

Memorandum of Understanding  
Between  
Newark Unified School District  
and  
Newark Teachers Association  
("The Parties")

Regarding  
Musick Closure, Newark Middle School Teacher, Essential Functions of the Position, Transfer  
Procedures, and Priorities  
2022-2023

The intent of this Memorandum of Understanding (MOU) is to establish transfer procedures for the Newark Teachers Association (NTA) unit members affected by the Musick Closure and the Newark Jr. High School inclusion of Grade 6 in a middle school model. This Memorandum will take effect during the Spring of 2021-2022 school year and conclude on September 2, 2022. At any time during the period of this MOU, either party can request to meet and confer regarding this transfer process.

This MOU supersedes any provisions of our current negotiated and agreed upon bargaining agreement regarding transfers and reassignments except as specifically indicated herein and shall remain in place for the length of the Memorandum of Understanding unless otherwise amended and agreed to in writing by both parties.

Statement of Understanding

The Newark Unified School District (NUSD) and the Newark Teachers Association (NTA) reach the following agreements in order to implement the transfer timeline and interview process. Due to the consolidation of Musick Elementary School, both NTA and NUSD agree that special consideration will be given to current Musick teachers.

**I. Musick Closure, Transfer Procedures, and Priorities**

- A. The district will prepare an Options Form for current Probationary and Permanent Musick teachers in general education classroom assignments.
- B. The Options Form will include a list of school sites available for consideration in order for staff to join, and be a part of, the site's respective assignment processes. The Options Form will include sites deemed the new home sites for Musick students, the middle school, and other elementary sites.
- C. Unit members will submit their three top options of available school sites in order to be part of that site's assignment process.
- D. Unit members shall have top priority to positions on the Options Form.
- E. Placements shall be based on seniority. The District will make every effort to place teachers at one of their top three choices.

- F. Musick teachers will not have to interview to be placed in a Grade 6 position. In addition, consideration will be given to which core subjects they prefer, as well as partnering with another Musick colleague.
- G. The District will notify Musick teachers of their transfer prior to other sites holding their staffing assignment meetings.
- H. For those Musick teachers who will be transferred to another elementary site, they will then become part of the staff of the receiving site for assignment considerations.
- I. General education Musick teachers who were involuntarily transferred from Musick to another site for the 2021-2022 school year shall maintain in their current assignments for 2022-2023 school year.

## **II. Newark Middle School Teacher, Essential Functions of the Position, Transfer Procedures, and Priorities**

- A. Essential Functions of the Position
  - a. NUSD will create the Essential Functions of a 6th-grade teacher in Middle School in consultation and agreement with NTA. The Essential Functions of a 6th grade teacher in Middle School will be sent with the Interest Forms to all NTA unit members. Each Essential Functions of a 6th grade teacher in Middle School of a Middle School 6th Grade Teacher shall include the number of classes and examples of subjects to be taught in a core model. Positions shall be filled with priority to those displaced at Musick and those currently teaching Grade 6, and then move to an interview process with the unit member that is best suited by qualifications and experience (example: credential, coursework, training, workshops, professional development, experience, etc.).

### **Transfer Procedures and Priorities:**

- Step 1        The Department of Human Resources will announce the Middle School Transfer Process, including the Essential Functions and Interest Form to all NTA bargaining unit members.
- Step 2        Unit members shall submit the Interest Form to the Department of Human Resources. Human Resources will verify proper credentialing for all interested transfer candidates.
- Step 3        Priority will be given to Musick teachers as addressed in Section I in the MOU. Priority will then be given to unit members currently teaching sixth grade. No interviews will be required for these transfers. Interviews will follow according to the Transfer Priority for Interviews listed below.
  - 1. Current NJHS unit members with appropriate credentials requesting a change in assignment;
  - 2. Unit members teaching Transitional Kindergarten through fifth grade
  - 3. High School teachers with appropriate credentials

4. Permanent/ Probationary unit members who request a transfer;
5. Temp/ unit member on the rehire list;

Step 4 The Human Resources Department will notify those selected for a middle school position.

### **Transfer Procedure for Interviews:**

The transfer procedure for interviews shall be coordinated by the Human Resources Department. Explanations of the job descriptions, the procedure, including all documentation and necessary forms shall be developed by the District, with input and agreement from NTA, by March 25, 2022. All documents and forms will be available in the Human Resources Department or accessible on the NUSD Human Resources Department web page.

NUSD management and two NTA-appointed members, shall conduct an interview for all voluntary transfers of unit members requesting a sixth-grade position.

