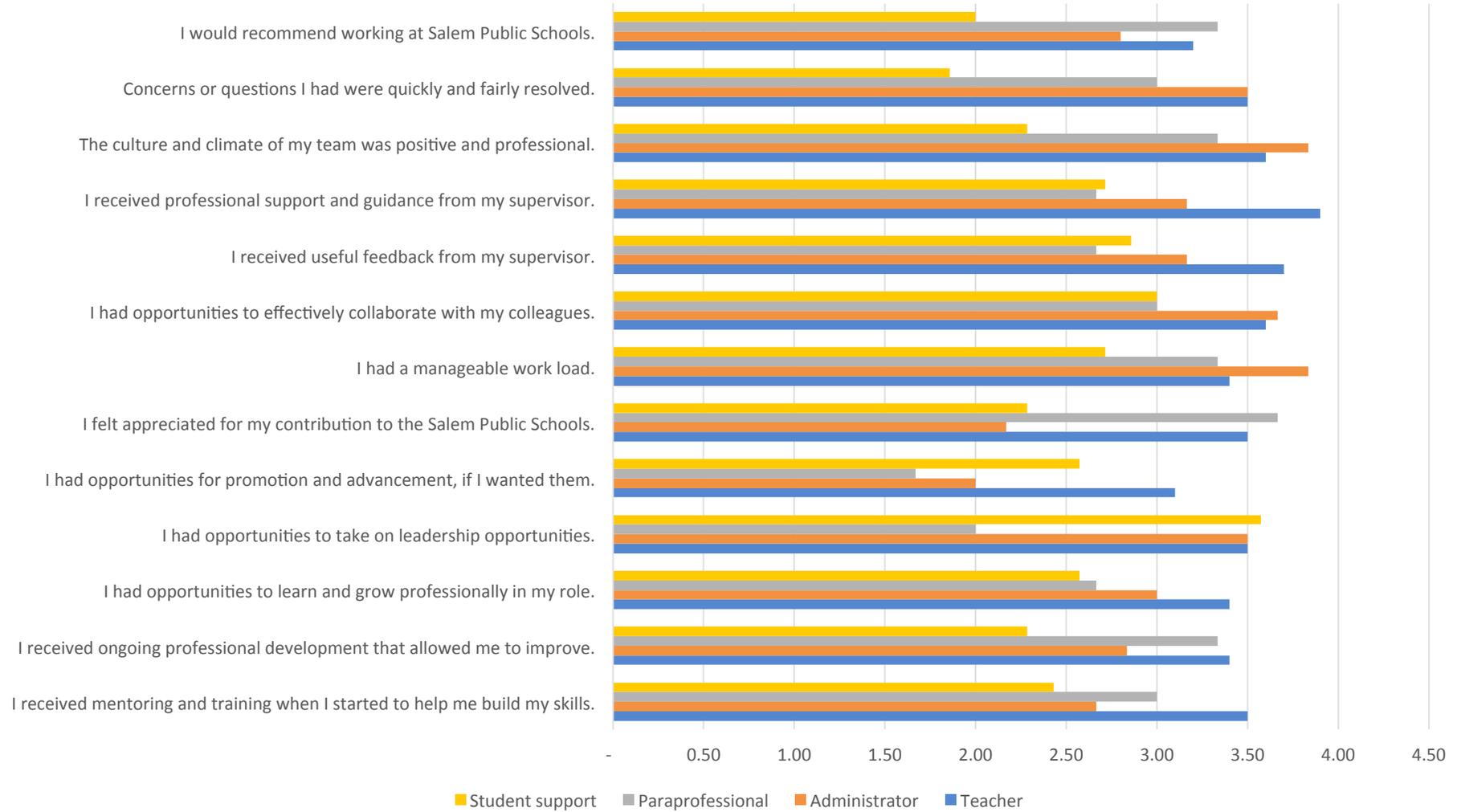
Reasons for leaving - Student Support Staff



