



Road Map for  
**BEGINNING  
TEACHERS**





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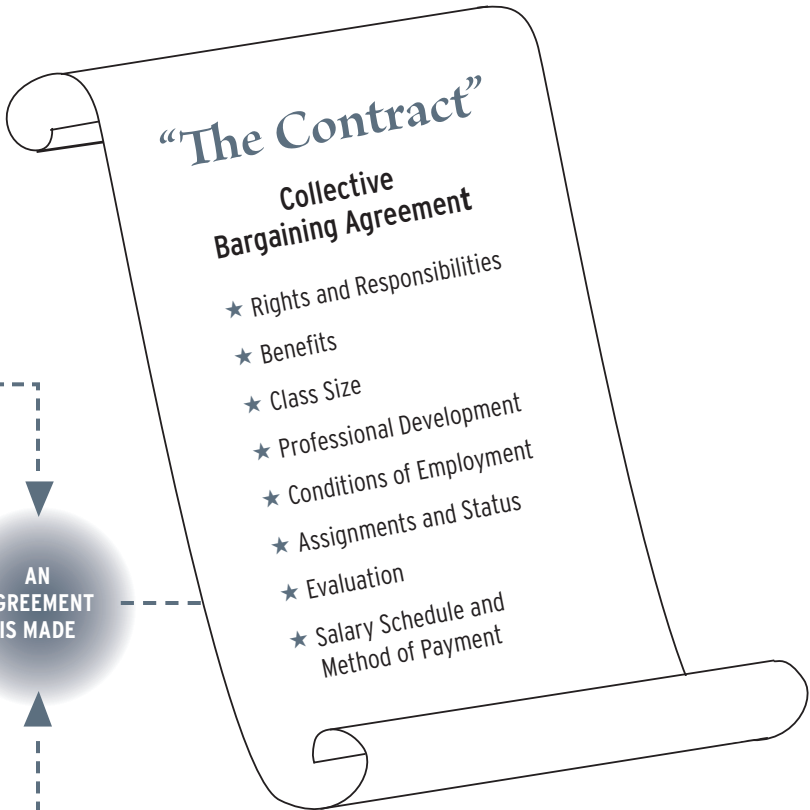
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# Just starting down the road as a teacher?

This booklet is designed to give you the details about your rights and responsibilities as a new teacher. *Welcome!*



AN  
AGREEMENT  
IS MADE

START HERE



## Your Local Education Association

As an employee of a public school district, you are not alone.

- You have the right to belong to your local education association.
- Massachusetts law has granted the association the right to:
  - > Represent you and other district employees as your *bargaining agent* in negotiating the employer/employee *collective bargaining agreement* (the contract) with the school district.
  - > Act on your behalf in the event the contract is violated.
- Your local association is an affiliate of larger state and national associations, thereby expanding its capacity to provide services to you.

## Massachusetts Teachers Association

You are one of 110,000 MTA members! The MTA offers:

- Professional development programs.
- Publications and media relations.
- Influence in legislative and regulatory matters.
- Legal services.
- Assistance to local associations in the collective bargaining process, contract maintenance and enforcement of rights and benefits.
- More than 40 programs and services through MTA Benefits to help you save money and become a savvy consumer. Our partners make sure you're fully educated about their programs before you sign on — and even if you don't. Take advantage of their expertise when you're in need of student loan refinancing, insurance, banking, financial protection and much more. MTAB's extensive discount programs enable you to save significantly on the things you need every day. Visit [mtabenefits.com](http://mtabenefits.com) today.

## National Education Association

You are one of 3 million NEA members!

- The NEA is the “parent organization” of the MTA.
- The NEA provides services similar to those of the MTA, but on the national level.
- Member services and benefits are available through the NEA, the MTA and your local association.

## You and Your Employer

Like most organizations, school districts are essentially hierarchical. Before the state Legislature legalized collective bargaining for public school employees, educators often had little voice in their conditions of employment and even less in determining fair compensation for their services. Since 1965, public school teachers have had the right through their association to negotiate with their employers on matters of wages, hours and conditions of employment. The results of such negotiations — the terms of the collective bargaining agreement — are binding on both the employer and the employees.

## Finding Your Way

Your collective bargaining agreement governs many aspects of your employment, including evaluations, discipline, leaves of absence — and, of course, salary, benefits and hours. In some areas, the rules differ depending on how long you have been employed and whether you have “Professional Teacher Status.”

