

## **HUMAN RESOURCES POLICY GOALS**

The Foxborough School Committee realizes that although the Education Reform Act of 1993 mandates the process of hiring school district employees other than the Superintendent, Assistant Superintendent, Business Manager and Special Education Director, they are responsible to the students and citizens of Foxborough to ensure that the highest quality individuals available are hired to meet the needs of the school system. They have the additional responsibility to articulate the expectations of the district relative to human resources. The Foxborough School Committee recognizes that an efficient staff dedicated to education is necessary to maintain a constantly improving educational program and that this must be accomplished through its' Human Resources policy goals.

The Foxborough Public Schools specific human resources policy goals are:

1. To develop and implement those strategies and procedures for human resources recruitment, screening, and selection that will result in the employment and retention of individuals with the highest capabilities, strongest commitment to quality education, and greatest probability of effectively implementing the system's academic program.
2. To develop a general staff assignment strategy that will contribute to the academic program, and to use it as the primary basis for determining staff assignments.
3. To provide positive programs of staff development that contribute both to improvement of the academic program and to each staff member's career development aspirations.
4. To provide for a genuine team approach to education.
5. To develop and use for employee performance evaluation processes that contribute to the improvement of both staff capabilities and the academic program.

LEGAL REF.: 603 CMR 26:08 paragraphs 3,7,8,9

Policy adopted: 3-24-08

## **AFFIRMATIVE ACTION FOR RECRUITMENT OF STAFF**

The Foxborough School Committee subscribes to the fullest extent to the principle of the dignity of all people and of their labors and will take action to ensure that any individual within the Foxborough Public Schools who is responsible for hiring and/or personnel supervision understands that applicants are employed, assigned, and promoted without regard to their race, creed, color, age, sex, gender identity, national origin, disability or sexual orientation. Every available opportunity will be taken in order to assure that each applicant for a position is selected on the basis of qualifications, merit and ability.

The Foxborough Public Schools assures equal employment opportunity in recruitment programs for all staff positions. Programs will be administered without regard to race, creed, color, sex or gender identity. Full consideration will be given to disabled or handicapped persons in work that they are qualified to perform. We pledge ourselves to a determined effort in support of this belief.

The Foxborough Public Schools believe that special measures are needed to prevent discrimination and to eliminate it within the organization. All schools, colleges, employment offices, and other recruiting sources used by the Foxborough Public Schools will be advised, in writing, that we are an equal opportunity employer.

LEGAL REF.: BESE Regulations 603 CMR 26:00

CROSS REF.: AC, Nondiscrimination

Policy adopted: 3-24-08

Policy adopted as revised: 2-25-13

## **SCHOOL COMMITTEE-STAFF COMMUNICATIONS**

The Foxborough School Committee wishes to maintain open channels of communication between itself and the staff. The basic line of communication will, however, be through the Superintendent.

### Staff Communications to the Foxborough School Committee

All communications or reports to the Foxborough School Committee or any of its subcommittees from Principals, supervisors, teachers, or other staff members will be submitted through the Superintendent. This procedure does not deny the right of any employee to appeal to the Foxborough School Committee from administrative decisions on important matters, except those matters that are outside the Foxborough School Committee's legal authority, provided that the Superintendent has been notified of the forthcoming appeal and that it is processed in accordance with the Foxborough School Committee's policy on complaints and grievances. Staff members are also reminded that Foxborough School Committee meetings are public meetings. As such, they provide an excellent opportunity to observe first hand the Foxborough School Committee's deliberations on problems of staff concern.

### Foxborough School Committee Communications to Staff

All official communications, policies, and directives of staff interest and concern will be communicated to staff members through the Superintendent. The Superintendent will develop appropriate methods to keep staff fully informed of the Foxborough School Committee's problems, concerns and actions.

### Visits to Schools

Individual Foxborough School Committee members interested in visiting schools or classrooms will inform the Superintendent of such visits and make arrangements for visitations through the Principals of the various schools. Such visits will be regarded as informal expressions of interest in school affairs and not as "inspections" or visits for supervisory or administrative purposes. Official visits by Foxborough School Committee members will be carried on only under Foxborough School Committee authorization.

Policy adopted: 3-24-08

## **STAFF ETHICS / CONFLICT OF INTEREST**

The Foxborough School Committee expects its licensed employees to be familiar with the code of ethics that applies to their professions and to adhere to it in their relationships with students, parents, coworkers, and officials of the school system.

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

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.

Moreover, as there should be no conflict of interest in the supervision and evaluation of employees, at no time may any administrator responsible for the supervision and/or evaluation of an employee be directly related to him.

In order to avoid the appearance of any possible conflict, it is the policy of the Foxborough School Committee that when an immediate family member, as defined in the Conflict of Interest statute, of a Foxborough School Committee member or Foxborough Public Schools administrator is to be hired into or promoted within the School District, the Superintendent shall file public notice with the Foxborough School Committee and the Town or District Clerk at least two weeks prior to executing the hiring in accordance with the law.

LEGAL REFS.: M.G.L. 71:52; 268A:1 et seq.

Policy adopted: 3-24-08

## **STAFF CONDUCT**

All employees have a responsibility to familiarize themselves with and abide by the laws of the State as these affect their work, the policies of the Foxborough School Committee, and the regulations designed to implement them.

In the area of personal conduct, the Foxborough School Committee expects that teachers and others will conduct themselves in a manner that not only reflects credit to the school system but also sets forth a model worthy of emulation by students.

