

Massachusetts General Law: Chapter 71: Text

Section 41. For the purposes of this section, a teacher, school librarian, school adjustment counselor, school nurse, school social worker or school psychologist who has served in the public schools of a school district for the three previous consecutive school years shall be considered a teacher, and shall be entitled to professional teacher status as provided in section forty-two. The superintendent of said district, 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 such status in any other public school district in the commonwealth. A teacher without professional teacher status shall be notified in writing on or before June fifteenth whenever such person is not to be employed for the following school year. Unless such notice is given as herein provided, a teacher without such status shall be deemed to be appointed for the following school year.

Section 42. A principal may dismiss or demote any teacher or other person assigned full-time to the school, subject to the review and approval of the superintendent; and subject to the provisions of this section, the superintendent may dismiss any employee of the school district. In the case of an employee whose duties require him to be assigned to more than one school, and in the case of teachers who teach in more than one school, those persons shall be considered to be under the supervision of the superintendent for all decisions relating to dismissal or demotion for cause.

A teacher who has been teaching in a school system for at least ninety calendar days shall not be dismissed unless he has been furnished with written notice of intent to dismiss and with an explanation of the grounds for the dismissal in sufficient detail to permit the teacher to respond and documents relating to the grounds for dismissal, and, if he so requests, has been given a reasonable opportunity within ten school days after receiving such written notice to review the decision with the principal or superintendent, as the case may be, and to present information pertaining to the basis for the decision and to the teacher's status. The teacher receiving such notice may be represented by an attorney or other representative at such a meeting with the principal or superintendent. Teachers without professional teacher status shall otherwise be deemed employees at will.

A teacher with professional teacher status, pursuant to section forty-one, shall not be dismissed except for inefficiency, incompetency, incapacity, conduct unbecoming a teacher, insubordination or failure on the part of the teacher to satisfy teacher performance standards developed pursuant to section thirty-eight of this chapter or other just cause.

Professional Teacher Status Training

What is PTS?

- Began in Massachusetts (one of the first states to do so) in 1897→ “tenure”
- Ed reform in the 90s changed to “professional teacher status”
- Longest probationary period in any professional occupation

When do you earn PTS?

PTS is earned at the END of your THIRD year teaching

- Must be in the same school system
- Must be three complete school years (September - June)
- Must be consecutive three years
- Must be teaching within your license (not on a waiver)
- If on leave, the leave must be paid (sick, maternity, disability) and contractual
- No written confirmation--kept track of by yourself and employer

How can you negotiate over PTS?

Most people think you need to be in the new district for three years to attain PTS again. This is not correct.

- While they **must** give you PTS after three consecutive, complete, properly certified years, you **may** get it sooner – after only one year, if you’ve never had it before, with the superintendent and principal’s approval; or right away if you received it in another district.
- Accordingly, with your local union’s assistance, you might want to negotiate over this if you are asked to work without certification/licensure or if you are being recruited to work in a district.

Why is it important to know when you have PTS?

If your employer gives you a non-renewal letter (more difficult to dismiss employees who do have PTS)

RIGHTS WITHOUT PROFESSIONAL TEACHER STATUS

First 90 calendar days → practically no rights. You may be dismissed with no reason and no meeting.

After initial 90 days:

1. Right to a meeting represented by your union (with lawyer if a member)
2. Must be given a reason.
3. Illegal to fire on discrimination (race, gender, sexuality, religion)
4. Illegal to fire an employee based on s/he filing complaints
5. Illegal to fire on employee’s activity with union
*Contrary to popular belief, union activity can help insure your job security because of this!!!!
6. Evaluations poorly executed (late, not following rules) based on contract
 - BE SURE TO document all activity related to evaluation.
7. Pay, benefits, working conditions in union contract all enforceable for non-PTS employees

Your union is HERE to ensure your rights even before you acquire PTS.

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