



DISTRICT OFFICES
Tom Flanagan, Superintendent
150 Colchester Avenue
Burlington, VT 05401
802-865-5332
tflanagan@bsdvt.org

MEMORANDUM

To: Burlington Board of School Commissioners
From: Tom Flanagan, Superintendent of Schools
CC: Denise Bailey, Executive Director of Human Resources
Date: November 15, 2022
Subject: **2.2 Monitoring Report: Hiring and Treatment of Staff (FY22)**

Statement: We present the **2.2 Monitoring Report: Hiring and Treatment of Staff (FY22)** as reviewed and updated to reflect FY22.

Recommended Motion: *I move to approve the recommendation that the Superintendent complies with Policy Title 2.2.*

Monitoring Report - Policy Title: 2.2 Hiring and Treatment of Staff (FY22)

Submitted by: Tom Flanagan, Superintendent

Date Submitted: 11/15/2022

Status: In Partial Compliance

Policy Statement:

- (a) Concerning the treatment of paid staff, the Superintendent shall not:
1. Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions.
 2. Discriminate against any staff member for non-disruptive expression of dissent.
 3. Fail to acquaint staff with the Superintendent's interpretation of their protections under this policy.
 4. Allow staff to be unprepared for emergency situations.
 5. Cause or allow the recruitment or hiring of administrators, faculty, or staff outside of the district's inclusive recruitment and hiring processes designed specifically to increase and ensure a culturally proficient and diverse workforce in the district.
- (b) The Superintendent shall not fail to develop, maintain, and utilize written, objective recruitment, hiring, and retention systems and procedures for each category of employee in the school district, which systems and procedures shall be made available upon request. Such systems and procedures shall not fail to include a detailed and authentic stakeholder engagement process relating to hiring district employees, which engagement process shall be appropriate with respect to the type of employee to be hired.
- (b-1) When possible, when hiring a magnet school administrator, magnet coach, or teacher for a magnet school, the Superintendent shall not fail to:
1. Attract candidates with a background in the magnet program for which they are applying.
 2. State the mission of the magnet school in the advertised job description.
 3. Increase the candidate pool by:
 - a. Leveraging community partners to publicize the position
 - b. Advertising on career sites related to the program of the magnet school; and
 - c. Appointing a hiring team that includes appropriate representation
 - i. For a magnet school principal, the hiring team shall not fail to include the magnet coach, a member of the faculty's leadership committee, and an additional teacher from the building, a member of the building's PTO executive committee, and a representative from a community partner.
 - ii. For a magnet school coach, the hiring team shall not fail to include the school's principal, the departing magnet coach (if feasible), a member of the faculty's leadership committee, an additional teacher from the building, a member of the building's PTO executive committee, and a representative from a community partner.
 - iii. For a magnet teacher, the hiring team shall not fail to include the school's principal, the magnet coach, and a teacher from the building.
 - d. For purposes of this subsection 3, "community partners" shall mean organizations, institutions, or companies that are currently providing programs and/or support to the school.
- (c) Superintendent shall not recommend the hiring of a permanent or interim building leader, assistant building leader, district senior director, or district director to the Board without providing the following information in written format to the Board a minimum of five (5) business days prior to seeking the Board's approval of the hire:
- a. The posted job description/specification.
 - b. Resume or CV of the recommended hire.
 - c. Summary of the candidate pool.
 - d. Listing of the candidates who made the final round of consideration and a summary of each candidate.
 - e. Listing of who interviewed the candidates.

- f. Rationale for the selection of the recommended hire.
 - g. Any other information that is pertinent to the Board's deliberation or decision to approve the hire.
 - h. The communication plan for after the hiring is finalized.
- (d) The Superintendent shall not (except with prior Board approval):
- a. Hire a permanent or interim building leader or assistant building leader without involving staff from the building or program and parents/guardians of students currently in the school/program in the vetting and interviewing process.
 - b. Fail to gain the best candidates due to a lack of timely internal and external publication and posting of open positions.
 - c. Fail to appropriately communicate to staff, students, and families on the hiring of building leaders and assistant building leaders, both interim and permanent.

Limitation (a)1: Operate without written personnel rules that (a) clarify rules for staff, (b) provide for effective handling of grievances, and (c) protect against wrongful conditions. Discriminate against any staff member for non-disruptive expression of dissent.