All employees will be expected to carry out their assigned responsibilities with conscientious concern.

Essential to the success of ongoing school operations and the instructional program are the following specific responsibilities, which will be required of all personnel:

1. Faithfulness and promptness in attendance at work.
2. Support and enforcement of policies of the Foxborough School Committee and their implementing regulations and school rules in regard to students.
3. Diligence in submitting required reports promptly at the times specified.
4. Care and protection of school property.
5. Concern for and attention to their own and the school system's legal responsibility for the safety and welfare of students, including the need to ensure that students are under supervision at all times.

LEGAL REFS.: M.G.L. 71:37H; 264:11; 264:14

Policy adopted: 9-8-08

## **GIFTS TO AND SOLICITATIONS BY STAFF**

### Gifts

The acceptance of personal gifts by school personnel from school suppliers, from parents and/or students can be subject to misinterpretation and a source of embarrassment to the school system and all persons involved. When families, students, or others wish to express personal appreciation to a teacher or other staff member, the Foxborough School Committee urges them to find modes of expression that do not involve personal gifts.

In keeping with this policy, no employee of the Foxborough School Committee will accept a personal gift from a business concern supplying, or with an interest in supplying, goods, materials, equipment, or services to the school system. This restriction does not relate to the acceptance of gifts for the school system, nor to the acceptance of small and clearly identifiable advertising and promotional materials.

### Solicitations

In spirit, the Foxborough School Committee supports the many worthwhile charitable drives that take place in the community and is gratified when school employees give them their support. However, the solicitation of funds from employees through the use of school personnel and school time must be held at a minimum. Therefore, no solicitations of funds for charitable purposes will be made among staff members except with specific Foxborough School Committee approval. Whenever such solicitations are made, no pressure will be exerted to obtain contributions even though the drive is one that the Foxborough School Committee has specifically approved.

CROSS REFS.:       KHA, Public Solicitations in the Schools  
                      JP, Student Donations and Gifts

Policy adopted: 3-24-08

## **ALCOHOL AND DRUG-FREE WORKPLACE POLICY**

The School District will provide a drug-free workplace and certifies that it will:

1. Notify all employees in writing that the unlawful manufacture, distribution, dispensing, possession or use of a controlled substance, is prohibited in the Foxborough Public Schools workplace, and specify the actions that will be taken against employees for violation of such prohibitions.
2. Establish a drug-free awareness program to inform employees about the dangers of drug abuse in the workplace; the Foxborough Public Schools policy of maintaining a drug-free work-place; and available drug counseling, rehabilitation, and employee assistance programs; and the penalty that may be imposed on employees for drug abuse violations occurring in the workplace.
3. Make it a requirement that each employee whose employment is funded by a federal grant be given a copy of the statement as required.
4. Notify the employee in the required statement that as a condition of employment under the grant, the employee will abide by the terms of the statement, and will notify the Foxborough Public Schools of any criminal drug statute conviction for a violation occurring in the workplace no later than five days after such conviction.
5. Notify the federal agency within ten days after receiving notice from an employee or otherwise receiving notice of such conviction.
6. Take one of the following actions within 30 days of receiving notice with respect to any employee who is so convicted; take appropriate personnel action against such an employee, up to and including termination; or require such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a federal, state or local health law enforcement, or other appropriate agency.
7. Make a good faith effort to continue to maintain a drug-free workplace through implementation of all the provisions of this policy.

LEGAL REFS.: The Drug-Free Workplace Act of 1988

CROSS REFS.: JICH, Drug and Alcohol Use by Students

Policy adopted: 3-24-08

**DRUG AND ALCOHOL TESTING POLICY FOR EMPLOYEES  
IN POSITIONS REQUIRING A COMMERCIAL DRIVER'S LICENSE (CDL)  
AND WHICH ARE DEFINED AS SAFETY-SENSITIVE**

It is the policy of the Town of Foxborough to ensure that its employees are provided a safe and healthful workplace for the conduct of Town business and that they are not impaired by alcohol and/or drug abuse. In keeping with this policy, employees are required to report to work fit for duty and to refrain from activities during the work day which would impair their abilities to perform their duties.

This policy provides for drug testing for five controlled substances (marijuana, cocaine, opiates, amphetamines and phencyclidine), as well as breath testing for alcohol. This policy is promulgated under the independent authority of the Town of Foxborough and complies with the Department of Transportation regulations concerning drug and alcohol testing of those commercial drivers's license (CDL) employees required to be tested under the applicable Federal regulations.

Policy adopted: 3-24-08



**TOBACCO USE ON SCHOOL PROPERTY BY STAFF MEMBERS**

Smoking or the use of tobacco within school buildings, the school facilities or on school property or buses by any individual, including school personnel, is prohibited.

Staff members who violate this policy will be referred to their immediate supervisor.

LEGAL REF.: M.G.L. 71:37H

Policy adopted: 3-24-08

## **EMPLOYEE PERSONAL SECURITY AND SAFETY**

Through its overall safety program and various policies pertaining to school personnel, the Foxborough School Committee will seek to assure the safety of employees during their working hours and assist them in the maintenance of good health.

Physical examinations will be required of bus drivers and food handlers as law or state regulations require.

The Superintendent may require an employee to submit to a physical examination by a physician appointed by the school system whenever that employee's health appears to be a hazard to students or others in the school system or when a doctor's certificate is needed to verify need for sick leave.

