

Montgomery County Education Association
Bargaining Proposal to Montgomery County Public Schools

December 08, 2022

Article 27: Transfers from Schools That Are Closing

- A. Immediately following the Board decision to close a school, **whether permanently or temporarily**, a representative from the Department of Human Capital Management shall contact the appropriate director to arrange a meeting with all the staff of the school. The director and representatives from the Department of Human Capital Management then will meet with the total staff to discuss transfer procedures shortly after the decision has been made to close the school. Thereafter, if the school is not closing in that school year, another meeting will be held in the spring of the year in which the school actually closes.
- B. Personnel representatives shall also schedule individual conferences with those unit members who have requested such a conference to discuss, at mutually agreeable times, such matters as certification and transfer.
- C. Before filling any vacancies in a receiving school, the principal from the designated receiving school will arrange to interview all teachers from the designated closing school who express a preference to follow students to the receiving school.
- D. In filling any vacancies in a receiving school, the principal will consider the following significant factors: certification, length of ~~service in MCPS~~ **service as defined in Article 7 A.7**, area(s) of competence, major or minor field of study, and whether the unit member would follow the students to the receiving school. Where more than one applicant is acceptable to the principal, the opportunity to follow students to the receiving school will receive additional consideration.
- E. School-based Unit Members in Positions Working Other than 10-Month or 12-Month Schedules
 - 1. Vacancies occurring in such positions in closing schools will be filled on a ~~an~~ **acting**/temporary basis with candidates from either inside or outside the school, using the normal process for filling such vacancies.

2. Such vacancies in all schools will be filled on an ~~acting~~/temporary basis, unless filled by a person already in the job class or in the “pool” described **below**.
3. Any unit member who has satisfactory evaluations and is ~~in such a position~~ in a closed school or who is involuntarily transferred (**unrelated to the closing of the school**) will be placed in a “pool.” As future openings in the job class occur, the principal ~~having the~~**who has the** opening must consider persons from the “pool,” leave returnees who have been in that job class, or voluntary transfers currently in that job class.
4. The principal must hold interviews from among those eligible after considering the specific qualifications needed to fill the position. If, because of program needs, the principal is unable to identify someone from the “pool,” a leave returnee, or a voluntary transferee to fill the position, the principal may, with the approval of the appropriate community superintendent and associate superintendent of human resources, assign an acting person to the position until the end of the school year.
5. Those positions being filled on an acting basis will be re-advertised yearly and filled by someone from the “pool,” **a** leave returnee, or **a** voluntary transferee. This process will continue until all members of the “pool” have been assigned. Requests to extend an acting assignment beyond one year must be approved by the deputy superintendent.
6. Employees in an acting capacity are guaranteed pay as stipulated for the position.
7. These employees will be reinstated to their former school and position if they assume an acting assignment after January 1. All other employees in acting capacities prior to January 1 will be involuntarily transferred to appropriate vacancies as they develop.
8. Applicants may request **and will receive** from the Department of Human Capital Management an explanation of why they were not selected for the position.
9. If a unit member in the “pool” ~~or currently holding such a position~~, refuses to be interviewed or turns down a position that is offered, they will no longer be considered in the “pool.”
10. Any unit member in such a position, whose school is closing and is not assigned by the date the school is closed, will be guaranteed their “normal” paid duty days for that summer and will have the option of receiving their salary differential for one year ~~only~~ while in the “pool,” or ~~electing not~~**the unit member may elect** to receive the differential and ~~being~~ allowed to accept the sponsorship of stipended activities.

F. Voluntary Transfers from Closing Schools in Year(s) Prior to Actual Closing

1. Any unit member of a closing school who **accepts another work assignment** is ~~selected for a promotion would be allowed to~~ **shall** assume the new responsibilities.
2. Unit members of a closing school should be allowed to apply in the usual way for voluntary transfers. Principals and directors and OHRD should carefully screen transfer requests to ensure that the school maintains ~~an outstanding staff~~ **adequate staffing levels** in the years leading up to its closure. ~~Voluntary transfers will be permitted only under very carefully scrutinized conditions.~~
3. Requests for voluntary transfers out of receiving schools will be treated as all other voluntary transfer requests.