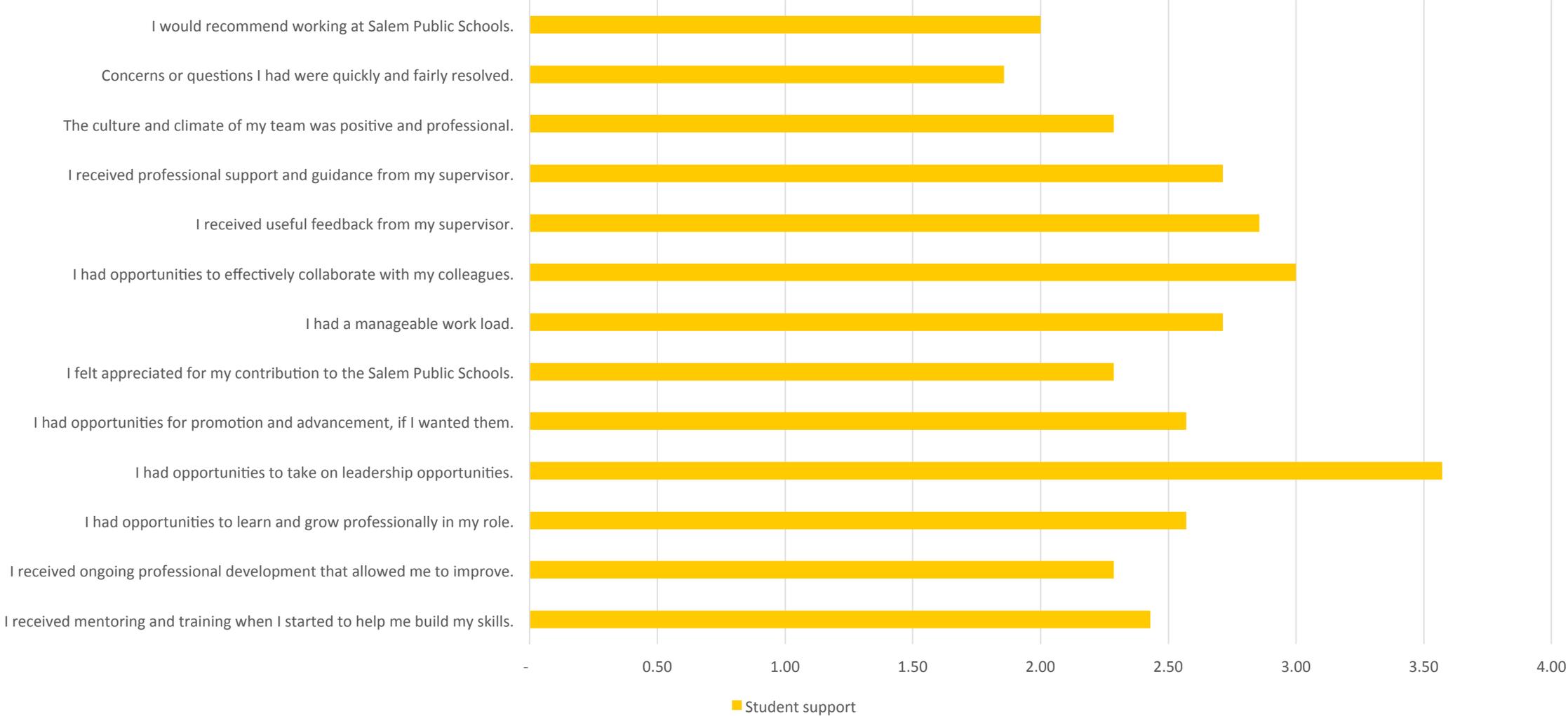
Experience at SPS, Average Response



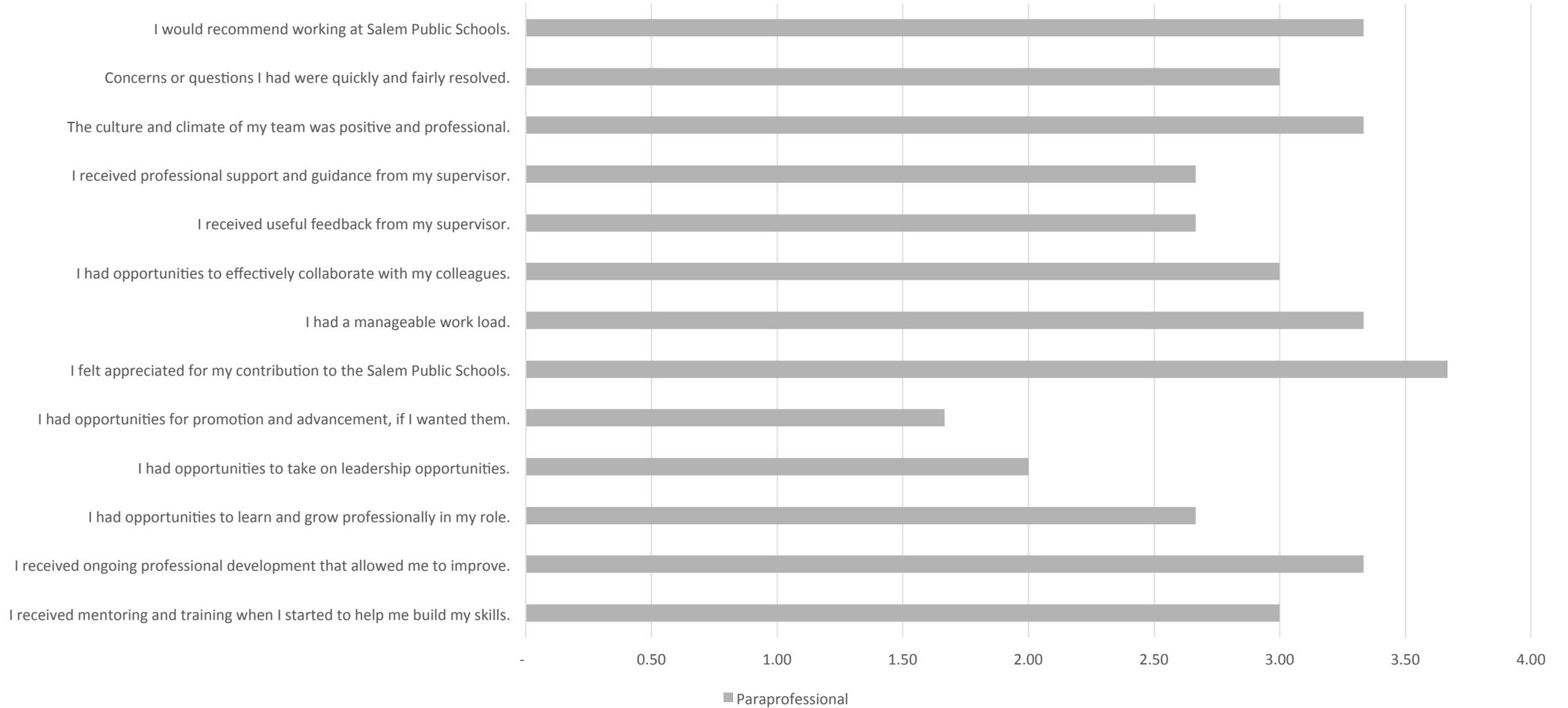
Experience at SPS, by job type