LEGAL REFS.: M.G.L. 71:54; 71:55B; 71:55C

CROSS REFS.: EB, Safety Program  
GCBD, Professional Staff Fringe Benefits  
GDBD, Support Staff Fringe Benefits

Policy adopted: 3-24-08

## DOMESTIC VIOLENCE LEAVE POLICY

It shall be the policy of the school district to permit an employee to take up to 15 days of domestic violence leave from work in any 12 month period. In order to be eligible for said leave:

- (i) the employee, or a family member of the employee must be a victim of abusive behavior;
- (ii) the employee must be using the leave from work to seek or obtain medical attention, counseling, victim services or legal assistance; secure housing; obtain a protective order from court; appear before a grand jury; meet with a district attorney or other law enforcement official; or attend child custody proceedings or address other issues directly related to the abusive behavior against the employee or family member of the employee; and
- (iii) the employee must not be the perpetrator of the abusive behavior against such employee's family member.

Use Paid Leave First. An employee seeking leave under this section shall exhaust all annual or vacation leave, personal leave and sick leave available to the employee, in that order, prior to requesting or taking leave under this section. Contractual family sick leave must be used if an employee is out to care for a family member who is a victim of domestic violence.

Except in cases of imminent danger to the health or safety of an employee, advanced notice of domestic violence leave shall be required. If such imminent danger exists the employee shall notify the employer within 3 workdays that the leave was taken. The notification may be communicated to the employer by the employee, a family member of the employee or the employee's counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior. If an unscheduled absence occurs, an employer shall not take any negative action against the employee if the employee, within 30 days from the unauthorized absence or within 30 days from the employee's last unauthorized absence in the instance of consecutive days of unauthorized absences, provides any of the documentation found in (1) to (7) below. An employer may require documentation that the employee or employee's family member has been a victim of abusive behavior and that the leave is consistent with clauses (i) to (iii) as above referenced; provided, however, that an employer shall not require an employee to show evidence of an arrest, conviction or other law enforcement documentation for such abusive behavior. The documentation shall be provided to the employer within a reasonable period after the employer requests it.

An employee shall satisfy this documentation requirement by providing any one of the following documents to the employer:

- (1) a protective order, order of equitable relief or other documentation issued by a court of competent jurisdiction as a result of abusive behavior against the employee or employee's family member;
- (2) a document under the letterhead of the court, provider or public agency which the employee attended for the purposes of acquiring assistance as it relates to the employee or family member;
- (3) A police report or statement of a victim or witness provided to police documenting the abusive behavior;
- (4) documentation that the perpetrator of the abusive behavior has admitted to sufficient facts to

- support a finding of guilt; or has been convicted of, or has been adjudicated a juvenile delinquent by reason of any offense constituting abusive behavior;
- (5) medical documentation of treatment as a result of the abusive behavior;
  - (6) a sworn statement, signed under the penalties of perjury, provided by a counselor, social worker, health care worker, member of the clergy, shelter worker, legal advocate or other professional who has assisted the employee in addressing the effects of the abusive behavior;
  - (7) a sworn statement, signed under the penalties of perjury, from the employee attesting that the employee has been a victim of or is a family member of a victim of abusive behavior.

All information related to the employee's leave shall be kept confidential and shall not be disclosed, except to the extent that disclosure is:

- (i) requested or consented to, in writing, by the employee;
- (ii) ordered to be released by a court of competent jurisdiction;
- (iii) otherwise required by applicable federal or state law;
- (iv) required in the course of an investigation authorized by law enforcement, including, but not limited to, an investigation by the Attorney General; or
- (v) necessary to protect the safety of the employee or others employed at the workplace.

The Superintendent shall ensure that notice is provided to all employees in the next school year and beyond by appropriately amending the district's employee handbooks, by whatever title they may be known, or by direct notice about the Domestic Violence Law and securing the employees signature acknowledging receipt of the handbook/notice. The Superintendent shall be responsible for notifying all current employees, unless they have been notified through the handbook, of this policy in a manner that he/she deems appropriate.

No employer shall coerce, interfere with, restrain or deny the exercise of, or any attempt to exercise, any rights provided herein or to make leave requested or taken contingent upon whether or not the victim maintains contact with the alleged abuser. No employer shall discharge or in any other manner discriminate against an employee for exercising the employee's rights under law. The taking of domestic violence leave shall not result in the loss of any employment benefit accrued prior to the date of such leave. Upon the employee's return from such leave, he/she shall be entitled to restoration to the employee's original job or to an equivalent position. Definitions of 'abuse,' 'abusive behavior,' 'domestic violence,' 'employees' and 'family members' may be found in the laws referenced below.

SOURCE: MASC September 2016

LEGAL REF.: M.G.L. c. 149, Sec. 52E.

Policy Adopted: 11/6/17

## **STAFF PARTICIPATION IN POLITICAL ACTIVITIES**

The Foxborough School Committee recognizes that employees of the school system have the same fundamental civic responsibilities and privileges as other citizens. Among these responsibilities and privileges are campaigning for an elective public office, and holding an elective or appointive office.

In connection with campaigning, an employee will not: use school system facilities, equipment or supplies; discuss his campaign with school personnel or students during the working day; use any time during the working day for campaigning purposes. Under no circumstances, will students be pressured into campaigning for any staff member.