### I. Professional Teacher Status (PTS)

There are those who believe that teachers have “tenure” and “can’t be fired.” That is not the case. Most employers require some period of probationary employment for new hires. School districts are no different. A teacher has the least job protection in the earliest days of employment. Assuming satisfactory performance, there is increasing assurance of continued employment as time passes.

## EMPLOYMENT

### On the Road to PTS

Are you employed as a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist?

Do you hold the correct license(s) for your grade level(s) and subject(s)?

Employment as a short-term substitute, under a waiver or without the correct license does not count toward PTS.

### The First 90 Days

- Considered “employee at will”
- Entitled to all Weingarten rights and entitled to working conditions and contractual procedures under the CBA.

### After 90 Days

- The superintendent or principal is required to furnish the teacher with prior written notice of intent to dismiss, along with an explanation of the grounds for dismissal and documents relating to it.
- Upon request, the teacher must also be given an opportunity within 10 school days to meet with the principal or superintendent to present information pertaining to the decision.

## THE FIRST THREE YEARS

### Staying on Course to PTS

In order to acquire PTS, one must:

- Serve in a school district for three full and consecutive school years under an appropriate license.
- Complete all contractual requirements pertaining to non-PTS teachers.
- Complete district educator evaluation requirements. These may include induction and mentoring programs, evaluation under a Developing Educator Plan, required coursework or professional learning opportunities and/or participation in district activities.

### Nonrenewals, Terminations and RIFs

A district is required to notify teachers no later than June 15 of the school year if the teacher will not be renewed for performance reasons or for any other reason. Your contract may have different dates or procedures for notification of nonrenewals or RIFs.

A district must have met all obligations under the negotiated evaluation system if a teacher is terminated for performance reasons.

Professional Teacher Status is a designation in Massachusetts law signifying that a school employee has served a certain probationary period and has thereby obtained some measure of job security. Massachusetts General Law Chapter 71 § 41 provides PTS teachers with both substantive and procedural protections against dismissal and suspension. Collective bargaining agreements often provide additional protections, including rights in the event of a reduction in force.

Who is eligible for PTS? Teachers, school librarians, school adjustment counselors, school nurses, school social workers and school psychologists are eligible for PTS, including those employed in vocational schools. M.G.L. c. 71 § 41, M.G.L. c. 74 § 22E.



## CONTINUED EMPLOYMENT

### Earning PTS

Teachers must be evaluated and rated at least Proficient on all four Professional Practice Standards of the Massachusetts Educator Evaluation System or be approved by the superintendent.

Upon completion of the third consecutive school year, a teacher has earned Professional Teacher Status.

### Did You Know?

The superintendent, upon the recommendation of the principal, may award such status to any teacher who has served in the principal's school for not less than one year or to a teacher who has obtained PTS in any other public school district in the Commonwealth.

### Keeping PTS

Earning PTS still means you have to do your job! Massachusetts law permits teachers with PTS to be dismissed for inefficiency, incompetence, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards or other just cause.

## II. Performance Evaluation

State regulations governing evaluations were revised in 2011. The system begins with self-assessment and goal-setting, and it typically includes frequent observations, with feedback provided to the educator. It also includes multiple measures of student performance, student feedback about teachers and teacher feedback about administrators. Teacher and administrator performance will be rated as Exemplary, Proficient, Needs Improvement or Unsatisfactory.

All teachers must be evaluated annually. Typically, new teachers are on Developing Educator Plans in their first three years. Districts are required to provide mentoring and induction to new teachers in the first year. Your evaluator's assessment about how well you meet required performance standards must be supported by evidence from observations and educator work products. Feedback from supervisors should provide the teacher with actionable steps to improve practice.

Be sure to read your collective bargaining agreement and ask your local president any questions you have about your local evaluation requirements.

More details about educator evaluation are available on the MTA website at [massteacher.org/evaluation](http://massteacher.org/evaluation).

### III. Discipline and Dismissal

The rights of teachers in this area are provided in statute and may be addressed in local collective bargaining agreements.

**Dismissal Statute:** General Law Chapter 71 § 42 governs the dismissal of PTS teachers. It says that a PTS teacher cannot be dismissed except for inefficiency, incompetence, incapacity, failure to meet performance standards, conduct unbecoming a teacher, insubordination or other “just cause.” The school district has the burden of proving the grounds for dismissal before a neutral arbitrator.

Teachers in underperforming or chronically underperforming schools or districts (i.e., Level 4 or 5) can be dismissed for “good cause,” a lesser standard that protects them against arbitrary and capricious decision-making by managers with authority to dismiss.