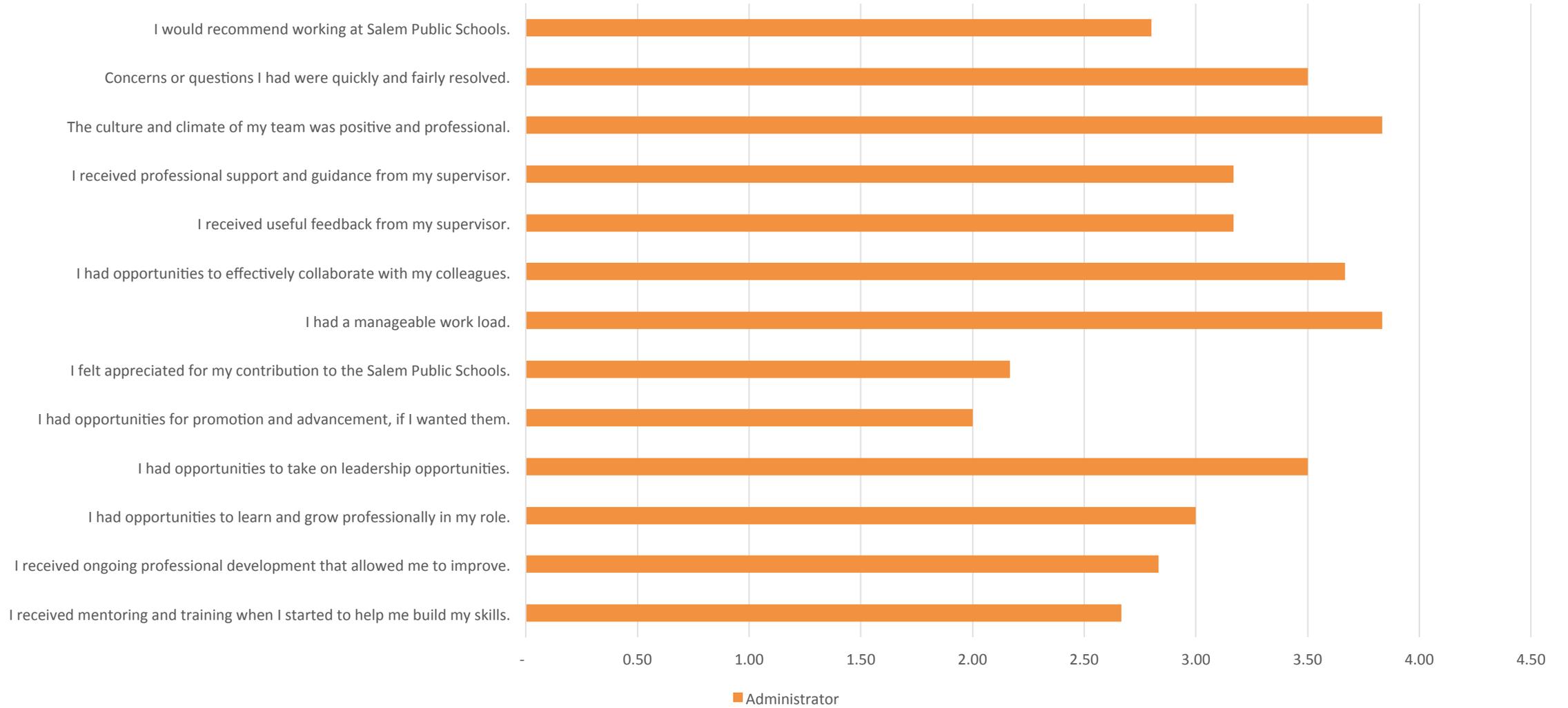
Experience at SPS - Student Support Staff Responses



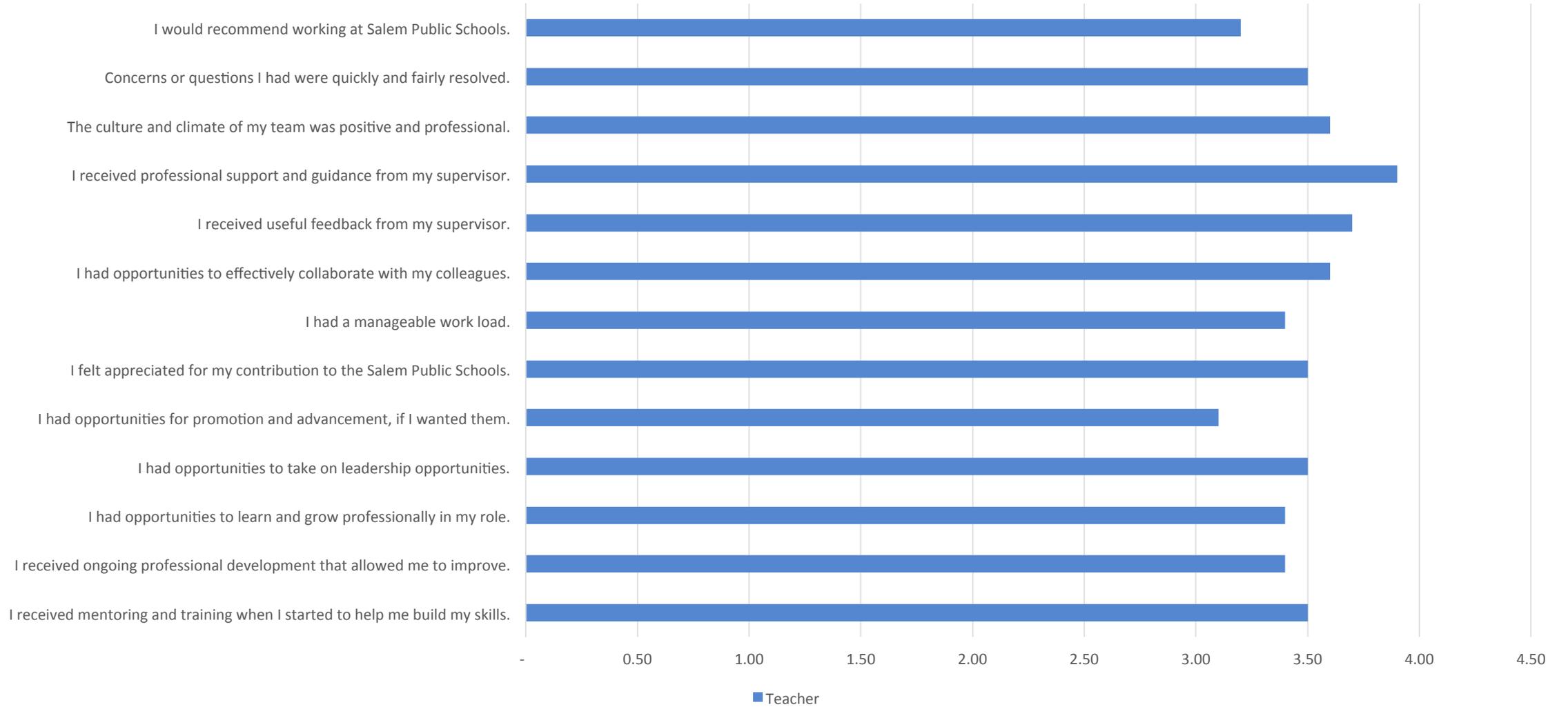
Experience at SPS - Paraprofessional Responses