LEGAL REF.: M.G.L. 71:44

Policy adopted: 3-24-08

## HUMAN RESOURCES RECORDS

Information about employees is required for the daily administration of the school system, for implementing salary and other human resources policies, for budget and financial planning, for responding to appropriate inquiries about employees, and for meeting the Foxborough School Committee's education reporting requirements. To meet these needs, the Superintendent will implement a comprehensive and efficient system of human resources records maintenance and control under the following guidelines:

1. A human resources folder for each present and former employee will be accurately maintained in the central administrative office. In addition to the application for employment and references, the folders will contain records and information relative to compensation, payroll deductions, evaluations, and any other pertinent information.
2. The Superintendent will be the official custodian for human resources files and will have overall responsibility for maintaining and preserving the confidentiality of the files within the provisions of the law.
3. Human resource records are considered confidential under the law and will not be open to public inspection. Access to human resource files will be limited to persons authorized by the Superintendent to use the files for the reasons cited above.
4. Each employee will have the right, upon written request, to review the contents of his/her own human resources file.
5. Employees may make written objections to any information contained in the file. Any written objection must be signed by the employee and will become part of the employee's personnel file. Further, no negative comment will be placed in an employee's file unless it is signed by the person making the comment and the employee is informed of the comment and afforded the opportunity to include his/her written response in the file.
6. Lists of school system employees' names and home addresses will be released only to governmental agencies as required for official reports or by the laws.

LEGAL REFS.: Family Educational Rights and Privacy Act, Sec. 438, P.L. 90-247  
Title IV, as amended  
88 Stat. 571-574 (20 U.S.C. 1232g) and regulations  
M.G.L. 4:7; 71:42C  
Teachers' Agreement

CONTRACT REF.: All Agreements

CROSS REF.: KDB, Public's Right to Know

Policy adopted: 3-24-08

## STAFF COMPLAINTS AND GRIEVANCES

The Foxborough School Committee will encourage the administration to develop effective means of resolving differences that may arise among employees and between employees and administrators; reduce potential areas of grievances; and establish and maintain recognized channels of communication between the staff, administration, and Foxborough School Committee.

It is the Foxborough School Committee's desire that grievance procedures provide for prompt and equitable adjustment of differences at the lowest possible administrative level, and that each employee be assured opportunity for an orderly presentation and review of complaints and concerns.

Channels established will provide for the following:

1. That teachers and other school employees may appeal a ruling of a Principal or other administrator to the Superintendent.
2. That all school employees may appeal a ruling of the Superintendent to the Foxborough School Committee, except in those areas where the law has specifically assigned authority to the Principal and/or the Superintendent and Foxborough School Committee action would be in conflict with that law.
3. That all hearings of complaints before the Superintendent or Foxborough School Committee be conducted in the presence of the administrator who made the ruling that is the subject of the grievance.

The process established for the resolution of grievances in contracts negotiated with recognized employee bargaining units will apply only to "grievances" as defined in the particular contract.

LEGAL REFS.: M.G.L. 150E:5 and 8

CONTRACT REFS.: All Contract Agreements

Policy adopted: 3-24-08

## **LICENSED EMPLOYEE JOB DESCRIPTIONS**

All licensed employee job descriptions in the school system will be created initially by the Foxborough School Committee. It is the Foxborough School Committee's intent to activate a sufficient number of positions to accomplish the school system's goals and objectives and to provide for the equitable staffing of each school building. Although such positions may remain temporarily unfilled, only the Foxborough School Committee may abolish a position it has created.

Each time a new position is established by the Foxborough School Committee, the Superintendent will present for the Foxborough School Committee's approval a job description for the position, which specifies the jobholder's qualifications and the job's performance responsibilities. The Superintendent will maintain a comprehensive set of job descriptions for all positions.

Policy adopted: 3-24-08



## **LICENSED EMPLOYEE SALARY SCHEDULES**

### Teachers

The Foxborough School Committee will adopt a salary schedule for regular teaching personnel as part of the contract negotiated with the teachers' bargaining unit. The schedule will be designed to recognize and reward training and experience and encourage additional study for professional advancement.

### Principals

Salaries will be reviewed annually. The Foxborough School Committee, with the advice of the Superintendent, will establish levels of compensation for each position based on the circumstances, dynamics, and requirements of each position. Consideration may be given to individuals for exceptional performance as a basis for establishing merit increases for Principals. It is the responsibility of the Superintendent to present evidence to the Foxborough School Committee to support recommendations for merit increases.

### Administrators

Salaries will be reviewed annually. The Superintendent may, upon the request of the Foxborough School Committee, survey other school systems to determine salaries being paid for comparable positions in each system. The survey will include the effective date of the specified salary.

LEGAL REFS.: M.G.L. 71:40; 71:43

CONTRACT REF.: Teachers' Agreement

Policy adopted: 3-24-08

## **LICENSED EMPLOYEE SUPPLEMENTARY PAY PLANS**

Certain assignments require extra responsibility or extra time over and above that required of other staff members who are on the same position on the basic salary schedule. When such supplemental assignments require extra time and responsibility beyond that regularly expected of teachers, they will be rewarded with extra compensation.

Assignments that are to be accorded extra compensation will be designated by the Foxborough School Committee. Appointments to these positions will be made by the Superintendent for District-wide positions or by the Principal with the approval of the Superintendent for building based personnel. The amount of compensation for the position will be established by the Foxborough School Committee at the time the position is created.