**Suspension Statute:** Chapter 71 § 42D governs suspension of any school employee. An employee may arbitrate the decision to suspend under the statute or under a collective bargaining agreement.

**Other Discipline:** Other forms of discipline include reprimand (written or oral), warnings, deprivation of a privilege, demotion and so on. These lesser disciplinary actions are typically addressed in the bargaining agreement and can be challenged through the grievance and arbitration provisions. In any situation where a teacher may potentially face disciplinary action, he or she has the right to representation under the Weingarten rules (see Page 19).

Your local president will be able to secure assistance for MTA members in the event of threatened discipline or dismissal.

### IV. Reduction in Force (RIF) or Layoff

You may have heard colleagues talking about “RIFs” or “being RIF’d.” This is shorthand for being laid off.

According to Massachusetts General Law Chapter 71 § 42, a superintendent has the right “to lay off teachers pursuant to reductions in force or reorganization resulting from declining enrollment or other budgetary reasons. No teacher with Professional Teacher Status shall be laid off pursuant to a reduction in force or reorganization if there is a teacher without such status for whose position the covered employee is currently certified.”

A law enacted in July 2012 requires local associations and districts to bargain new RIF rules. Under this law, teachers without PTS will still be subject to being RIF’d

before those who have PTS. For those with PTS, performance must be the primary consideration in making the RIF decision, while seniority can be used as a tie-breaker. The criteria and processes governing layoffs will be determined through negotiations. The following information reflects the law as it now stands.

- **Why?**

RIFs occur when a district anticipates it will have more teachers than it needs or can afford for the upcoming school year.

- **When?**

Districts typically notify teachers of anticipated RIFs by June 15. However, RIFs may occur during the school year.

- **Who?**

Assuming two teachers hold the required license(s), state law does not allow a teacher with PTS to be RIF'd instead of a non-PTS teacher. If two teachers hold the required license(s) and both have PTS, the local collective bargaining agreement will explain the process for determining the order in which individuals are RIF'd, including circumstances when evaluations can be used.

- **Then What?**

Teachers who are RIF'd may collect unemployment compensation and retain health insurance eligibility. Because school districts have often made their layoff decisions before town, city and state budgets have been finalized, teachers are sometimes called back to work before the new school year begins. Unemployment eligibility ends as soon as the teacher receives a recall notice. Check your collective bargaining agreement for information on teachers' rights and obligations regarding recall.

## **V. Salary**

- Your salary is negotiated by the local association and the school committee and is contained in the collective bargaining agreement.
- The employer will make the following deductions from your salary: federal taxes, state taxes, Medicare taxes and Massachusetts Teachers' Retirement System contributions. The following deductions may be taken from your salary at your authorization: association dues, payments to tax-sheltered annuities and/or 403B accounts and deposits to your accounts in banks or credit unions.
- As a public employee in Massachusetts, you will not have contributions paid into the federal Social Security system.

- Your collective bargaining agreement will contain the method of payment: weekly, biweekly, semi-monthly, etc.; it will also specify the number of payments you will receive during the work year.

## VI. Leaves of Absence

Your collective bargaining agreement may contain provisions for long- and short-term leaves of absence. Each collective bargaining agreement will treat these matters in different ways and provide different benefits. Some examples are:

- Short term — sick leave, personal leave, bereavement leave and religious leave.
- Longer term — maternity and/or child-rearing leave, extended sick or medical leave, military leave, career exploration leave, sabbatical leave, association leave and leave for holding public office.

## Educator Licensure

### Your License is Your Responsibility!

All teachers employed in Massachusetts public schools are required by state law to hold the appropriate credentials. This may include teacher licensure, endorsements and/or maintaining professional certifications related to specialty (e.g., nursing license). **Failure to maintain your licenses may result in immediate termination of employment.**

Legal employment as a public school teacher requires you to be licensed **in the field and at the grade level you are teaching**. You may be required to qualify for additional endorsements. You may legally teach in an area outside your license for up to 20 percent of your assignment period.

Licensure regulations change. Be sure to check with your local association and the Department of Elementary and Secondary Education to find out if changes are made that affect your employment. It is extremely important that *you* assume personal responsibility for seeking information from credible sources.

Decisions you make, such as the order in which you satisfy requirements, the content of your master's degree or even where you are employed, could have a significant impact on your ability to advance from one stage of licensure to the next. Information on licensure requirements can be found at [www.mass.gov/ese/licensure](http://www.mass.gov/ese/licensure). For additional information and updates, check each issue of *MTA Today* and visit [massteacher.org/licensure](http://massteacher.org/licensure).