Interpretation: The Superintendent interprets this to mean that all full and part-time District employees are provided clear job responsibilities and operating procedures to perform their jobs professionally. All staff should have a copy of or easy access to the appropriate collective bargaining agreements, employee handbook, and/or job description. Procedures to effectively handle union and non-union grievances and complaints are included in bargaining agreements and the Comprehensive Personnel Policy Manual. All employees must be protected against wrongful conditions including, but not limited to, harassment and discrimination.

Status: In Compliance

Evidence:

- (a) 1(a): Written personnel policy that clarifies expectations of staff.

BSD's Comprehensive Personnel Policy Manual is posted on the Human Resources webpage. The Manual includes a complaint process for employees and details expectations and procedures for discipline.

In FY21 and FY22, a New Hire Orientation (formerly New Educators' Orientation) was conducted by Human Resources (HR). The Orientation included information about HR functions and services; Hazing, Harassment, and Bullying (HHB); confidentiality; Student Support Services; and programs for Multilingual Learners. The BEA held a separate meeting after each Orientation, sharing pertinent information with its members. There was turnover in HR, with vacancies in the Executive Director and Assistant Director positions in 2022; both positions were filled in July and September, respectively. The Executive Director will continue the process of working closely with all administrators and providing interpretation and support related to personnel policies and procedures. The Executive Director is lead administrator for policy updates in accordance with the District's 4-5 year goal of ensuring all policies are updated, implemented, monitored and, if appropriate, eliminated. The Executive Director and HR team routinely assist administrators, supervisors, and other employees when there is a need to document and reinforce required work expectations.

- (a) 1(b): Provide for effective handling of grievances

All collective bargaining agreements are posted on the [HR webpage](#), containing grievance procedures with clearly defined processes. The Comprehensive Personnel Policy Manual includes a complaint process for non-union employees.

The Superintendent, Executive Director of HR, AFSCME Chapter Chair, BEA President, and BEA Grievance Chair meet regularly to discuss pending grievances and emerging concerns for teachers and paraeducators.

There were six grievances filed in FY22; all were resolved. There have been two grievances in FY23 to date. Both grievances were filed by BEA. One of the grievances was resolved with an agreed-upon remedy; the second grievance was deemed “unfounded, without merit”, as the CBA Articles allegedly breached were found to be inapplicable.

(a) 1(c): Protect against wrongful conditions

The Comprehensive Personnel Manual outlines complaint processes regarding discrimination and other wrongful conditions. The Manual was partially reviewed during FY21; due to COVID and the lack of staff resources, this project was tabled until FY23.

Limitation (a)2: Discriminate against any staff member for non-disruptive expression of dissent.

Interpretation: The Superintendent interprets this to mean that the Superintendent will not permit, directly or indirectly, by act or omission, any adverse action against an employee for any statement that indicates disagreement with any decision made by the administration that is non-disruptive, does not interfere with instruction and day-to-day operation of a school or Central Office, and is carried out professionally and respectfully.

Status: In Compliance

Evidence: Collective bargaining agreements and personnel policies give employees the formal right to question the placement of negative material in their personnel file as well as instances of non-promotion or step movement. During the FY22 monitoring period, no grievances or lawsuits were filed alleging unlawful discrimination for non-disruptive expression of dissent or retaliation for expressing a complaint or suggestion.

Limitation (a)3: Fail to acquaint staff with the Superintendent’s interpretation of their protections under this policy.

Interpretation: The Superintendent interprets this policy to mean that employees of the District will be informed of the District’s Executive Limitation Policy 2.2 and be encouraged to read and understand the policy and know how the superintendent interprets their protections under the policy.

Status: In Compliance

Evidence: The Burlington Board of School Commissioners adopted Policy Governance on March 16, 2017. Information about Policy Governance, including District Ends Policies and Executive Limitation Policies, are posted on the District’s website. When the Board passed the Policy Governance Policies, the staff was informed of this Board decision through a communication from the Superintendent’s Office. In addition, policy Governance policies and monitoring reports are posted publicly on [BoardDocs](#) and the [District’s website](#).

Limitation (a)4: Allow staff to be unprepared for emergency situations.

Interpretation: The Superintendent interprets this to mean that the Superintendent will ensure that all staff is informed and trained in emergency response procedures. In addition, the Superintendent interprets “emergency” to mean any condition that threatens the safety and well-being of students and employees.