The interview process will consist of the following:

- 1) The interviewees' answers will be scored and ranked.
- 2) The highest-ranked employee(s) will be offered the position(s).
- 3) All interviews will be confidential.

### **III. Seniority-Based Assignment Process**

The Parties recognize that the majority of sites will have significant staffing shifts and changes this spring for 2022-2023. In order to create a fair, transparent process, assignment determinations will be made by seniority. Seniority is defined as the hire date in the district per the published Seniority List.

Every probationary and permanent unit member, the site administrator, and an NTA representative will attend a meeting in order to determine assignments. The site administrator will facilitate the meeting and frame the staffing needs for 2022-2023.

1. A signed attendance sheet will be collected.
2. All unit members will have access to the Seniority List, this MOU, and the current CBA.
3. Posters will be displayed with the projected assignment options for next year, listed by grade level.
4. Unit members will select their grade level choice by seniority until the positions are completed.
5. In the event two (2) unit members have the same hire date, priority for the assignment shall be determined by the site administrator.
6. A copy of the assignments will be provided to the HR department after the meeting.
7. Any displaced teachers, due to a reduction in FTE at that site, will be provided, by the Human Resources department, options for which assignments are available at other sites. This process will also be guided by seniority.

**Voluntary Transfer Consideration:**

Unit members holding a multiple-subject credential may submit a transfer request via email to the Executive Director of Human Resources at any time upon approval of this MOU.

Consideration for voluntary transfers will occur upon completion of the Seniority-Based Assignment Process and availability of assignments. The protocol for Voluntary Transfers will then follow the language in section 10.6 of the current CBA.

**Involuntary/Administrative Transfer Procedure:**

1. A unit member shall be given the earliest possible notice of the intended involuntary transfer.
2. Reasons for the involuntary transfer shall be stated in writing and provided to the unit members affected in a timely manner. Reasons given shall not be subject to arbitration unless provided elsewhere in the Agreement.
3. In the event that a unit member is involuntarily transferred, a conference will be offered. The following procedures shall be followed if a conference is requested:
  - a. The intent to transfer shall be discussed with the unit member at a mutually agreed-upon time.
  - b. The conference shall include a discussion of the reasons for transfer, which shall be furnished in writing.
  - c. Once the unit member and the Executive Director of Human Resources come to an agreement, the unit member must follow Article 10 Reassignment/Transfer of the current CBA.

**Evaluations**

Tenured unit members displaced from Musick and who have voluntarily or have been involuntarily transferred to teach Grade 6 in 2022-2023 will not be evaluated for the 2022-2023 school year.

This Memorandum of Understanding is the product of collaboration between NUSD and NTA and through their respective representatives and was not prepared or drafted by only one party. This MOU shall be construed in accordance with the laws of the State of California. This MOU supersedes any provisions of the negotiated Agreement regarding transfers except as specifically indicated herein and shall remain in place for the length of the Memorandum of Understanding unless otherwise amended and agreed to in writing by both parties.

DocuSigned by:  
Sean Abruzzi 3/23/2022  
7056AAGB454B481  
Sean Abruzzi Date  
NTA President

DocuSigned by:  
Mark Triplett, Ed. D. 3/22/2022  
BB15CCAC6F374E1  
Mark Triplett, Ed.D Date  
Superintendent

**Appendix:**

Options Form

Interest Form

Essential Functions of the Position: Grade Six Teacher



# NEWARK UNIFIED SCHOOL DISTRICT

5715 Musick Avenue, Newark, CA 94560 | (510) 818-4103

## Options Form for Current Musick Probationary and Permanent Teachers

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Current Assignment: \_\_\_\_\_

### Options for Transfer

Sites	Number of Teachers to Join New Site
Birch Grove Primary	2
Birch Grove Intermediate	2
Kennedy	2
Coyote Hills Elementary	1
Grade 6, Middle School	7

Please list your Top Three Choices for Consideration:

1. \_\_\_\_\_
2. \_\_\_\_\_
3. \_\_\_\_\_

If one of your choices is Grade 6, Middle School, please indicate your preference for core content areas:

- Humanities (English/ Language Arts & History)
- Math & Science

If one of your choices is Grade 6, Middle School, please indicate if you have a colleague at Musick that you wish to pair with: \_\_\_\_\_



# NEWARK UNIFIED SCHOOL DISTRICT

5715 Musick Avenue, Newark, CA 94560 | (510) 818-4103

## Interest Form for Grade 6, Middle School Transfer

Name: \_\_\_\_\_ Email: \_\_\_\_\_

Current Assignment/Site: \_\_\_\_\_

Status (Permanent, Probationary, Intern, etc.): \_\_\_\_\_

\_\_\_\_\_ **I am interested in transferring to Grade 6, Middle School for the 2022-2023 school year.**

Please indicate your preference for core content areas:

- Humanities (English/ Language Arts & History)
- Math & Science

Please indicate if you have a colleague that you wish to pair with:

Colleague's Name: \_\_\_\_\_

Colleague's Current Site/Assignment: \_\_\_\_\_

I confirm that I have spoken with the colleague listed above and they have confirmed their mutual interest.