## Waivers

An exception to licensure rules occurs when **the school district applies for and obtains a waiver** that allows you to teach for one year in a field and/or at a grade level for which you are not licensed. The district will be granted such a waiver **only if you have applied for the appropriate license**. The district may apply for such a waiver in a subsequent year if it can verify that you are making **continuous progress** toward acquiring the appropriate license. The licensing agency is the Massachusetts Department of Elementary and Secondary Education. Refer to the DESE website, [www.doe.mass.edu](http://www.doe.mass.edu), or call 781.338.6600.

### YOU NEED TO KNOW

## District Obligations

### *Teaching Assignment*

It is a district's obligation to hire and assign teachers to positions for which they are properly licensed. It is not unusual for a district to be unable to locate a properly licensed teacher or to want to retain a teacher by transferring him or her to a position for which he or she is not licensed. In the event that you find yourself in this situation, you need to know the risks involved:

- > Years you are employed under a waiver or otherwise improperly assigned do not count toward PTS.
- > Since the appropriate license is a requirement of state law, if you fail to obtain it, or in the event of layoffs, your employment is not protected by other statutory or contractual provisions.

If you are not sure you hold the correct license for your assignment, contact your local association president.

### *Induction and Mentoring Program*

Your school district is required to provide you with an induction program that includes orientation and a mentor in your first year. You are supposed to be provided with an additional 50 hours of mentoring beyond the induction year. Your participation in such a program is a condition of advancing to a Professional License.

### *Professional Development*

Districts typically offer or require professional development. This is detailed in most collective bargaining agreements. Professional development opportunities may be held during the contractual workday and year, offered after school or on weekends, or provided in partnership with other organizations. Check your CBA for local requirements for specific courses and trainings applicable to new employees. Get in the habit of retaining records of all professional learning activities. The MTA Individual Professional Development Plan can be a useful tool. Download a copy at [massteacher.org/licensure](http://massteacher.org/licensure).

## **Major State Education Laws, Regulations and Policies**

### *The Massachusetts Education Reform Act of 1993*

“Ed Reform” significantly increased the share of funding the state provides for public schools, particularly in low-income communities. The funding formula is known as “Chapter 70,” and the money is distributed through local aid. Other changes under that law include development of common standards (Curriculum Frameworks); state-developed standardized tests (such as the MCAS); a high school graduation requirement based on passing MCAS tests in math, English language arts and science; entry-level testing for new teachers (Massachusetts Tests for Educator Licensure); and a new school and district accountability system.

### *Achievement Gap Act*

The Achievement Gap Act of 2010 made several significant changes to state education laws. The intent was to reform the school accountability system and allow more charter schools, both requirements of the former Race to the Top program. The most significant change was to redefine which schools are considered “underperforming” and “chronically underperforming” and to establish new assistance and new sanctions for them. In addition, teachers with professional status in those schools can be dismissed for “good cause” rather than “just cause,” and they lose some of their collective bargaining rights.

### *Curriculum Frameworks Revisions*

Massachusetts began implementing statewide curriculum frameworks in 1996. Since then, most subject-area frameworks have undergone a series of revisions. In 2011, the ELA and math curriculum frameworks were revised to align with the Common Core State Standards, which established educational benchmarks in ELA and mathematics for each grade level. The ELA and mathematics frameworks were updated again in 2017. Frameworks for digital literacy and computer science,

as well as science, engineering and technology, were recently updated. The Massachusetts history and social sciences framework is currently in the review and revision process. For more information on the current Massachusetts frameworks, go to [www.doe.mass.edu/frameworks/current.html](http://www.doe.mass.edu/frameworks/current.html).

### *Assessments*

In 2015, the Massachusetts Board of Elementary and Secondary Education voted to develop a new MCAS 2.0 exam to assess students in English language arts, mathematics, science and history. The new exams were first administered to grades 3-8 in spring 2017. Grade 10 students will continue to take the legacy MCAS test until spring 2019; the Class of 2021 will be the first class to be required to pass the new MCAS test. Updates may be found at [www.doe.mass.edu/mcas/nextgen/](http://www.doe.mass.edu/mcas/nextgen/).

### *English Language Education in Public Schools — M.G.L. Ch. 71A*

In 2002, Massachusetts voters approved a law that required English language learners (ELLs) to be taught in English-only classrooms, with few exceptions. The law requires ELLs to be taught using Sheltered English Immersion (SEI) or in mainstream English-speaking classes. In addition, ELLs are required to meet the same academic standards and have access to the same curriculum as other students.