Status: In Compliance

Evidence: BSD’s Safety Team is overseen by our Director of Equity, Sparks. Director Sparks has developed protocols, procedures, and strategies concerning our schools’ crisis, safety, and emergencies. Director Sparks holds monthly District Safety Meetings with all schools and their individual safety teams. Director Sparks is now coordinating a District Safety Team. Members consist of principals, District leaders/staff, and City partners in safety:

- o District Communication Specialist
- o Property Services Director

- o Director of Expanded Learning Opportunities
- o Early Education Director
- o Food Services
- o Human Resources Coordinator
- o Executive Director of Finance and Operations
- o Director of Equity
- o School principal (or designee) from each school
- o Lead nurse
- o Burlington Fire Department Fire Marshall
- o Burlington Police Department
- o Parks and Recreation Director

Director Sparks has developed a District Crisis Response Manual that will be reviewed by the Superintendent in January 2023. All buildings are required to have an up-to-date and consistent Crisis/Safety Response Procedures Manual. Principals and program administrators review the evaluation procedures and emergency preparedness/response procedures annually with all staff, and District nurses are trained in emergency medical response procedures. Some aspects of the manual include:

- o List of School Crisis/Safety Response Team Members
- o Crisis/Safety Response Log (to be filled out for emergencies)
- o Central Office Crisis/Safety Response Procedures
- o Central Office/District Administrators Contact Info
- o BSD Crisis/Safety Response Dispatch Call Info
- o Immediate Crisis and Response Procedures
- o Definition of terms for appropriate and consistent responses (e.g., Bomb Threats, Hold and Secure, Emergency Medical Incident, etc.)
- o Safety Drill Schedule and Log

Each school location also has a Crisis/Safety Response Team in place. The Crisis/Safety Response Team schedules mandated safety drills for the year and meets following each drill or real-life event to review how events were handled. This leads to developing strategies in an “After Action” mode to ensure that future events are handled efficiently and proactively. The team focuses on strengthening the school’s crisis/safety response as it pertains to Before, During, and After Action strategies and planning. Each school has at least one member of its crisis/response team who attends monthly District Safety meetings as listed above (typically the principal).

Additionally:

- A copy of “Emergency Guides to Emergency Preparedness” is available in every classroom. They are hung up in locations that are easily accessible in the event of an emergency. The guide contains a list of definitions to reinforce consistent and appropriate responses in a crisis.
- BSD’s technology staff maintains a District telecommunications network to ensure immediate and effective communication between and among BSD employees. The District’s VOIP (Voice over Internet Protocol) System includes an updated staff extension directory located on every District phone to ensure timely and efficient communication. The IT staff also maintains an online District directory available to all employees.
- An [Emergency Procedures webpage](#) is posted on every school website.
- BSD uses a combination of phone calls, text messages, and emails to inform staff and parents about emergencies, crisis updates, and school day schedule alterations (i.e. snow days).

Limitation (a)5: Cause or allow the recruitment or hiring of administrators, faculty, or staff outside of the District’s inclusive recruitment and hiring processes designed specifically to increase and ensure a culturally proficient and diverse workforce in the District.

Interpretation: The Superintendent interprets this to mean that the Superintendent will ensure that all staff recruitment and hiring will be done based on the established inclusive recruitment and hiring process. In all hiring decisions,

consideration will be given to the goal of a diverse, culturally proficient, and agile workforce.

Status: In Partial Compliance

Evidence: The District has an equal employment opportunity [statement](#) complying with the Equal Employment Opportunity Commission (EEOC) Policy, which is listed on the BSD [webpage](#).

Unconscious bias and inclusive recruitment training are offered for staff who wish to participate in a hiring committee. In addition, all members of an interview advisory team are required to complete unconscious bias training and inclusive recruitment training before sitting on the team; FY22 marked the second year using an online platform for this, presenting standardized materials for all participants while increasing their awareness of unconscious bias to help foster equity, support diversity, and prevent discrimination.

In FY22, BSD followed all collective bargaining agreements, which provide additional requirements for recruitment and hiring related to union members and their ability to transfer or apply for open positions.

BSD continues to implement inclusive hiring strategies that will aid in reaching our employment equity goals. The following are inclusive hiring strategies that we have begun to implement.