Experience at SPS - Administrator Responses



Experience at SPS - Teacher Responses



Next Steps

- Follow up on trends identified as impacting the decision to leave SPS
 - Student support staff – culture/work environment
 - STU members – compensation
- Continue to administer survey to staff who decide to leave SPS
- Create and administer a survey to current staff
- Track and report on staff retention across different levels of the organization (data dashboard)

SCHOOL COMMITTEE	6000
<u>SCHOOL COMMITTEE ADVISORY COMMITTEES</u>	6500
SUBCOMMITTEES	6501

The School Committee handles some of its work during subcommittee sessions that are posted meetings open to the public. The mayor appoints three School Committee members to each subcommittee and designates the chairperson. The School Committee vice-chair may serve ex officio on all committees but does not vote. The chair of the subcommittee reports any recommendations voted by the majority of the subcommittee to the full School Committee for further consideration and enactment at the next meeting. The subcommittees include:

- Buildings and Grounds
- Curriculum
- [Equity and Inclusion](#)
- Finance
- Personnel
- Policy

First Reading: October 15, 2018
Second Reading: November 5, 2018
Third Reading: November 19, 2018

Jill Conrad [2] 11/14/2018 10:45 AM
Deleted: Approved: 6/4/07 - ... [1]
 Jill Conrad [2] 11/14/2018 10:46 AM
Deleted: Revised
 Jill Conrad [2] 11/14/2018 10:46 AM
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TADEUSZ KOSCIUSZKO POLISH LANGUAGE SCHOOL

28 St. Peter Street
Salem, MA



November 2, 2018.

Esteemed Members of the School Committee,

We are writing to request fee waiver on the use of Carlton Innovative School facility at 10 Skerry street in Salem, MA for the 2017-2018 School Year due to financial difficulties and inability to pay.

We are over 25 years old small nonprofit community Polish Language School that originally started in Lynn, MA. Our mission is to teach Polish language, culture, history, and traditions to children and youth ages 3 to 18, as well as adults, and to foster bilingualism to the minorities on the North Shore. We have had around 50 students off and on.

Our school moved into the former Polish Catholic School building at 28 St. Peter street in Salem, MA in 2005 and occupied it for a modest fee until the building was shut down by the Archdiocese in the fall of 2016.

We were very excited at the opportunity to start classes at Carlton in Salem for the 2017-2018 School Year and we had high hopes of raising enough money to be able to cover the costs, but unfortunately we have failed. Our numbers have dwindled, we were not able to find any adequate outside financial support, and were forced to look for an alternative more affordable location.

We are requesting to please consider retroactively waiving the unpaid room fees of \$70 per day for the 2017-2018 School Year as we are unable to cover that cost.

Sincerely,

Elzbieta Pitman
School Vice Principal

Ewa Pawlik
School Principal

**School Committee Policies (4000s) to be referred to School Committee for
First Reading, Mon., 11/19/18**

PERSONNEL POLICY

#4101 -- Staff Conflict of Interest, as amended

Added phrase "appearance of conflict" to first sentence.

First paragraph, 1st sentence now reads: "... any activity that conflicts or raises a reasonable question of conflict **or the appearance of conflict** with his/her duties and responsibilities in the school system."

#4102 – Drug-Free Workplace, no change

#4102.01 – Off the Job Drug and Alcohol Use and Activity, as amended

2nd paragraph -- Added "[employees] who admit to sufficient facts" and "no contest"
Last sentence in 2nd paragraph now reads: Employees who are convicted, **admit to sufficient facts**, or plead guilty or nolo contendere (**no contest**) because of off the job activities ..."

#4103 – Staff Health and Safety, as amended

1st paragraph, last sentence -- Added "federal"

Last sentence in 1st paragraph now reads: "... to comply with **federal** and state laws and regulations."

#4103.01 – HIV, only fixed typos in legal references

#4103.02 – Communicable Diseases, fixed legal references

#4104 – Worker's Compensation Insurance, as amended

Kristen Shaver checked on question about use of sick days and timeline of 5 days

Fixed legal reference from MGL 152.59 to **152.69**

#4106 – Equal Employment Opportunity/Discrimination, as amended

Deleted "Equal Employment Opportunity" from beginning of title. Policy is now called "**Nondiscrimination and Equal Employment Opportunity**"

1st & 2nd paragraphs rewritten by Assistant City Solicitor Victoria Caldwell and accepted by Policy Subcommittee on 10/15/18

Last sentence corrected to "Inquiries **or complaints** regarding compliance with **nondiscrimination laws** may be directed to the superintendent's office.

Legal references also corrected and itemized at bottom of page.

#4106.01 – Racial Discrimination, recommended for deletion – subsumed under #4106

#4107 – Personnel Records, as amended

2nd paragraph, first sentence: deleted “assistant superintendent for human resources” and inserted “**director of human capital**”

3rd paragraph, 1st sentence: changed “assistant superintendent” to “**director of human capital**”

4th paragraph, 1st sentence: “. . . Personnel records are considered confidential under the law and will not be open to public inspection **as they are not public records under the law**. Access to personnel files will be limited to persons authorized by the **director of human capital** to use the files for the reasons cited above.