### *Rethinking Equity and Teaching for English Language Learners (RETELL) and SEI Endorsement Regulation — 2012*

After passage of the English-only law, the DESE implemented a series of four professional development trainings in SEI for content-area teachers of ELLs. A review by the U.S. Department of Justice found that ELLs were not regularly assigned to teachers who had participated in other professional development related to SEI or held ESL teacher licenses. In response to these concerns, a new set of regulations was designed to improve the qualifications of teachers who work with ELLs.

Please check [massteacher.org/retell](http://massteacher.org/retell) for the most current information on RETELL requirements.

## **Major Federal Education Laws and Programs**

The United States Department of Education administers the federal laws and regulations passed under the Elementary and Secondary Education Act, the Higher Education Act and related statutes. The department also conducts research and establishes and administers federal grant programs that provide

resources to states and school districts meeting established requirements. Title I reading programs are an example of a federally funded grant.

The NEA tracks major issues related to the department's activities. For more information about current issues, visit [www.nea.org/home/IssuesAndAction.html](http://www.nea.org/home/IssuesAndAction.html).

## Federal Actions and Their Impact on Massachusetts

### *Race to the Top*

In 2010, under the federal Race to the Top program, Massachusetts received a grant of \$250 million. Half of this money was allocated to the more than 250 participating school districts that implemented RTTT projects.

Massachusetts made changes in four areas:

- **Standards and assessments.** Massachusetts revised the Curriculum Frameworks for math and English language arts in 2011.
- **Data systems that measure student growth.** Massachusetts developed Student Growth Percentiles for schools and districts and is planning to do the same at the classroom level.
- **Effective educators.** Massachusetts adopted a new educator evaluation system.
- **Low-performing schools.** Some Level 4 schools received School Improvement Grants to implement one of four improvement models approved by the USED.

## Elementary and Secondary Education Act (ESEA)

This federal law was enacted in 1965 and has been periodically reauthorized and modified since then. Through this law, the federal government allocates education funding to schools, primarily those serving low-income students, and sets federal policies. In 2001 it became known as No Child Left Behind, or NCLB. In 2015, ESEA was again reauthorized. New provisions of the Every Student Succeeds Act include the elimination of “Highly Qualified” teacher requirements, changes in requirements for school accountability, and some reductions in other federally mandated requirements.

For updates, go to [massteacher.org](http://massteacher.org) or [www.nea.org/essabegins](http://www.nea.org/essabegins).



### The MTA Strategic Action Plan

The MTA is on the move, systematically educating, organizing and mobilizing our 110,000 members to meet the challenges of today and the needs of tomorrow.

By engaging and activating our members under the guidance of our **Strategic Action Plan**, we are building our organizational power and our strength.

One key priority is to increase the voice of educators in the policy, political, legislative and regulatory processes at the local and

state levels as we advocate for quality public education and improved working conditions.

All members — including those new to the MTA — are strongly encouraged to be active in the union. For information, please consult your local president or your field representative.

Working together, we can make a difference and help shape a bright future for our students, our members and public education.



## GLOSSARY

**AFT Massachusetts** There are two major educators’ unions in the Commonwealth. The MTA is the state affiliate of the National Education Association, and AFT Massachusetts is the state affiliate of the American Federation of Teachers. AFT Massachusetts represents teachers in Boston, Lawrence, Lowell and several other cities.

**Annual Meeting** MTA’s Annual Meeting of Delegates is a convention held each May at which MTA members elected by their local associations approve the MTA budget and vote on major policy issues.

**Collective Bargaining Agreement (CBA)** The CBA may be referred to simply as “the contract” or “the agreement.” It is the agreement negotiated between the local educators’ association and the district school committee that determines wages, hours and conditions of employment.

**Core Academic Teacher** For the Sheltered English Immersion (SEI) Endorsement, the following are defined as core academic teachers:

- > PreK-12 teachers: early childhood and elementary teachers, teachers of students with moderate disabilities and teachers of students with severe disabilities.
- > Subject-specific teachers of ELLs: English, reading or language arts, mathematics, science, civics and government, economics, history, and geography.

**English Language Learners** Students who are unable to complete regular coursework in English are referred to as ELLs. They were previously referred to as English as a Second Language students or Transitional Bilingual Education students.

