

NEW YORK CITY BOARD OF EDUCATION
DIVISION OF HUMAN RESOURCES
65 COURT STREET
BROOKLYN, NEW YORK 11201

PERSONNEL MEMORANDUM NO. 24 , 1994-95

DECEMBER 9 , 1994

TO: COMMUNITY SUPERINTENDENTS, HIGH SCHOOL SUPERINTENDENTS, DEPUTY ASSISTANT SUPERINTENDENTS, DISTRICT ADMINISTRATORS OF SPECIAL EDUCATION, EXECUTIVE DIRECTORS, DIRECTORS OF OPERATIONS, PERSONNEL DIRECTORS, BOROUGH PERSONNEL OFFICERS, PRINCIPALS OF ALL DAY SCHOOLS, SBM/SDM CHAIRPERSONS, UFT CHAPTER LEADERS, UFT/CSA DISTRICT REPRESENTATIVES, AND PA/PTA PRESIDENTS

FROM: Thomas P. Ryan *Thomas P. Ryan*

RE: Programming Procedures and Contract Compliance in Middle Schools

During the fiscal crisis, it is critical that our limited resources focus on providing direct services to our children. In order to accomplish this, teachers must be programmed for the maximum number of teaching periods allowed by the collective bargaining agreement.

Principals are responsible for programming their schools in accordance with the guidelines set forth below. Superintendents must supervise the middle schools to ensure compliance with these guidelines. Care must be taken during this school year to ensure that implementation does not disrupt students' education.

I. PROGRAM CARDS

There must be a completed, detailed program card for every teacher in the school. The format used by the High School Division is recommended (copy attached). The program card must explain with specificity what the staff member is programmed to be doing every period of the week. Preparation periods, professional periods, compensatory periods, administrative periods, lunch periods and teaching periods must be clearly delineated on the program cards. For teaching periods, the subject, class and room number must be shown.

Copies of all teachers' program cards must be submitted to the district office for review. Program cards are to be on file in the school and the district office.

II. PERSONNEL ALLOCATIONS AND SCHOOL ORGANIZATION CHARTS

Prior to the opening of school every September, personnel allocations must be provided to each school and must be updated in writing whenever a change is made in the school's allocations. Such allocations must be kept on file in each school.

The school organization chart must reflect the following information either in the chart itself or on an appropriate attachment:

1. The name of every person assigned to the school. For part-time personnel, it must also include the days and times of assignment.
2. All compensatory time assignments, the names of the teachers assigned and the number of periods devoted to the assignment.

3. All administrative assignments.
4. The funding source for personnel.
5. Notation of homeroom teachers and an indication whether they are in the 65% of homeroom teachers relieved of administrative assignments.
6. CHAPTER I SCHOOLS
 - a. Identify all teachers who have worked continuously in Chapter I schools prior to July 1, 1985.
 - b. Identify any teachers transferring on or after September 1, 1985 from any non Chapter I school to a Chapter I middle school since they would qualify for no more than five preparation periods as homeroom teachers.
 - c. Indicate the date when the school last qualified as a Chapter I school since staff are entitled to a maximum of five preparation periods if there was any break in Chapter I eligibility since July 1, 1985.

III. TEACHER PROGRAMS

Teachers must be programmed for the maximum number of teaching periods allowed by the collective bargaining agreement. Any exception must be submitted with justification by the principal to the superintendent for approval. If, because of breakage, a teacher's program does not work out evenly, the teacher should be programmed during the odd periods to provide direct instructional or supportive services to children. Article 7B of the collective bargaining agreement covering teachers sets forth the contractual requirements for programming teachers in the middle schools.

The basic contractual rules for programming middle school teachers are:

NON-CHAPTER I SCHOOLS

A. Homeroom Teachers

25	Teaching Periods
5	Lunch Periods
5	Preparation Periods
5	Administrative/Building Assignments*

Total 40 Periods

***NOTE:** 65% of homeroom teachers are relieved of administrative assignments; 35% of homeroom teachers have administrative assignments.