5th paragraph amended to: “Each employee will have the right, upon written request, to review the contents of his/her own personnel file **and the employee has the right to comment on information contained in the file and such comment shall be included in the file.**”

Added sentence: **Each employee shall receive prior notification in writing if information is placed in his/her personnel file.**

Final sentence changed to: For **any negotiated requirements for individual employees**, refer to the **appropriate collective bargaining agreement**.

Legal references were updated, and reference to “Family Educational Rights and Family Act” was deleted.

#4109.01 – Small Necessities Leave, added legal reference at end of policy

#4112 – Employee Arrest, as amended

Deleted phrase “Whether the charges against the employee involve moral turpitude”

#4113 – Staff Participation in Political Activities, as amended

1st paragraph rewritten by Assistant City Solicitor Victoria Caldwell and accepted by Policy Subcommittee on 10/15/18;

2nd paragraph modified as follows: “teacher” changed to “employee” (2 times); last sentence modified to: “. . . shall be arranged on an individual basis **subject to the relevant provisions of any applicable collective bargaining agreement.**”

#4114 – Staff Participation in Community Activities, as amended

Title changed from “Staff Conflict of Interest” to “**Staff Participation in Community Activities**”

#4115 – Resignation of Employees, policy deleted because of redundancy with Policy 4116 (Personnel Reports)

#4202 – Certification Requirements for Professional Staff – Added legal reference: MGL 71: 38G, **28G1/2**

#4206 – Visiting Days, Educational Conferences and Professional Workshops – Deleted “Certification Requirements for Professional Staff” in title;
2nd sentence: Changed “shall” to “may”. Sentence now reads: “The superintendent **may** request from personnel, after such visits, a report of their observations in order that other personnel of the city schools may profit by them.”

#4207 – Non-School Employment by Professional Staff Members -- Added legal reference to include Conflict of Interest Law citation:
Legal Reference: MGL 268A: 1-29

#4208 -- Suspension, Demotion and Dismissal of Professional Staff Members – Changed “teacher(s)” to “professional educator(s)” or “educator(s)” throughout policy -- 7 times;
2nd paragraph, 4th line: Changed “He/she” to “The employee”
Added legal reference to include Section 41, because provision references professional status: Legal Reference: MGL 71: **41, 42**

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
STAFF CONFLICT OF INTEREST	4101

No employee of the School Committee or any School Committee member will engage in or have a financial interest in, directly or indirectly, any activity that conflicts or raises the appearance of a conflict with his/her duties and responsibilities in the school system. Nor will any staff member engage in any type of private business during school time or on school property.

Deleted: or raises a reasonable question of conflict

Employees will not engage in work of any type where information concerning customer, client, or employer originates from any information available to them through school sources.

As there should be no conflict of interest in the supervision or evaluation of employees, at no time will any administrator be responsible for the supervision and/or evaluation of any employee who is related to him/her.

In cases where the situation results after initial employment, no employee shall be placed in any position where a spouse or relative of that employee exercises the direct administration or supervisory authority over that position.

Legal Reference: MGL 268A:1-29

Deleted: 20

Referred by the Policy Subcommittee 11/5/18

First Reading: 11/19/18

PERSONNEL

4000

ALL EMPLOYEES

4100

DRUG-FREE WORKPLACE POLICY

4102

It is the policy of the Salem Public Schools to maintain an alcohol-free and drug-free workplace. The unlawful manufacture, distribution, dispensation, possession or use of controlled substances or alcohol is prohibited while on duty or on school department property. Any violations of this policy will be grounds for disciplinary action up to and including immediate suspension and dismissal.

It is a condition of employment that each employee abides by this policy and notifies the superintendent of schools of any criminal drug conviction for a violation occurring in the workplace within 5 days of such a conviction. The Salem School Department has an obligation to notify the appropriate federal agency within 10 days of receiving such a notice of conviction. The superintendent of schools will take disciplinary action up to and including dismissal from employment.

Federal law, known as the Drug-Free Workplace Act of 1988, requires the Salem Public Schools to certify that it maintains a drug-free workplace as a condition of receiving federal grants and contracts.

Reviewed by the Policy Subcommittee: 9/10/18

First Reading: 11/19/18

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
DRUG-FREE WORKPLACE POLICY	4102
OFF THE JOB DRUG AND ALCOHOL USE AND ACTIVITY	4102.01

Employees who use drugs, alcohol, or chemical substances off the job run the risk of jeopardizing the safety of themselves, the public, and the district.

Whenever such usage adversely affects public trust in the district or otherwise interferes with the district's ability to carry out its responsibilities or increases potential liability for the district, the district may be forced to take disciplinary action against the offending employee(s), up to and including termination of employment. Employees who are convicted, admit to sufficient facts, or plead guilty or nolo contendere (no contest) because of off the job activities (drug or alcohol related) may be considered in violation of this policy.

In deciding what action to take, the district will consider the nature of the charges and other factors relative to the impact of the employee's conviction or plea upon the conduct of the district's business.

Reviewed by the Policy Subcommittee 9/10/18

First Reading: 11/19/18

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
STAFF HEALTH AND SAFETY	4103

All school personnel must submit a statement of good health verifying their ability to perform the duties required in their job description from a primary health care provider within 90 days of hire. Prospective candidates for building service positions including custodians, painters, maintenance craftsmen, carpenters, grounds maintenance, HVAC, and electricians, will be subject to a pre-employment physical. Additional physical examinations will also be required of bus drivers and food service workers to comply with [federal and](#) state laws and regulations.

The superintendent may require an employee to submit to a physical examination by a physician appointed by the school department whenever that employee's health appears to be a hazard to self, students or others in the school department, or when a doctor's certificate is needed to verify the need for sick leave, subject to the provisions set forth in negotiated agreements.