1. Consistent and Accurate Data:

a. We are tracking underrepresented groups during our hiring and recruitment process. Definitions of these categories are from the EEOC. We have expanded the EEOC's racial categories to add Gender Identity:

- i. American Indian or Alaska Native - A person with origins in any of the original peoples of North and South America (including Central America) and maintains tribal affiliation or community attachment.
- ii. Asian - A person having origins in any of the original peoples of the Far East, Southeast Asia, or the Indian subcontinent, including, for example, Cambodia, China, India, Japan, Korea, Malaysia, Pakistan, the Philippine Islands, Thailand, and Vietnam.
- iii. Black or African American - A person having origins in any of the Black racial groups of Africa.
- iv. Native Hawaiian or Other Pacific Islander - A person having origins in any of the original peoples of Hawaii, Guam, Samoa, or other Pacific Islands.
- v. Hispanic or Latino - A person of Cuban, Mexican, Puerto Rican, South or Central American, or other Spanish culture or origin, regardless of race
- vi. Gender/Gender Identity

2. Tracking period: Our tracking period will continue to be September 1 - August 31, ensuring we compare the same data periods for effective future comparisons.

3. Tracking diversity by job categories/departments:

a. We are monitoring underrepresented groups in our hiring by job categories or departments. This will give us the ability to develop targeted strategies for any gaps.

- i. Teachers
- ii. Paraprofessionals
- iii. Property Services/Busing staff
- iv. IT
- v. Office Personnel/Administrative staff
- vi. Principals
- vii. Administrators
- viii. Food Services

4. Tracking where underrepresented applicants locate job postings:

a. We are monitoring sources of applicants from underrepresented groups, which will improve recruitment efforts. We are also in the process of contracting with a local recruiter and will send an RFP for a national recruiter in December 2022.

5. Tracking retention of underrepresented employees:

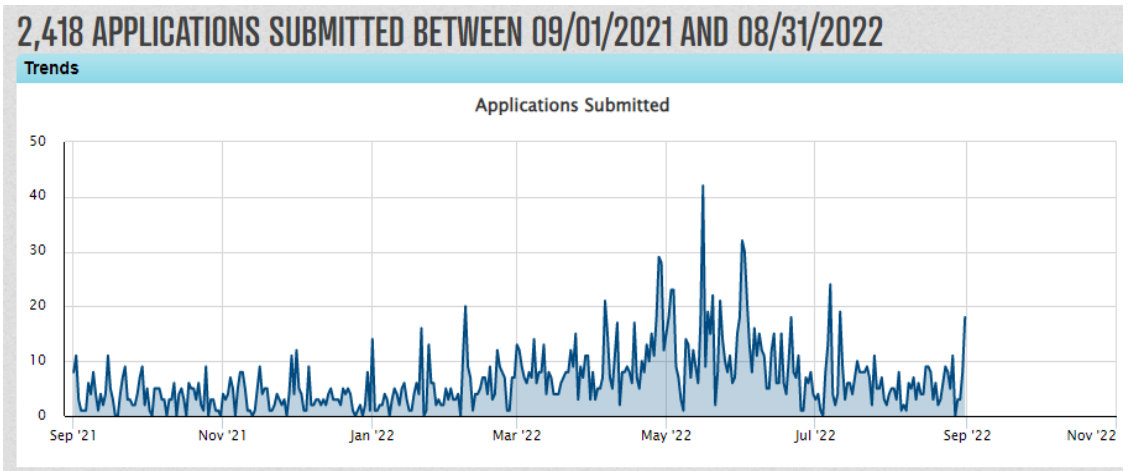
- a. HR continues to develop systems to create an annual data report to track underrepresented groups stated above, including turnover in those groups, which may help us to understand their retention needs. In FY22, HR has utilized Exit Forms and Exit Surveys to effect this tracking.

6. Tracking of Interviews: We will continue to require hiring administrators to review applications and interview underrepresented candidates in the qualified pool. This ensures that hiring administrators are accountable for employment equity goals in their buildings and departments, and including explicit outreach for underrepresented candidates.

