

School Committee Policy Review Subcommittee
Thursday, April 14, 2016
8:30 AM – 9:30 AM
5th Floor Conference, Town Hall

Policy Review Subcommittee members present: Dr. Jackson (Chairman), Mr. Glover, and Ms. Stone.

School staff present: Dr. Shmukler, Ms. O’Sullivan, and Ms. Coyne.

Other staff present: Ms. Correa (present during Agenda Item 3)

Others present: Craig Haller and Elizabeth Myska (Special Education Parent Advisory Council) and Cornelia van der Ziel (Town Meeting Warrant Article 14 Co-Petitioner).

1) Approval of the Minutes of the March 17, 2016 Policy Review Subcommittee Meeting

On a motion of Ms. Stone and seconded by Mr. Glover, the Policy Review Subcommittee voted unanimously to approve the minutes of the March 17, 2016 Policy Review Subcommittee meeting.

2) Proposed New Public Schools of Brookline (PSB) Earned Sick Time Policy for Less than Half-time, Temporary, and Certified Seasonal Employees: Review of Proposed Policy; Public Hearing on Proposed Policy; Possible Vote on Proposed Policy

Ms. Stone explained that last fall the School Committee considered and voted to not support a Town Meeting Warrant Article to accept the provisions of Section 148C of the Massachusetts General Laws, the Earned Sick Time Law. Town Meeting did not support the warrant article. In her speech at Town Meeting, Ms. Stone noted the following:

In the new year, the School Committee will review and I trust pass a new policy that would memorialize providing sick leave benefits to our long-term substitutes. Like the Town, however, we also want to be able in that policy to exempt certain positions from this coverage, for example stipendiary positions such as coaches who are not also employed as staff, interns who work in our school offices, and regular substitute teachers who are called in sporadically to cover for a teacher who is out sick for just a day or two.

Ms. Stone and Ms. O’Sullivan explained the proposed policy (Attachment A), under which effective July 1, 2016 non-union part-time employees who work less than 18.75 hours/week, certified seasonal and temporary employees would earn one hour of paid sick leave for every thirty hours of time actually worked and would be eligible to use earned sick time ninety days after their first date of actual work, should a qualifying need arise. This policy would not apply to student interns, co-op students, per diem substitutes (except that long-term substitutes would be covered by this policy) and individuals receiving a stipend. Long-term substitutes receive an appointment letter and are not represented by the union.

The Subcommittee agreed to amend the section on Break in Service by adding “provided they are in a position covered by this policy” and “following break of service of more than 12 months any accrued and unused sick time will expire.”

Ms. van der Ziel had several questions. She referred to the Request for Public Records, which asked for a list of which positions aren't covered. Ms. Stone and Ms. O'Sullivan noted that regular part-time and full-time food service workers are represented by a union; substitutes aren't hired for music extension teachers and Adult Education teachers (classes are rescheduled); many of the direct service providers and coaches work for the PSB during the day as teachers and paraprofessionals. Ms. van der Ziel asked about the status of long-term paraprofessional substitutes. Ms. O'Sullivan responded that they don't often hire them, but they would be covered by this policy. Ms. van der Ziel asked if sick time is accrued from the day someone starts working. The Subcommittee agreed that this wording should be clarified so that it is clear that the sick time begins to accrue when a person is hired (even though it can't be used for 90 days). In response to a question from Ms. van der Ziel, Ms. O'Sullivan stated that the PSB does hire some non-certified seasonal workers. In response to a question from Ms. van der Ziel, Ms. O'Sullivan stated that she believes that all employees working more than 18 ¾ would be eligible to receive benefits. Ms. van der Ziel asked whether the allowable purposes for use of personal time apply when the employee is not the person in need, e.g., a family member is a victim of domestic violence. Ms. O'Sullivan stated that this would be covered by state law. In response to a question from Ms. van der Ziel, Ms. Stone stated that assuming the policy is approved, the PSB expects full implementation on July 1, 2016.

Ms. Stone referred to 2016 Annual Town Meeting Warrant Article 14: *To see if the Town will accept the provisions of Section 148C of Chapter 149 of the Massachusetts General Laws, the Earned Sick Time Law, pursuant to Article CXV of the Amendments to the Constitution of the Commonwealth* (Attachment B). She recommends that the Policy Review Subcommittee recommend that the School Committee vote to recommend that Town Meeting not approve this article, which would invoke the law. The law would prevent us from exempting per diem employees. We support the idea of earned sick time for less than half-time, temporary and certified seasonal employees, but feel we should be able to establish a policy that is workable and fair. She hopes that the petitioners will withdraw the warrant article.

On a motion of Dr. Jackson and seconded by Ms. Stone, the Policy Review Subcommittee voted unanimously to recommend that the School Committee vote to recommend that Town Meeting take no action on Article 14.

On a motion of Dr. Jackson and seconded by Ms. Stone, the Policy Review Subcommittee voted unanimously to recommend that the proposed PSB Earned Sick Time Policy for Less than Half-time, Temporary, and Certified Seasonal Employees (as amended at this meeting) go to the School Committee for a 1st Reading on April 14, 2016.

3) Continuation of Review of PSB Anti-Bullying, Anti-Discrimination and Anti-Harassment

Staff is still reviewing which elements should go into the policy vs procedures and would like to get feedback from principals. The Subcommittee would consider recommending that we seek assistance from outside counsel (labor counsel or a specialist in school civil rights), but not until there is more clarity on the issues. The Subcommittee needs more

information on the proposed changes, in general. Mr. Haller asked to be able to provide input.

4) Continuation of Review of Public Schools of Brookline (PSB) Physical Restraint Policy

Ms. Myska and Mr. Haller asked the following questions regarding the proposed policy (Attachment C):

1. Under Conditions of Implementation, page 1: 3rd para. ...program staff shall obtain the approval of the Principal...Should there be a line about permission from most senior staff or VP maybe? Also if things are going really south do the police ever get called? and then should there be a line about this?

2. Under Time Outs , page 3: the Mass regulations say 30 minutes and we see you suggest 20. That's good but 20 minutes max is still seems long. What did your consulting members i.e. pediatric behavioral consultants, psychologists say about this? And possibly adding language 'key to reduce anxiety, fix the immediate issue in order to return to class' helps answer potential questions? If an adult with training needs more than 20 minutes must get permission from the Principal is school psych consultant also notified earlier in process or at the 20 minute mark?

3. Under section Written Procedures, page 3 - "a procedure for making reasonable efforts to orally notify a parents/guardians of the use of restraint on a student within 24 hrs. of the restraint"... We're thinking that if a student has been restrained during the school day that he/she cannot return home without the parent or guardian's full awareness. a) if parent cannot be reached why not contact guardian? b) So reasonable effort really should read verbal contact happens within hours/same day and preferably prior to dismissal so parent/guardian is up to speed.

The Subcommittee agreed that the parent notification language should be amended (as soon as reasonably possible, but not more than 24 hours). Ms. Shmukler agreed and said that this is the practice. Ms. Shmukler explained the basis for the language on a restraint that lasts more than 20 minutes. There are very few cases. Students have safety plans. All schools have a safety team. The Subcommittee agreed to add "or designee" after "principal." Ms. Correa will verify that this is permissible under the law.

Dr. Jackson noted the emailed comments from Susan Sturman regarding notification. Ms. Sturman suggested that the notification deadlines be shortened to 12 hours for a phone call and email, and 24 hours for the postmark on a mailed notification.

The Subcommittee will schedule an additional spring meeting.

The meeting adjourned at 9:30 AM.