Refer to negotiated agreements(s)
 Legal Reference: MGL 71 :[54](#)

Reviewed by Policy Subcommittee:
10/15/18

First Reading: 11/19/18

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ALL EMPLOYEES

4100

STAFF HEALTH AND SAFETY

4103

HIV

4103.01

It is the policy of the Salem Public Schools that in compliance with the Americans with Disabilities Act (ADA, 42 U.S.C. S 12101), the Individuals with Disabilities Education Act (IDEA, 20 U.S.C. S 1400) and Section 504 of the Rehabilitation Act of 1971 (29 U.S.C. S 794), MGL Chapter 111, Section 70F, and Chapter 112, Section 12F, and the policy guidelines of the Massachusetts Department of Public Health and the Department of Education, students and employees with HIV infection have the same education and employment rights as any other student or employee.

HIV infection includes all individuals infected with the human immunodeficiency virus (HIV) and every stage of infection and illness.

EMPLOYMENT

Any employee or applicant for employment will not be discriminated against on the basis of HIV infection or association with another person with HIV infection.

An Employee with HIV infection may continue to work as long as he or she is able to perform the essential functions of the position, with reasonable accommodation if necessary.

PRIVACY

Employees are not required to disclose their HIV infection status to anyone in the education system.

HIV antibody testing is not required for any purpose.

Every employee has a duty to treat as highly confidential any knowledge of speculation concerning the HIV status of a student or other staff member.

Violation of medical privacy is cause for disciplinary action, criminal prosecution, and/or personal liability for a civil suit.

No information regarding a person's HIV status will be divulged to any employee or subcontractor without:

A court order; or

The informed, written, signed and dated, consent of the person with HIV infection or the parent or guardian of a legal minor.

The written consent for HIV disclosures must specify the name of the recipient of the information and the purpose for the disclosure.

All health records, notes, and other documents that reference a person's HIV status will be kept under lock and key in a file separate from the individual's medical, personnel or discipline records.

Access to HIV confidential records is limited to those named in written permission from the person or that parent/guardian, and to emergency medical personnel.

All employees are required to consistently follow Universal Precautions and the Salem Public Schools HIV Administrative Guidelines at all times within school, as well as during all school activities.

A school staff member must alert the school nurse or principal if a student's health condition or behavior presents a reasonable risk of transmitting any infection (e.g. biting, spitting).

All school staff members will maintain a respectful school climate and not allow physical or verbal harassment of any individual or group based on:

A person living with HIV infection;

A person perceived as having HIV infection; or

A person associated with someone with HIV infection.

The superintendent is directly responsible for enforcing and communicating this policy. Principals and administrators are responsible for:

Implementing the policy in their building/department;

Reviewing this policy with their staff annually; and

Monitoring the execution of this policy at the building level.

Refer to Salem Public Schools HIV Administrative Guidelines

Legal Reference: 42 USC Section 12101

20 USC Section 1400

29 USC Section 794

MGL: 111 Section 70F

MGL: 112 Section 12F

603 CMR 26.00

Reviewed by the Policy Subcommittee 9/10/18

First Reading: 11/15/18

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
STAFF HEALTH AND SAFETY	4103
COMMUNICABLE DISEASES	4103.02

In accordance with Massachusetts General Laws and the Massachusetts Department of Public Health regulations, employees diagnosed with a communicable disease will be excluded from work and may be required to submit documentation from a primary care provider approving their return to work.

When one or more cases of a vaccine-preventable disease are diagnosed, all susceptibles, including those with medical or religious exemptions, are subject to exclusion as described in the Massachusetts Department of Public Health Reportable Diseases, Surveillance and Isolation and Quarantine Requirements.

In cases of certain diseases when the question of communicability and exposure pose a risk to the public health, the superintendent will be responsible for the enforcement of the exclusion of employees refusing to comply with the Board of Health requirements for prevention and control measures.

In all instances, school personnel will respect an individual's right to privacy and medical confidentiality.

Refer to Salem Public Schools – School Health Services Protocols and Guidelines

Legal Reference: MGL 111:6, 7, 109, 111, 112
 105 CMR 300.000: Reportable Diseases, Surveillance, and Isolation and Quarantine Requirements

Reviewed by the Policy Subcommittee: 9/10/18,

First Reading: 11/19/18

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PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
WORKER'S COMPENSATION INSURANCE	4104

Whenever an employee is absent from school as a result of injury caused by an accident or an assault occurring in the course of his/her employment, the employee may elect to be paid his/her full salary (less the amount of any workmen's compensation award made for temporary disability due to such injury) to the extent of the employee's available accumulated sick leave.

See Negotiated Agreement(s)

Legal Reference: [MGL 152:69](#)

[Marshfield School Committee v. Marshfield Teachers' Association, Massachusetts S.J.C. 1981](#)

[Reviewed by the Policy Subcommittee 10/15/18](#)

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PERSONNEL

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ALL EMPLOYEES

4100

NONDISCRIMINATION AND EQUAL EMPLOYMENT OPPORTUNITY

4106

The Salem Public Schools strives to provide a safe, respectful, and supportive learning environment in which all students can thrive and succeed in its schools. The Salem Public Schools prohibits discrimination on the basis of race, color, sex, gender identity, religion, national origin, or sexual orientation and ensures that all students have equal rights of access and equal enjoyment of the opportunities, advantages, privileges, and courses of study.

The Salem School Department is also an equal opportunity employer and subscribes to the fullest extent to the principle of the dignity of all people and will take action to ensure that any individual within the Department who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, color, age, sex, national origin, religion, disability, veteran status, gender identity or sexual orientation.

Inquiries or complaints regarding compliance with nondiscrimination laws may be directed to the superintendent's office.