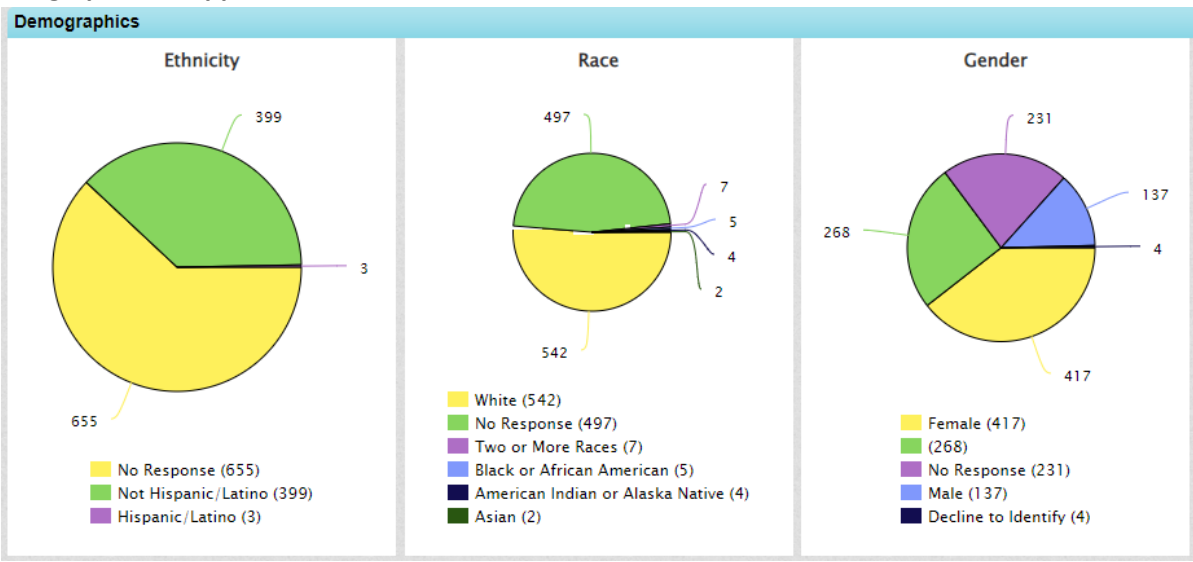
Current Indicating Metrics *Certified indicates that the applicant applied for a position that requires a teacher’s license, including long-term substitutes, limited teacher contracts, and principals.*

Elementary Application Pools Before FY20, monitoring reports counted elementary applicants for anticipated openings for elementary teachers by each grade for the coming school year. These postings occurred each January and remained open until the end of the hiring season. In FY20, the decision was made to post anticipated openings for elementary teachers by bands. This adjustment was created to support the movement and professional growth of current staff interested in a transfer within the elementary schools and provide flexibility and greater choice to the hiring principal, who may have different openings a great candidate might be suitable to fill.

Total Applications (All Categories) 2,418 total applications were submitted between September 1, 2021, and August 31, 2022, for all job categories across the District. The total number of applications submitted for this period reflects an 8.4% decrease in applications from the previous 12 months (09/01/2021 - 08/31/2022) and an 8.6% decrease in applications from the period of 09/01/2020 - 08/31/2021.