A teacher who is offered and undertakes a supplementary pay assignment will receive a supplementary contract specifying the pay, duration and terms of the assignment. Upon termination of the assignment, the supplementary pay will cease.

LEGAL REF.:           Collective Bargaining Agreement

Policy adopted: 3-24-08

## **FAMILY AND MEDICAL LEAVE**

### **Family, Medical, and Small Necessities Leaves of Absence**

**A. Purpose.** The Family and Medical Leave Act (“FMLA”) of 1993 allows eligible employees twelve (12) weeks of unpaid leave (26 weeks for military caregiver leave) per year under the circumstances outlined below. Employees may take leave for the following reasons:

1. to care for the employee’s child after birth, or placement of a child with the employee through adoption or foster care;
2. incapacity due to pregnancy, prenatal medical care or childbirth;
3. the employee is needed to care for his/her child, spouse, or parent who has a serious health condition;
4. the employee is unable to perform the functions of his/her position because of a serious health condition;
5. the employee is next of kin to, and needed to care for, a covered service member who incurred a serious injury or illness in the line of duty (up to 26 weeks of leave – this is an exception to the 12-week maximum referenced throughout this Policy).
6. the employee needs leave due to a qualifying exigency arising out of his/her child, spouse, or parent, who is also a military member, being called to, or serving on, covered active duty.

**B. Use Paid Leave First.** Employees are required to use certain types of accrued or available paid leave first, as part of the FMLA leave, before commencing the unpaid portion of the leave. Employees who take leave because of the birth, or placement of a child or to care for an ill spouse, parent or child must first use all accrued vacation and personal time, in that order. Contractual family sick leave must be used if an employee is out to care for an ill family member. Employees who take leave because of their own serious illness must use all accrued sick, personal and vacation time, in that order.

**C. Eligibility.**

1. **1250 hours in previous 12 months.** To be eligible for leave under this policy an employee must have been employed by the Employer for a total of at least 12 months, and must have worked at least 1250 hours during the 12-month period preceding the commencement of the leave. Certain exceptions may apply if an employee has had a break in service with the Employer totaling 7 or more years, unless the break was due to certain types of military leave.

#### **D. Conditions.**

1. **Twelve Weeks.** Employees may take no more than twelve weeks of leave in a twelve month period. The twelve month period is a rolling twelve months beginning twelve months prior to the proposed commencement of requested leave. If both spouses are employed by the Employer, they are together entitled to a total of twelve weeks of leave for the birth or placement of a child or care of a sick parent.
2. **Notice.** Employees wishing to take FMLA leave must give 30 days' notice for leave involving foreseeable events. If the event giving rise to the need for leave is not foreseeable, then the employee must give such notice as is practicable under the circumstances. Employees must schedule planned medical treatments with due regard for the Employer's operational needs.

#### **E. Definitions.**

**Health Care Provider:** A doctor of medicine or osteopathy who is authorized to practice medicine or surgery (as appropriate) by the State in which the doctor practices; or any other person determined by the Secretary to be capable of providing health care services.

**Parent:** The biological parent of an employee or an individual who stood *in loco parentis* to an employee when the employee was a son or daughter.

**Reduced Leave Schedule:** A leave schedule that reduces the usual number of hours per workweek, or hours per workday, of an employee.

**Secretary:** The Secretary of Labor.

**Serious Health Condition:** An illness, injury, impairment, or physical or mental condition that involves: inpatient care in a hospital, hospice, or residential medical care facility; or continuing treatment by a health care provider.

**Child:** A biological, adopted, or foster child, a stepchild, a legal ward, or a child of a person standing *in loco parentis*, who is: under 18 years of age; or 18 years of age or older and incapable of self-care because of a mental or physical disability.

**Spouse:** An individual's legal husband or wife.

**Covered Active Duty:** In the case of a member of a regular component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country; and in the case of a member of the reserve component of the Armed Forces, duty during the deployment of the member with the Armed Forces to a foreign country under a call or order to active duty under a provision of law referred to in section 101(a)(13)(B) of Title 10, United States Code.

**Covered Service Member:** A member of the Armed Forces (including a member of the National Guard or Reserves) who is undergoing medical treatment, recuperation, or therapy, is otherwise in outpatient status, or is otherwise on the temporary disability retired list, for a serious injury or

illness; or a veteran who is undergoing medical treatment, recuperation, or therapy, for a serious injury or illness and who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during the period of 5 years preceding the date on which the veteran undergoes that medical treatment, recuperation, or therapy.

Next of Kin: With respect to an individual, next of kin is the nearest blood relative of that individual.

Qualifying Exigency: May include attending certain military events, arranging for alternative childcare, addressing certain financial and legal arrangements, attending certain counseling sessions, and attending post-deployment reintegration briefings.

Serious Injury or Illness: In the case of a member of the Armed Forces (including a member of the National Guard or Reserves), an injury or illness that was incurred by the member in the line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that may render the member medically unfit to perform the duties of the member's office, grade, rank, or rating; and in the case of a veteran who was a member of the Armed Forces (including a member of the National Guard or Reserves) at any time during such a period, a qualifying (as defined by the Secretary of Labor) injury or illness that was incurred by the member in line of duty on active duty in the Armed Forces (or existed before the beginning of the member's active duty and was aggravated by service in line of duty on active duty in the Armed Forces) and that manifested itself before or after the member became a veteran.

