



To: School Committee

From: Kathy Shields (Policy Subcommittee), Anping Shen (Policy Subcommittee)  
Jill Murray Grady (General Counsel).

Date: November 16, 2023 (for November 20, 2023 Meeting)

RE: Recommended Revisions to Policies: LBC (Relations With Non-public Schools); GA (Personnel Policies Goals); GCQD (Resignation of Professional Staff Members), GCQE (Retirement of Professional Staff Members), GDQC (Retirement of Non-Instructional Staff Members), GDQD (Suspension and Dismissal of Non-Instructional Staff Members)

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The Massachusetts Association of School Committees has completed a periodic review of its policy manual and has recommended the following changes that remove five (5) unnecessary policies within the Personnel Section G and an additional policy that we recommend for adoption in Section L regarding Relations with Non-Public Schools.

#### RECOMMENDATION FOR ADOPTION

Policy LBC - Relations with Non-public Schools. Newton does not currently have a policy on this matter, and the School Committee is periodically tasked with reviewing (review completed by Superintendent/designees) and approving applications submitted by private schools seeking to operate in Newton and it is likely that a private school approval request will be submitted in the near future.

#### RECOMMENDATION FOR REMOVAL:

GA (Personnel Policies Goals);

GCQD (Resignation of Professional Staff Members;

GCQE (Retirement of Professional Staff Members);

GDQC (Retirement of Non-Instructional Staff Members);

GDQD (Suspension and Dismissal of Non-Instructional Staff Members)

MASC recommends removal - Policy GA - Personnel Policies Goals - because it is unnecessary as it is a generic statement of school committee/district policies when goals are specific to each school district/committee.

MASC has also recommended removing these Personnel policies - GCQD, GCQE, GDQC, GDQD - as the content and substance of these policies are contained in collective bargaining agreements and/or employee contracts.

## **File: LBC - APPROVAL OF NEW PRIVATE SCHOOLS IN THE CITY OF NEWTON**

By state statute, the School Committee is tasked with approving the application of a private school located in Newton in accordance with applicable law and state guidance.

The Committee's responsibility under this policy is limited to acting reasonably and in good faith in carrying out its approval function and applying its policies and procedures consistently to all applicants. School committee approval is neither an evaluation of program quality nor an endorsement of any particular private school.

The Committee shall not be liable for any acts or omissions of a private school and/or its students or for its approval issued under this policy and applicable law.

Any individual/organization seeking to establish a private school within the City of Newton must submit an application to the Superintendent of the Newton Public Schools, who will conduct a thorough review of the application and make a recommendation to the Committee.

Procedurally, the steps for approving a private school include:

1. The private school applies, in writing, for approval one year in advance of planned opening. The letter of application is sent to the Superintendent.
2. The private school is provided with the "Checklist for Approval of a Private School" to review.
3. The private school submits a completed application and notifies the Superintendent that all conditions for approval have been met.
4. The Superintendent or his/her designee visits the private school (where applicable) and reviews the application.
5. Upon successful review by the Superintendent's Office, a recommendation for approval is presented to the Committee.
6. The private school and MA DESE are notified of the Committee's decision.
7. Once approved, private schools will be required to submit for review and approval any significant program/curriculum/financial changes of the school.

### **Criteria for Private School Approval**

Mass General Laws Chapter 76 § 1 dictates that the School Committee will approve a private school application if the applicant school's "instructional program equals" that of the town's public schools in "thoroughness, efficiency and progress made." While the terms are not defined, the Massachusetts Department of Elementary and Secondary Education has issued guidance listing the criteria to be considered in evaluating the application.

A private school application shall include a detailed plan, along with any supporting documentation, with regard to the following criteria as set forth in guidance issued by the MA DESE, found [here](#), including but not limited to:

1. Population to be served
2. Admissions criteria; documentation of school's planned enrollment
3. Physical Plant / Safety
4. Curriculum
5. Educational Materials
6. School Staff
7. Administration
8. Records
9. Student Services
10. Financial Support
11. Student Learning Time
12. Student Performance Assessment

**Should the school wish to add Additional Grade Levels:**

1. The school shall provide another full submission of their complete application.
2. The school shall provide their complete application for approval one-year in advance of their planned opening for the additional grade level(s).

LEGAL REFS.: M.G.L. [69:1D](#); [71:1-3](#); [71:71D](#); [71B:4](#); [71B:10](#); [76:1](#)

603 CMR [18.00](#) (Program and Safety Standards for Approved Public or Private Day and Residential Special Education School Programs)

603 CMR [28.00](#) (Special Education)

[Advisory on Approval of Massachusetts Private Schools: Pursuant to Mass. Gen. Laws c. 76, § 1](#)

**File: GA - PERSONNEL POLICIES GOALS**

The School Committee recognizes that an efficient professional staff dedicated to education is necessary to maintain a constantly improving educational program. The Committee is interested in its personnel as individuals and it recognizes its responsibility to its employees.

The Committee's specific personnel goals are:

1. To develop and implement those strategies and procedures for personnel recruitment, screening and selection that will result in employing and retaining the candidates with the highest capabilities, strongest commitment to quality education and greatest probability of effectively implementing the system-wide goals and curriculum.
2. To develop a general staff assignment strategy that will contribute to the learning 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 learning 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 personnel evaluation positive processes that contribute to the improvement of both staff capabilities and the learning program.

**File: GCQD - RESIGNATION OF PROFESSIONAL STAFF MEMBERS**

- Professional staff members may discontinue their service in the district during the school year by submitting a written notice of intent to resign to the appropriate hiring authority.

Such written notice of intent to resign will be given to the Superintendent or designee. The staff member will be notified in writing of the Superintendent's or designee's action on the resignation.

When a resignation is accepted by the Superintendent or designee the employee may be expected to continue in service at his or her assigned duties for a period of 30 days after submission of the resignation.

**File: GCQE - RETIREMENT OF PROFESSIONAL STAFF MEMBERS**

Annually, the Superintendent will inform the Committee of the professional staff members who have retired at the end of the current school year. No further School Committee action is necessary unless approval is needed for the payment of or participation in continued local benefits.

LEGAL REF.: Age Discrimination in Employment Act, 29 U.S.C. § 631

CONTRACT REF.: Collective Bargaining Agreements

**File: GDQC - RETIREMENT OF NON-INSTRUCTIONAL 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 Committee the names of support staff members who have retired.

LEGAL REFS.: Age Discrimination in Employment Act, 29 U.S.C. § 631

**File: GDQD - SUSPENSION AND DISMISSAL OF NON-INSTRUCTIONAL STAFF MEMBERS**

Support staff employed by the School District may be terminated by the Principal or Administrator of the building in which they serve, with the approval of the Superintendent or designee. If applicable, and in accordance with the terms of applicable Collective Bargaining Agreement or employment contract, employees may request the Superintendent to review the circumstances of their termination.

In the event of failure to perform as required, the Superintendent or designee may immediately suspend or terminate employment as set forth the applicable Collective Bargaining Agreement or employment contract.

Non-instructional staff employees may or may not be given prior notice of their dismissal, depending upon the circumstances and in accordance the applicable Collective Bargaining Agreement or employment contract.

The Superintendent, or the Principal, with the approval of the Superintendent or designee, may also suspend/remove employees from their individual assignments.

CONTRACT REF.: Collective Bargaining Agreements and Employment Contracts