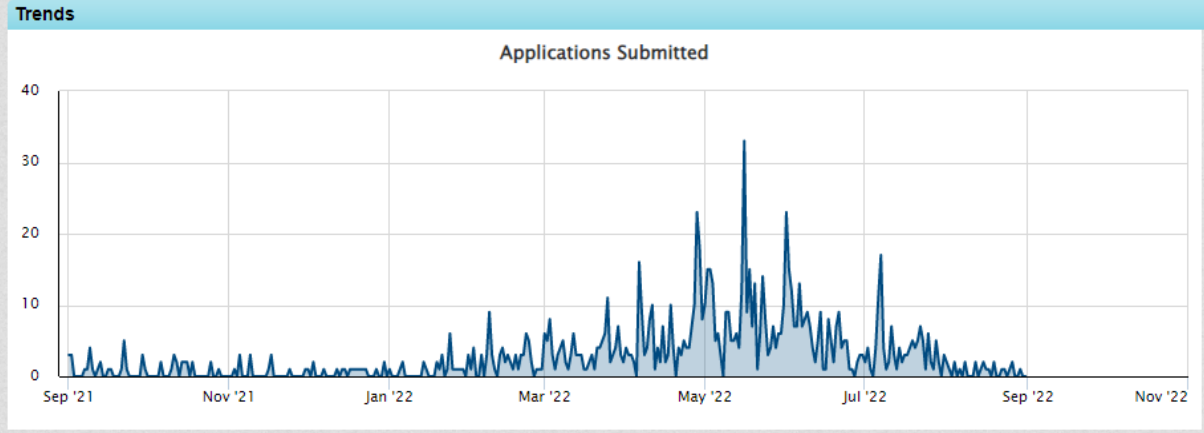


Demographics of Applications Received



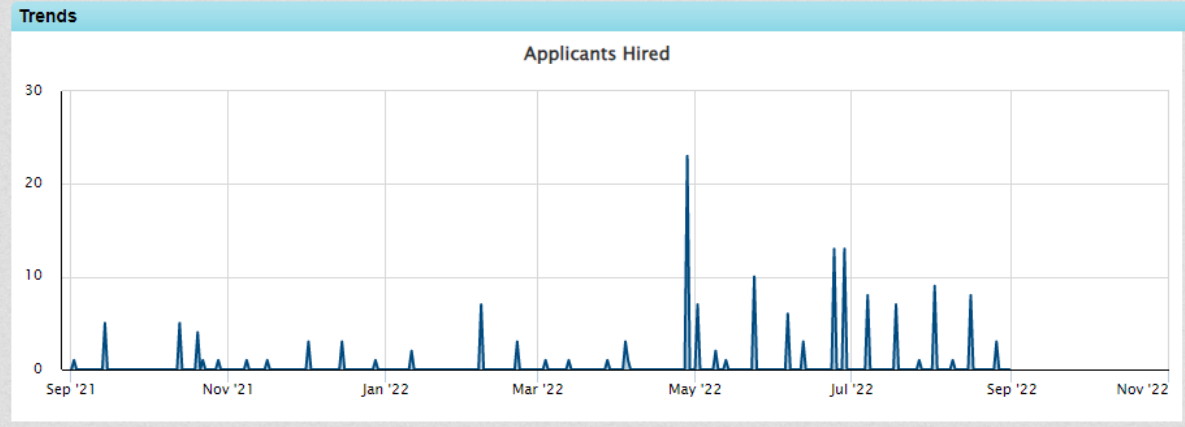
Total Certified Applications 1,057 qualified applications were received for Certified positions between 09/01/2021 and 08/31/2022; an 8.75% decrease in applications compared to the previous 12-month period.

1,057 CERTIFIED APPLICATIONS SUBMITTED BETWEEN 09/01/2021 AND 08/31/2022

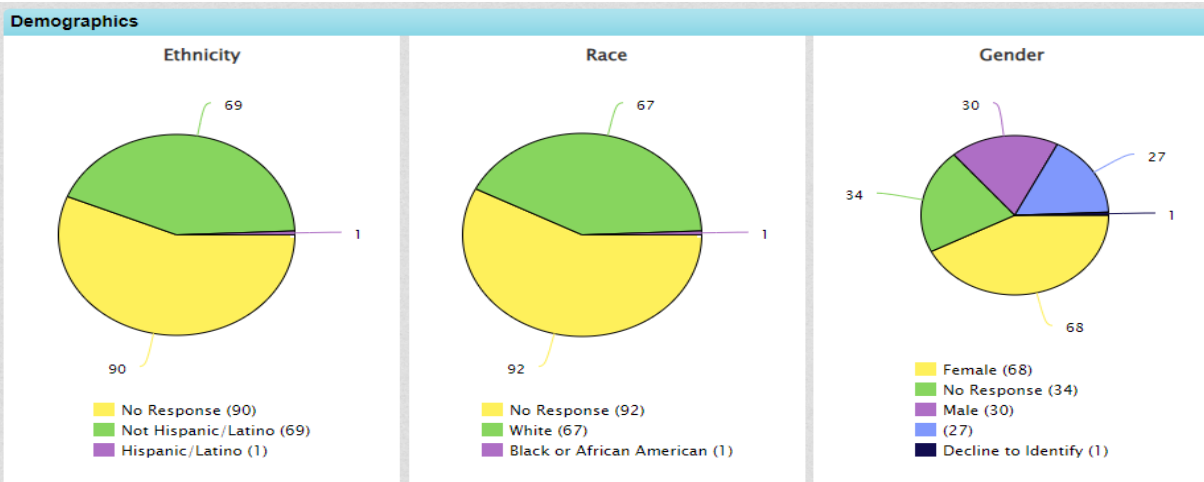


Of the 1,041 Certified applications, 160 were hired across the District. This represents a 15% hiring rate.