If you are a current Musick Teacher or a Grade 6 teacher at any other site, you will not need to interview for this transfer. All other interested teachers will be invited to interview with a panel of NUSD management and NTA members.



# NEWARK UNIFIED SCHOOL DISTRICT

5715 Musick Ave., Newark, CA 95460 | (510) 818-410

## ESSENTIAL JOB FUNCTIONS - Grade Six Middle School Teacher

Summary of essential job functions for purposes of identifying work and/or work station accommodations. Essential job function summaries are intended to present a descriptive list of the range of duties performed by employees in the position and do not reflect an official job description or include all duties performed within the job.

<b>Position Title</b>	Grade Six Middle School Teacher
<b>Immediate Supervisor</b>	Site Principal
<b>Certifications Required</b>	Appropriate Valid California Teaching Credential in the required area of assignment including certification/authorization to instruct English Language Learners

**GENERAL DESCRIPTION:** Under the direction of the site administrator, provide an educational program for students in Grade 6 in a Core Model.

### MAJOR DUTIES & RESPONSIBILITIES

- Use teacher judgment in providing appropriate learning experiences in teaching core subjects (ELA/History; Math/Science, etc.) to students utilizing the course of study adopted by the Board of Education and other learning activities.
- Instruct students, individually and in groups, adapting teaching methods to meet individual student needs and interests.
- Translate lesson plans into learning experiences so as to best utilize the available time for instruction.
- Establish and maintain standards of student behavior needed to achieve a functional and safe learning atmosphere in the classroom.
- Support students for the purpose of improving performance, maintaining appropriate behavior, and facilitating problem-solving techniques.
- Maintain accurate and complete student records and prepare reports as required by laws, district policies and administrative regulations.
- Communicate with parents/guardians through a variety of means. Hold parent conferences when needed to discuss the individual student's progress and interpret the school program.



- Identify student needs and collaborate with others in assessing and supporting students' academic, behavioral, and social/emotional concerns.
- Maintain professional competence through participation in Professional Development activities provided by the district and/or self-selected professional growth activities.
- Perform basic attendance accounting.
- Participate cooperatively in the evaluation process in conformance with the district's and NTA's guidelines for evaluation and assessment.
- Work cooperatively with other Grade 6 Middle School teachers to coordinate rich learning environments for students.
- Collaborate weekly with grade-level planning partners who have the same student cohort, as well as colleagues teaching the same content areas in that grade level.
- Attends staff meetings and performs administrative duties as assigned.
- Select, stores, orders, and inventories classroom equipment, materials and supplies.

#### **OTHER QUALIFICATIONS**

- Strong classroom behavior management and positive discipline skills.
- Demonstrated ability to communicate and work effectively with professional personnel, community, and parents.
- Ability to coordinate and direct the work of instructional assistants and support personnel, if applicable.
- Ability to work collaboratively with a grade-level partner teacher in the complementary core subject areas

#### **PHYSICAL EFFORT & WORK ENVIRONMENT**

- Mental acuity to collect and interpret data, evaluate, reason, define problems, establish facts, draw valid conclusions, make valid judgments and decisions.
- Manual dexterity sufficient to write, use the telephone, computer, calculator, and office machines at required speed and accuracy.
- Requires ability to communicate effectively with parents, students, and staff both verbally and written.
- Requires vision (which may be corrected) to read small print, and hearing (which may be corrected) to hear conversation in the classroom, on the phone and over the intercom system.
- Physical agility related to the operation of a classroom (including but not limited to bending, lifting, squatting, sitting and walking).

#### **WORK DAY**

- Consists of seven (7) hours and thirty (30) minutes. The workday includes a duty-free lunch equal to 30 minutes or the student lunch period, whichever is longer.

- No teacher in Grade 6 will be assigned to more than five (5) periods per day without the written permission of both the teacher and NTA.
- The balance of the workday (non-instruction/non-prep time) is usually at the discretion of the teacher and/or site administration and reserved for tasks and responsibilities such as lesson planning, meetings, communication, collaboration, and professional development.

Approved by the Board: \_\_\_\_\_