**F. Certification.** Employees must provide sufficient information for the Employer to determine if the leave may qualify for FMLA protection and the anticipated timing and duration of the leave. Employees requesting FMLA Leave must provide medical certification to support a claim for leave for an employee's own serious health condition or to care for a seriously ill child, spouse, or parent. The medical certification must set forth: the date on which the serious health condition commenced; the probable duration of the condition; and, the appropriate medical facts within the knowledge of the health care provider regarding the condition. In its discretion, the Employer may require a second medical opinion and periodic re-certification at its own expense.

**G. Employer Responsibilities.** The Employer will inform employees requesting leave whether they are eligible under the FMLA. The Employer will also inform employees what, if any, additional information is needed to process their request. Employees will be notified of the approval or denial of the leave and the reason(s) therefore.

The Employer shall not interfere with, restrain, or deny the exercise of any right provided under the FMLA; and shall not take any adverse employment action against an employee for opposing any practice made unlawful by the FMLA or for involvement in any proceeding under, or relating to, the FMLA.

**H. Intermittent or Reduced Schedule Leave.** If medically necessary for a serious health condition or qualifying exigency of the employee or his or her spouse, child or parent, leave may be taken on an intermittent or reduced leave schedule. If leave is requested on this basis, the Employer may require the employee to transfer temporarily to a position, with equivalent compensation, which better accommodates recurring periods of absence or a part-time schedule.

**I. Benefits.**

1. **Health Coverage.** Employees on leave are entitled to the continuance of group health coverage under the same conditions they received coverage prior to the leave. Employees who contribute to their health insurance premiums via payroll deduction must arrange to pay the premium contributions during the period of unpaid absence, if they wish to retain coverage. In the event that an employee elects not to return to work upon completion of an approved unpaid leave of absence, the Employer may recover from the employee the cost of any payments made to maintain the employee's coverage, unless the failure to return to work was for reasons beyond the employee's control.
2. **Other Benefits.** Benefits based upon length of service will be calculated as of the last paid work day prior to the start of the FMLA leave of absence. Employees do not accrue sick, vacation or personal time while on leave in excess of 30 days. Employees will not forfeit any employment benefits that accrued prior to the start of the FMLA leave of absence.

**J. Sick Leave, Workers Compensation Leave, or Other Absences.** Employees who are out of work for reasons that would qualify for leave under this policy, irrespective of whether leave has been requested under this policy, are required, upon request, to provide to the Employer the information and certifications required by this policy. The Employer shall designate all such qualifying leave as Family and Medical Leave, which shall run against the twelve weeks allowed under this policy.

**K. Return to Work.** Employees returning from FMLA Leave in accordance with this policy will be restored to their original positions, or to equivalent positions with equivalent pay and benefits. Employees should contact the personnel department and their supervisors at least two weeks before their return date to make arrangements. Employees may be required to provide a medical opinion from a physician certifying their fitness for duty. The Employer reserves the right to send an employee to the Employer's physician for a second opinion regarding the employee's fitness to return to work.

**L. Procedural Requirements.** Employees requesting an FMLA leave must submit the request in writing to their Department Head. Requests should be made 30 days in advance of the commencement of the leave, but in any event, as soon as practicable. The Employer will provide an employee with a *Certification of Health Care Provider* form. The Employee must return the completed form to the Employer within 15 days from receipt.

**M. Rules specific to teachers.** Leave taken near the end of an academic term. The following rules shall apply with respect to periods of leave near the conclusion of an academic term in the case of any eligible employee employed principally in an instructional capacity.

Leave more than 5 weeks prior to end of term. If the employee begins leave more than 5 weeks prior to the end of the academic term, the Employer may require the employee to continue taking leave until the end of such term, if the leave is of at least 3 weeks' duration and the return to employment would occur during the 3-week period before the end of such term.

Leave less than 5 weeks prior to end of term. If the employee begins leave with less than 5 weeks remaining in the academic term, the Employer may require the employee to continue taking leave until the end of such term, if the leave is of greater than 2 weeks' duration and the return to employment would occur during the 2-week period before the end of such term.

Leave less than 3 weeks prior to end of term. If the employee begins leave with less than 3 weeks remaining in the academic term, the Employer may require the employee to continue to take leave until the end of such term.

Intermittent or Reduced Schedule Leave. In any case in which an eligible employee employed principally in an instructional capacity requests intermittent or reduced schedule leave that is foreseeable based on planned medical treatment and the employee would be on leave for greater than 20 percent of the total number of working days in the period during which the leave would extend, the agency or school may require that such employee elect either: to take leave for periods of a particular duration, not to exceed the duration of the planned medical treatment; or to transfer temporarily to an available alternative position offered by the employer for which the employee is qualified, and that has equivalent pay and benefits; and better accommodates recurring periods of leave than the regular employment position of the employee.

#### **N. Small Necessities Leave**

1. The Small Necessities Act, Massachusetts General Law Chapter 149, Section 52D, became effective on August 4, 1998.
2. An employee shall be entitled to a total of 24 hours of unpaid leave during a 12 month period (the twelve month period is a rolling twelve months beginning twelve months prior to the proposed commencement of requested leave), in addition to leave available under the Family and Medical Leave Act of 1993, for the following purposes:
  - (a) to participate in school activities directly related to the educational advancement of a son or daughter;
  - (b) To accompany the son or daughter of the employee to routine medical or dental appointments, such as check-ups or vaccinations; and
  - (c) 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.
3. Employees who have accumulated sick, personal, or vacation time must use such time as part of the 24 hours before becoming eligible for unpaid time. The Employer will not provide paid leave in any situation where it would not normally provide such paid leave.
4. At least 7 days in advance, the employee shall submit to the Employer a written notice of his/her intent to take small necessities leave and the date and expected duration of the leave. If 7 days' notice is not possible, the employee shall give notice as soon as practicable.