- Legal References:
- 603 CMR 26, Access to Equal Educational Opportunity
 - MGL 76:5, 151B:1-10, 151C:1-5
 - Section 504 of the Rehabilitation Act
 - Title IX of the Educational Amendments of 1972
 - Titles VI and VII of the Civil Rights Act of 1964
 - Age Discrimination Act of 1967 (ADEA)
 - Titles I and V of the Americans with Disabilities Act of 1990 (ADA)
 - Title II of the Genetic Information Nondiscrimination Act of 2008 (GINA)
 - Civil Rights Act of 1991

Reviewed by the Policy Subcommittee 10/15/18

First Reading: 11/19/18

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EQUAL EMPLOYMENT OPPORTUNITY/

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¶ No person shall be excluded from or discriminated against an admission to a public school of any town, or in obtaining the advantages, privileges and courses of study of such public school on account of race, color, sex (including pregnancy), religion, national origin or sexual orientation.¶

¶ Title IX states that¶
No person shall on the basis of sex, be excluded from participation in, be denied the benefits or activity receiving federal financial assistance.¶

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PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
EQUAL EMPLOYMENT OPPORTUNITY/DISCRIMINATION	4106

RACIAL DISCRIMINATION POLICY 4106.01

Commented [JC1]: The Policy Subcommittee recommends deletion of Policy #4106.01 as its focus is covered under the proposed revised Policy #4106:Nondiscrimination and Equal Employment Opportunity

GENERAL

It is the policy of the Salem Public Schools to promote and maintain an environment that is free from discrimination or harassment on the basis of race.

Racial discrimination is a violation of Chapter 622 of the Massachusetts Board of Education Regulations along with Title VI and Title VII of the Civil Rights Act of 1964 and therefore the policies of the Salem Public Schools. Discrimination or unequal treatment on the basis of race or national origin is prohibited in all practices. This would include, but not be limited to: admission, recruitment, financial and academic programs, student treatment and services, counseling and guidance, discipline, classroom assignment, grading, vocational education, recreation, physical education, athletics, housing and employment.

GRIEVANCE OFFICER

The Salem School Committee has designated the superintendent as the system grievance officer for both students and employees. The grievance officer is vested with the authority and responsibility of processing all racial discrimination claims. Students or employees who feel that they are the victim of racial discrimination or are aware of such practices should bring it to the attention of the grievance officer.

Legal Reference: MGL C 151 B, S 1

[Reviewed by the Policy Subcommittee 10/15/18](#)

[Propose to Delete this policy](#)

[First Reading 11/19/18](#)

PERSONNEL

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ALL EMPLOYEES

4100

PERSONNEL RECORDS

4107

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Information about staff members is required for the daily administration of the school district. The superintendent will develop and maintain a comprehensive and efficient system of personnel records maintenance and control under the following guidelines:

A personnel file for each present and former employee will be accurately maintained in the office of the director of human capital. The folders will contain the application for employment and references, records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.

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The director of human capital will be the official custodian for personnel files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.

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Personnel records are considered confidential under the law and will not be open to public inspection as they are not public records under the law. Access to personnel files will be limited to persons authorized by the director of human capital to use the files for the reasons cited above.

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Each employee will have the right, upon written request, to review the contents of his/her own personnel file and the employee has the right to comment on information contained in the file and such comment shall be included in the file.

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Each employee shall receive prior notification in writing if information is placed in his/her personnel file.

Lists of school employees' names and home addresses will be released only as required by law.

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For any negotiated requirements for individual employees, refer to the appropriate collective bargaining agreement.

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Legal Reference: MGL 4:7, 66:10, 71:42C, 149:52C

Reviewed by the Policy Subcommittee 10/15/18

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First Reading 11/19/18

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PERSONNEL

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ALL EMPLOYEES

4100

SMALL NECESSITIES LEAVE

4109.01

In accordance with the provisions of the Small Necessities Leave Act (SNLA) MGL Chapter 149, Section 520, the district will grant employees with at least one year of active employment, up to 24 hours of unpaid leave within a 12-month period for any of the following reasons:

To participate in school activities directly related to the educational advancement of an employee's child, such as parent/teacher conferences or interviewing for a new school;

To accompany an employee's child to routine medical or dental appointments, such as check-ups or vaccinations; or

To accompany an elderly relative of the employee to routine medical or dental appointments or appointments for other professional services related to the elder's care, such as interviewing at nursing homes or group homes.

An employee must take this intermittent leave in increments of no less than 1 hour. Employees should provide at least 7 days notice, if the need for leave is foreseeable, or as much notice as practicable, if the leave is not foreseeable.

[Legal Reference: MGL 149: 520](#)

[Reviewed by the Policy Subcommittee: 9/10/18](#)

[First Reading 11/19/18](#)

PERSONNEL	4000
<u>ALL EMPLOYEES</u>	4100
EMPLOYEE ARREST	4112

In the event an employee of the Salem School Department is arrested on criminal charges, the situation will be addressed on a case-by-case basis and judged by the superintendent after an investigation, which will include, but not be limited to, the following:

The extent and seriousness of the charges against the employee;

The level of effect on the employee's ability to perform his/her duties;

After an investigation conducted by the superintendent, the employee may receive disciplinary action including, but not limited to reprimand, suspension, with or without pay pending the outcome of the arrest charges, or termination of employment. The superintendent will consult with the School Committee and lawyer prior to any action.

Deleted: Whether the charges against the employee involve moral turpitude.

Reviewed by the Policy Subcommittee: 9/10/18,

First Reading 11/19/18

Deleted: Approved: 9/12/05

PERSONNEL **4000**

ALL EMPLOYEES 4100

STAFF PARTICIPATION IN POLITICAL ACTIVITIES 4113

School employees, like all public employees, have most of the same rights as other citizens to engage in private political activity. Employees must, however, be mindful of the Conflict of Interest Law and not use their public position or public resources to engage in political activity. Employees may campaign and participate in other related activities (other than fundraising) so long as this occurs on the individual's own time and does not involve the use of public resources that are not freely available to all. For example, employees may not use school computers, copiers, or other resources to engage in political activity. The Campaign Finance Law prohibits public employees from engaging in political fundraising. Employees engaging in political activity shall make it clear that their utterances and actions are theirs as individuals and that they, in no manner, represent the views of the school ~~department.~~

An employee, seeking an extended leave of absence for campaigning, office-holding, or other time-consuming responsibilities connected with government, shall apply for such leave in writing. The superintendent shall give the employee a written answer to a request for political leave. If the candidate is not elected, he/she shall be returned to his/her position immediately. Leaves of absence shall be arranged for definite periods of campaigning. Leaves of absence for periods of holding political offices, because of the wide variance of the demands on time, shall be arranged on an individual basis subject to the relevant provisions of any applicable collective bargaining agreement.