160 CERTIFIED APPLICANTS HIRED BETWEEN 09/01/2021 AND 08/31/2022



Demographics for Certified Hires



Anticipated opening: Each Spring, BSD advertises “anticipated openings” for the elementary grade levels. These postings are listed as, “Anticipated K-2”, “Anticipated 3-4” and “Anticipated 5-6”. There were a total combined 100 applications for these three postings (41, 33, and 26 respectively). BSD does not track specific grade levels when

posting and therefore cannot calculate an accurate number of applications for specific grade openings. Of these 100 applications, nine were hired into elementary positions across the District, a 9% hiring rate. Moving forward, the District can design a more comprehensive method of tracking each specific grade level.

Demographics in Detail

RACE	All Apps	%	Certified Apps	%
Black/African American	32	1.3%	5	.05%
Asian	3	.01%	2	.02%
Alaskan Native / American Indian	5	.02%	4	.04%
White	1028	42.5%	542	51.3%
Two or More Races	17	0.7%	7	.07%
No Response	1333	55%	497	47%

Gender	All Apps	%	Certified Apps	%
Female	1126	46.5%	417	39.4%
Male	541	22.5%	137	13%
Declined to Identify	25	1%	4	0.04%
No Response / Blank	726	30%	499	47.2%

Limitation (b): develop, maintain, and utilize written, objective recruitment, hiring, and retention systems and procedures

Interpretation: The Superintendent interprets this to mean that the HR Department will draft and implement internal procedures and systems designed to efficiently attract, hire, and retain staff, especially those of the Global Majority, in alignment with the 2022-2027 Strategic Plan Priority 4: Educators Who Look Like Our Students.

Status: In compliance

Evidence: HR has developed written procedures related to the hiring of staff throughout the District. The HR Operational Procedure includes recruitment procedures and exiting procedures, the latter of which may track reasons for failure to retain. We are also seeking a national recruitment contractor to assess national networks and integrate them into our recruiting system. The HR Department is working with a local recruiter to extend local networks.

Limitation (b-1): Magnet School Hiring for administrator, magnet coach, or teacher

Interpretation: The Superintendent interprets this to mean the District will develop, implement, and maintain systems that will attract candidates with relevant magnet school experience, include magnet school mission statements in job descriptions, and appoint hiring teams that include specified stakeholders.

Status: In Partial Compliance

Evidence: We did not advertise on career sites related to arts or sustainability. Principals asked community partners to alert the community about their job postings. The Mission statements for each school *were not* included in job postings. The Executive Director of HR directed staff to add this to the job posting workflow. Principals have confirmed that they have followed schools and have confirmed that hiring committees included the appropriate representation required by this limitation and we will provide further documentation in future monitoring reports.

Limitation (c): Recommend the hiring of a permanent or interim building leader, assistant building leader, district senior director, or district director to the Board without providing information to the Board

Interpretation: The Superintendent will provide the Board with specified information when recommending hiring in specified positions.

Status: In Compliance

Evidence: Hiring Memos were sent to the Board for Review and Approval. The Hiring Memos were routinely submitted on time. The dates below represent Hiring Memos sent to the Board for Approval during the time period of 07/01/2021-06/30/2022

07/02/2021 - Assistant Principal, Burlington High School, Francesca Dupuis (Approved)
07/27/2021 - Assistant Principal, Edmunds Middle School, Nikki Ellis (Approved)
07/27/2021 - Assistant Principal - Student Supports, Burlington High School, Kate Paxton (Approved)
03/15/2022 - Principal, Integrated Arts Academy, Mattie Scheidt (Approved)
05/24/2022 - Principal, Hunt Middle School, Jim Kelley (Approved)
05/24/2022 - Principal, J.J. Flynn Elementary School, Nikki Ellis (Approved)
05/24/2022 - Principal, Edmunds Elementary School, Kolby Snellenberger (Approved)
05/24/2022 - Director of Property Services, Lyall Smith (Approved)
06/07/2022 - Director of Student Support Services, Damon Peykar, (Approved)
06/22/2022 - Director of Burlington Technical Center, Jason Reed (Approved)

Limitation (d): Hire a permanent or interim building leader or assistant building leader without involving staff and parents/guardians, fail to gain the best candidates, or fail to appropriately communicate the hiring of building leaders and assistant building leaders both interim and permanent.

Interpretation: The Superintendent will include all specified stakeholders in the hiring of interim and permanent building leaders and assistant building leaders and appropriately communicate the hiring.

Status: In Compliance

Evidence: Each of the Hiring Memos listed in Limitation (c) (above) included information relating to staff and parent involvement, candidate pools, and communication strategy. The Superintendent announced each hire in the appropriate District communication channels.