**Endorsement** A supplemental credential in the educator licensure process that signals competency or preparation in a specific area of practice. Current endorsements include the SEI Teacher Endorsement, SEI Administrator Endorsement, Transitional Bilingual Learning Endorsement, Transition Specialist Endorsement and the Autism Endorsement.

**Expanded Learning Time (ELT)** A school day or school year that extends beyond the traditional calendar. Expanded time may provide for additional academic programs, tutoring or supplemental programs.

**Grievance** A claim filed by a local education association on behalf of an educator, a group of educators, or the association contending that the rights under the contract were violated.

**License** The credential a person must hold to be legally employed as a teacher. Teacher licensure is governed by statute and regulation and administered by the Massachusetts Department of Elementary and Secondary Education. One must hold the proper license or be working under a waiver obtained by the school district. (See “Waiver” entry.)

**Local Education Association/Teachers’ Association** The local education association, sometimes referred to as “the local,” is the professional organization/union that represents bargaining unit members’ interests through bargaining and grievance procedures, as well as other means, which may include political action and professional development.

**National Education Association** The nation’s largest professional employee organization, representing members who are employed in public schools, colleges and universities across the United States. The MTA is an affiliate of the 3-million-member NEA. Your local association is an affiliate of the MTA.

**Professional Development Points (PDPs)** Teachers who participate in continuing education programs, either through a college or another approved provider, earn “points” based on hours of participation. Teachers who hold Professional Licenses must obtain 150 points every five years in order to renew their licenses.

**Professional License** The final stage of an educator license. A teacher is eligible for a Professional License after meeting all requirements established by the DESE. A professional license must be renewed every five years.

**Professional Teacher Status** Legal employment status in the district acquired at the end of three consecutive school years. It ends a “probationary” period and confers greater employment rights.

**Proposition 2<sup>1/2</sup>** This law, approved by Massachusetts voters in 1980, limits how much property taxes can be raised to pay for schools and other services. The only way to increase municipal revenues beyond that amount is through a ballot question called an “override.”

**Reduction in Force (RIF)** A layoff that occurs when the district is eliminating certain positions for programmatic or financial reasons.

**Sheltered English Immersion** A method of adapting instruction for English language learners using English as the primary language in the classroom. SEI utilizes techniques such as scaffolding lessons, additional vocabulary development and visual learning tools to give ELLs full access to content-area curriculum while simultaneously developing academic language skills in English. SEI is also known as Sheltering Content and Specially Designed Academic Instruction in English.

**SEI Endorsement** A required license component for core academic teachers of ELLs and administrators who supervise or evaluate core academic teachers with ELLs. The SEI Endorsement may be obtained by completing an approved teacher preparation program; completing a DESE-approved SEI Endorsement course (for teachers or administrators); by holding an appropriate degree in ESL, applied linguistics or another field approved by the DESE; or by obtaining a passing score on a DESE-approved assessment or holding an ESL or ELL teaching license. Core academic teachers in charter schools are also required to hold the SEI Endorsement even if they do not hold a teaching license.

**Summer Conference** MTA's annual Summer Conference, typically in August, is open to all members. Workshops on protecting members' rights and on enhancing teaching and learning are held along with social events, speeches and other activities.

**Waiver** Permission granted to a school district by the DESE that allows it to employ a teacher who has yet to obtain the appropriate license for his or her position. The statutory standard for a waiver is “great hardship.” (See “License” entry.)

**Weingarten Rights** This term refers to your right to have union representation with you at any meeting with an administrator at which you have a reasonable expectation that dismissal or discipline of any nature could result. If you have been told that the meeting could result in a disciplinary action, or have reason to believe it could, respectfully request that a union representative be present. This is a right that you must assert; the administrator is not required to inform you of it. If you are denied union representation and choose to respond to questions asked, be as brief as possible and do not elaborate. If you choose not to answer, you may be charged with insubordination. If you were denied your statutory right to union representation after you made the request, that fact would be used in any future defense.

## We're Here to Help!

We wish you a rewarding and pleasurable journey as an education professional. Your local association, the MTA and the NEA will support you along the way. While the topics in this booklet focus on employment issues, we also support new teachers with conferences, workshops, networking opportunities and much more. We strongly encourage you to participate in our events for new teachers: the Just for New Teachers Conference in the fall and the New Member Program at the MTA Summer Conference. Connect with the New Member Committee online at [massteacher.org/newmembers](http://massteacher.org/newmembers).

*The MTA New Member Committee*



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800.392.6175  
[www.massteacher.org](http://www.massteacher.org)