B. Non-Homeroom Teachers

26	Teaching Periods
5	Lunch Periods
5	Preparation Periods
4	Administrative/Building Assignments

Total 40 Periods

C. Compensatory Time Teachers

Teachers with compensatory time positions will be assigned fewer teaching periods than the maximum allowable under the contract to permit them to perform the duties of the position.

CHAPTER I SCHOOLS

A. Homeroom teachers (hired before July 1, 1985)

22 Teaching Periods
5 Lunch Periods
8 Preparation Periods
5 Administrative/Building Assignments*

Total 40 Periods

*NOTE: 65% of homeroom teachers are relieved of administrative assignments; 35% of homeroom teachers have administrative assignments.

B. Homeroom Teachers (hired after July 1, 1985)

25 Teaching Periods
5 Lunch Periods
5 Preparation Periods
5 Administrative/Building Assignments*

Total 40 Periods

*NOTE: 65% of homeroom teachers are relieved of administrative assignments; 35% of homeroom teachers have administrative assignments.

C. Non-homeroom Teachers

25 Teaching Periods
5 Lunch Periods
5 Preparation Periods
5 Administrative/Building Assignments

Total 40 Periods

D. Compensatory Time Teachers

Teachers with compensatory time positions will be assigned fewer teaching periods than the maximum allowable under the contract to permit them to perform the duties of the position.

These rules govern the programs of the overwhelming majority of teachers in the middle schools. The collective bargaining agreement provides some teachers (for example, chapter leaders, home economics teachers and industrial arts teachers) with slightly different programs. In addition, the collective bargaining agreement affords schools the opportunity to vary these rules provided that appropriate waivers are obtained.

IV. PREPARATION PERIODS

Teachers are the only employees entitled to preparation periods. They should be programmed for only the number of preparation periods to which they are entitled by the collective bargaining agreement. The preparation period is not a "free" period and, therefore, cannot be changed from its regularly scheduled time absent extraordinary circumstances.

V. PAYMENT FOR COVERAGE ASSIGNMENTS

After providing one free coverage every term, teachers are entitled to be paid for covering classes during the school day in only two situations*:

1. when the coverage occurs on their scheduled preparation period; or
2. when the coverage occurs during their scheduled administrative periods and they do not have administrative assignments because they are among the 65% of homeroom teachers who do not receive administrative assignments. (These are sometimes called "professional periods.")

*NOTE: Teachers are not to be assigned to cover classes during their free lunch periods.

No payment is due

1. when a teacher participates in a conference or staff development during a preparation period (because no class is being covered);
2. when a teacher receives additional students because an absent teacher's class has been broken up; or
3. when a teacher's responsibility in a class changes, such as when a physical education teacher who is an assist assumes the lead teaching assignment because the lead teacher is absent.

To the extent possible, every teacher should be assigned to one coverage without compensation every term before any teacher is assigned a paid coverage.

A record must be kept at the school of all coverages for which payment is requested. This record must contain the following information:

1. An indication that the required free coverages have been assigned;
2. The date of the coverage;
3. The period the coverage occurred;
4. The type of class covered;
5. The name and subject area of the teacher whose class was covered; and
6. Whether the coverage occurred on a preparation period or "professional period."

In addition to the copy of this record retained at the school, a copy must be sent monthly to the district business manager.

VI. MONITORING

The Office of the Auditor General will perform random audits to ensure compliance with this circular.

The Office of Monitoring and School Improvement will also review use of teacher resources as part of their comprehensive educational school reviews.

VII. REQUESTS FOR INFORMATION

If you have any questions concerning contractual interpretation, please contact:

Office of Labor Relations and Collective Bargaining
110 Livingston Street - Room 910
Brooklyn, New York 11201
718-935-2612

All other questions should be addressed to:

Office of the Auditor General
65 Court Street - Room 900
Brooklyn, New York 11201

TPR/ss
Attachment