REF: 29 U.S.C. Section 2601 et seq.; 29 C.F.R. Part 825 et seq.; Massachusetts General Law Chapter 149, Section 52D.

Policy adopted as revised: 5-16-16



## **LICENSED EMPLOYEE HIRING**

Through its employment policies, the Foxborough Public Schools will strive to attract, secure, and hold the highest qualified personnel for all professional positions. The selection process will be based upon awareness to candidates who will devote themselves to the education and welfare of the students attending the schools.

It is the responsibility of the Superintendent, and of persons to whom he or she delegates this responsibility, to determine the personnel needs of the school system and to locate suitable candidates. No position may be created without the approval of the Foxborough School Committee. The District's goal is to employ and retain personnel who are motivated, will strive always to do their best, and are committed to providing the best educational environment for the students

It will be the duty of the Superintendent to see that persons considered for employment in the schools meet all certification requirements and the requirements of the Foxborough School Committee for the type of position for which the nomination is made.

The following guidelines will be used in the selection of personnel:

1. There will be no discrimination in the hiring process due to age, sex, gender identity, creed, race, color, national origin, disability, sexual orientation or place of residence.
2. The quality of instruction is enhanced by a staff with a wide variation in background, educational preparation, and previous experience.
3. The administrator responsible for the hiring of a staff member (in the case of District-wide positions, for the position of Principals, it is the Superintendent; for building-based personnel, it is the Principal) is directed to establish a representative screening committee. The administrator has the final say in determining who will be hired but it is expected that the screening committee's input will be a factor in the decision. For those positions where the hiring authority rests with the School Committee a representative screening committee may be established by the School Committee or the School Committee may direct the Superintendent to establish a screening committee to assist the Superintendent in making his/her recommendation to the School Committee.

LEGAL REFS.: M.G.L. 69:6; 71:38; 71:38G; 71:39; 71:45; 71:55B  
Massachusetts Board of Education Requirements for Certification of Teachers, Principals, Supervisors, Directors, Superintendents and Assistant Superintendents in the Public Schools of the Commonwealth of Massachusetts, revised 1994  
BESE 603 CMR 7:00, 26.00, and 44:00

Policy adopted: 3-24-08

Policy adopted as revised: 2-25-13

## **PART-TIME AND SUBSTITUTE TEACHER EMPLOYMENT**

### Part-Time Teachers

Teachers may be employed on a part-time basis. The salary of part-time teachers will bear the same ratio to the first step of the salary schedule that the teacher would earn if employed full-time as the hours worked bear to the hours the teacher would work if employed full-time (for example, a teacher employed for half the number of hours would receive half the salary of a full-time teacher).

### Substitute Teachers

The school system will employ as substitute teachers, to the extent possible, persons who meet the requirements for teacher appointments and will assign teachers substitute-teaching positions on the basis of their areas of competence. When the supply of potential substitutes in a particular subject area is too limited to meet school department needs, there will be active recruitment for substitutes in those areas. All substitute teachers will be expected to provide educational services, rather than to assume merely a student-supervisory role. They will be provided with as much support as possible by building administrators and teachers.

The Foxborough School Committee will set the daily rate of pay for substitute teachers, including extended-term substitutes. The latter will be granted such additional benefits as approved by the Foxborough School Committee.

Policy adopted: 3-24-08

## **PHILOSOPHY OF STAFF DEVELOPMENT**

All staff members will be encouraged in and provided with suitable opportunities for the development of increased competencies beyond those they may attain through the performance of their assigned duties and assistance from supervisors.

Opportunities for professional growth may be provided through such means as the following:

1. Planned in-service programs and workshops offered within the school system from time to time; these may include participation by outside consultants.
2. Membership on curriculum development committees drawing personnel from within and outside the school system.
3. Released time for visits to other classrooms and schools and for attendance at conferences, workshops, and other professional meetings.
4. Leaves of absence for graduate study, research, and travel.
5. Partial payment of tuition for approved courses.

The Superintendent will have authority to approve or deny released time for conferences and visitations and reimbursements for expenses, provided such activities are within budget allocations for the purpose.

SOURCE: MASC

Policy adopted: 9-8-08

## **PROFESSIONAL TEACHER STATUS**

Teachers and certain other professional employees who have served in the School District for three consecutive years shall be entitled to professional teacher status. The Superintendent, upon recommendation of the Principal, may award such status to a teacher who has served in the Principal's school for not less than one year or a teacher who has obtained such status in any other public school district in the Commonwealth. The Superintendent will base his/her decisions on the results of evaluation procedures conducted according to Foxborough School Committee policy.

At the end of each of the first three years of a teacher's employment, it will be the responsibility of the Superintendent to notify each employee promptly in writing of the decision on reappointment. Notification to a teacher not being reappointed must be made by **June 15** or at an earlier date if required by a collective bargaining agreement.

A teacher who attains professional teacher status will have continuous employment in the service of the school system. A teacher with professional teacher status whose position is abolished by the Foxborough School Committee may be continued in the employ of the school system in another position for which he/she is legally qualified.