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Commented [VC1]: <https://www.mass.gov/service-details/public-school-teacher-faqs-on-the-conflict-of-interest-law> (Scroll down to see the provision regarding ballot questions)

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Legal Reference: MGL 55:13-17, 71:44, 268A

Commented [VC2]: 55- Campaign Finance, 71- Ed. Law re teachers' political rights, and 268A-Conflict of Interest Law.

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Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

PERSONNEL **4000**

ALL EMPLOYEES 4100

STAFF PARTICIPATION IN COMMUNITY ACTIVITIES 4114

Deleted: CONFLICT OF INTEREST

Personnel of the Salem School Department are encouraged to participate in community activities, particularly those involving youth. Active involvement in organizations and groups that promote community welfare provides opportunities for mutual understanding between the school and community, a process that will reap benefits for all concerned.

Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

PERSONNEL

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ALL EMPLOYEES

4100

RESIGNATION OF EMPLOYEES

4115

The superintendent and or his or her designee is hereby authorized to accept notices of retirements and resignations from employees of the Salem School Department and shall report said resignations and notices to the committee monthly.

Commented [JC1]: The Policy Subcommittee recommends deleting this policy as its focus is included in Policy 4116: Personnel Reports

Reviewed by Policy Subcommittee 11/5/18

Deleted: Approved: 9/12/05

Recommended for deletion

First Reading 11/19/18

PERSONNEL

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ALL EMPLOYEES

4100

PERSONNEL REPORT

4116

Commented [JC1]: Superintendent needs to review and propose something for this policy

The superintendent or his designee shall provide the School Committee with a detailed personnel report three times per year (October, February, and July). Said report shall contain information on resignations and retirements (including length of service), newly hired personnel (including education, experience and certifications) and unfilled positions.

Deleted: each month

PERSONNEL	4000
<u>PROFESSIONAL STAFF</u>	4200
CERTIFICATION REQUIREMENTS FOR PROFESSIONAL STAFF	4202

In order to have students educated by appropriately trained staff, all professional employees of the Salem Public Schools are required to have appropriate certification issued by the Massachusetts Department of Education.

Legal Reference: MGL 71: ~~38G, 28G1/2~~

Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

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PERSONNEL **4000**

PROFESSIONAL STAFF 4200

VISITING DAYS, EDUCATIONAL CONFERENCES AND PROFESSIONAL WORKSHOPS 4206

Deleted: CERTIFICATION REQUIREMENTS FOR PROFESSIONAL STAFF

The superintendent may grant permission to school personnel to visit schools or attend educational conferences when the best interests of the school will be advanced. The superintendent may request from personnel, after such visits, a report of their observations in order that other personnel of the city schools may profit by them.

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Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

PERSONNEL	4000
<u>PROFESSIONAL STAFF</u>	4200
NON-SCHOOL EMPLOYMENT BY PROFESSIONAL STAFF MEMBERS	4207

It is the policy of the Salem School Committee that all employees obtain prior approval of the superintendent for outside employment that might involve a conflict of interest or is of such a duration that it would conflict with the employees' normal responsibilities as defined by applicable conditions of employment. If there is any doubt in regard to potential conflict it is the responsibility of the employee(s) to obtain clarification from the superintendent prior to engaging in outside employment activities. Outside employment is defined here to include but not be limited to, performance of services by an employee(s) for another person(s) and/or organization or providing services as a self-employed person.

This policy shall not apply to employee activities during scheduled vacation periods, provided that such activity does not result in a conflict of interest.

Legal Reference: MGL 268A:1-29

Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

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PERSONNEL	4000
PROFESSIONAL STAFF	4200
SUSPENSION, DEMOTION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS	4208

A principal may dismiss, demote or suspend any ~~professional educator~~ or other employee assigned full time to the school, subject to the review and approval of the superintendent. The superintendent may dismiss, demote or suspend any employee of the school district. In the case of an employee whose duties require him/her to be assigned to more than one school, and in the case of ~~educators~~ who teach in ~~or assigned to~~ more than one school, those persons shall be considered under the supervision of the superintendent for all decisions relating to dismissal, demotion or dismissal for cause.

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A ~~professional educator~~ who has been teaching in a school for at least 90 calendar days shall not be dismissed unless he/she has been furnished with written notice of intent to dismiss and with an explanation of the grounds for dismissal in sufficient detail to permit the ~~educator~~ to respond to documents relating to the grounds for dismissal. ~~The employee~~ may request, within 10 school days after receiving such written notice, an opportunity to review the decision with the principal or the superintendent, as the case may be, and to present information pertaining to the basis for the decision and to the ~~educator's~~ status.

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The ~~educator~~ receiving such notice may be represented by an attorney or other representative at such a meeting with the principal or superintendent. ~~Educators~~ without professional status shall otherwise be deemed employees at will.

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Legal Reference: MGL 71:41, ~~42~~

Commented [VC1]: Provision references professional status, so reference to §41 added here.

Reviewed by the Policy Subcommittee: 9/10/18

First Reading 11/19/18

Memo:

To: Salem School Committee

From: Kristin Shaver

Date: November 5, 2018

Re: FY19 Budget Transfer Request 3

The Pupil Personnel Services Department requests the following transfers to reallocate funds from unfilled positions.

Account Description/Use	Account Number	Amount From	Amount To
Personnel – Administration (ED of PPS)	13640160-5117	\$140,000	
Personnel – District Wide Teaching (Coordinator of Specialized Instruction)	13640160-5125	\$39,000	
Contract Services – PPS	13640161-5320		\$150,000
Personnel – Nursing	13490140-5111		29,000

I recommend approval of the transfer.