Nothing in these provisions will be considered as restricting the Superintendent from changing teaching assignments or altering or abolishing supervisory assignments except that, by law, no teacher may be assigned to a position for which he/she is not legally qualified.

Established by law and Foxborough School Committee policy

LEGAL REFS.: M.G.L. 71:38; 71:38G; 71:38H; 71:41; 71:42; 71:43

Policy adopted: 3-24-08

## **EMPLOYEE EVALUATION**

Employee evaluation covered by negotiated contracts will be conducted in accordance with terms of the various negotiated contracts as appropriate.

Employee evaluation not covered by contract will be conducted according to criteria established by the Foxborough School Committee and administered by the Superintendent.

LEGAL REFS.:       M.G.L. 71:3 8;  
                      Ch. 188; Acts of 1985  
                      M.G.L. 150E

CROSS REF.: GCOA, Teacher Evaluation

REFS: FEA Contract - Art. 16, Sec. 1, Appendix C  
      Sec. Contract - Art. 6  
      Cust./Main - Art. 13  
      Educational Assts.- Art. 19; Section 1

SOURCE: Foxborough

Policy adopted: 3-24-08

## TEACHER EVALUATION

The purpose of the Foxborough Public Schools' *Principles of Effective Teaching* (predicated on the Massachusetts Department of Education's *Principles of Effective Teaching*) and Evaluation Procedure is to provide for the continuous growth of staff and the continuous improvement in the quality of education for all students. Evaluation of teacher performance is an essential component of an effective educational program, as well as a requirement of the state law and regulations (MGL c.71, §38; 603 CMR 35.00). We believe that professional growth and development, and the resulting improvement in the quality of education, are best achieved by a cooperative process, characterized by mutual respect, teamwork and trust. Teachers and administrators share responsibility in this evaluation process.

The Teacher Evaluation Procedure described in the *Handbook for Evaluation of Teachers in Foxborough* has been designed to:

1. Raise the quality of instruction and educational services to the students.
2. Recognize, encourage and support growth and improvement in teaching.
3. Define goals, identify, gather and use information as part of a process to improve professional performance, and to assess total job effectiveness and make personnel decisions.

This Handbook is part of the collective bargaining agreement between the Foxborough Education Association (Teachers) and the Foxborough School Committee (See Article 16 of this contract).

LEGAL REFS.:       M.G.L. 71:38  
                      603 CMR 35.00  
                      Collective Bargaining Agreement

Policy adopted: 3-24-08

## **SUSPENSION AND DISMISSAL OF PROFESSIONAL STAFF MEMBERS**

The Superintendent will strive to assist personnel to perform their duties efficiently. However, the Superintendent may dismiss any employee in accordance with state law. Further, the Foxborough School Committee recognizes the constitutional rights of the Foxborough Public Schools employees and assures them the protection of due process of law. To guarantee such rights, a system of constitutionally and legally sound procedures will be followed in each case of suspension or dismissal of an employee.

When the Superintendent or a Principal determines that sufficient cause exists that a professional employee be suspended or dismissed from service in the school system, he or she will:

1. Be certain that each such case is supported by defensible records.
2. Determine if the individual is to be suspended immediately with the understanding that the suspension will be subject to restoration of salary and position if an appeal is decided in favor of the individual.
3. Follow the procedures for dismissal or suspension that are contained in applicable laws as well as those included in the current agreement with the teachers' bargaining unit.
4. Provide the individual involved with a written statement that will:
  - a. Indicate whether the action the Superintendent is taking is dismissal or suspension.
  - b. State the reason for the suspension or dismissal.
  - c. Guarantee that all procedures will be in accordance with due process of law.
  - d. Inform employees who have a right to request a hearing under appropriate laws that they may be represented at such a hearing by counsel of their choice.

LEGAL REFS.: M.G.L. 71:42; 71:42D

Policy adopted: 3-24-08

## **TUTORING FOR PAY**

Definition: "Tutoring" means giving private instruction or help to an individual or group for which the teacher receives remuneration other than through the Foxborough School Committee.

Tutoring is not to be recommended for a student unless the appropriate teacher of the student involved is consulted and agrees that it will be of real help. If tutoring seems advisable, the Principal may give the parents/guardians a list of persons who are willing to tutor. This list may include teachers, but not the student's teacher of the subject in which he/she or she is to be tutored.

Tutoring for pay is not to be done in the school building.

Policy adopted: 3-24-08



## **SUPPORT STAFF POSITIONS**

Education is a cooperative enterprise in which all employees of the school system must participate intelligently and effectively for the benefit of the students. This school system will employ support staff members in positions that function to support the education program.

“Support staff” is defined as all non-licensed personnel. All support staff positions will be established initially by the Foxborough School Committee. In each case, the Superintendent will submit for the Foxborough School Committee's consideration and action a job description or job specifications for the position.

Although positions may remain temporarily unfilled or the number of persons holding the same type of position reduced in event of de-staffing requirements, only the Foxborough School Committee may abolish a position it has created.

Policy adopted: 3-24-08

**RETIREMENT OF SUPPORT STAFF MEMBERS**

All full-time non-instructional personnel are required to participate in the Commonwealth of Massachusetts Retirement System.

Periodically, the Superintendent will present to the Foxborough School Committee the names of support staff members who have indicated their intentions to retire.

LEGAL REFS.: Age Discrimination in Employment Law, P.L. 95-256

Policy adopted: 3-24-08