

**Action Taken by Milan Area Schools Board of Education on February 12, 2024**

**Revise the Following NEOLA Policies**

- Effective 2-12-24
  - 0122 Board Powers
  - 0131.1 Bylaws and Policies
  - 3120.04 Employment of Substitutes
  - 6520 Payroll Deductions

**Adopt the Following Thrun Policies**

- Effective 2-12-24
  - 2301 Conflict of Interest
  - 4108 Union Activity and Representation
  - 4404 Performance Based Compensation
  - 4207 Third Party Contracting
  - 4407 Discipline
  - 4408 Termination
  - 4504 Performance Based Compensation
- Effective 7-1-24
  - 4402R Placement
  - 4403R Performance Evaluation
  - 4405R Reduction in Force and Recall
  - 4409R Non-Renewal
  - 4503R Performance Evaluation

**Rescind the Following NEOLA Policies**

- Effective 2-12-24
  - 0144.3 Conflict of Interest
  - 3139 Staff Discipline
  - 3140 Termination and Resignation
- Effective 7-1-24
  - 3130 Assignment and Transfer
  - 4130 Assignment and Transfer
  - 3220 Professional Staff Evaluation
  - 3142 Probationary Teachers
  - 3131 Reduction in Staff
  - 1420 School Administrator Evaluation

Title: BOARD POWERS

Code: po0122

Status

Legal

M.C.L. 380.11a, 380.1131 et seq.,

M.C.L. 423.201, 202, 206, and 215

M.C.L. 168.301 et seq.

Adopted

December 10, 2014

Last Revised

February 12, 2024

## 0122 - BOARD POWERS

The District shall operate as a General Powers School District. As such it has all of the rights, powers, and duties expressly stated in statute; may exercise a power implied or incident to any power expressly stated in statute; and, except as provided by law, may exercise a power incidental or appropriate to the performance of any function related to the operation of the District in the interests of public elementary and secondary education in the District, including, but not limited to, all of the following:

- A. Educating Students. In addition to educating students in grades K-12, this function may include the operation of preschool, lifelong education, adult education, community education, training, enrichment, and recreation programs for other persons.
- B. Providing for the safety and welfare of students while at school or at a school-sponsored activity or while enroute to or from school or a school-sponsored activity.
- C. Acquiring, constructing, maintaining, repairing, renovating, disposing of, or conveying school property, facilities, equipment, technology, or furnishings.
- D. Hiring, contracting for, scheduling, supervising, or terminating employees, independent contractors, and others to carry out District powers.

The District shall indemnify its employees.

- E. Receiving, accounting for, investing, or expending District money; borrowing money and pledging District funds for repayment; and qualifying for State-School Aid and other public or private money from local, regional, State, or Federal sources.

The District may enter into agreements or cooperative arrangements with other entities, public or private, or join organizations as part of performing the functions of the School District.

The District is a body corporate and shall be governed by a school board. An act of this Board of Education is not valid unless approved, at a meeting of the Board, by a majority vote of the members lawfully serving on the Board.

The Board may submit to the school electors a question that is within the scope of the powers of the school electors and that the Board considers proper for the management of the school system or the advancement of education in the School District. Upon the adoption of a question by the Board, the Board shall submit the question to the school electors by complying with Michigan election law (M.C.L. 168.312).

The Board shall adopt bylaws. These bylaws may establish or change Board procedures, the number of Board officers, titles and duties of Board officers, and any other matter related to the effective and efficient functioning of the Board.

Unless otherwise required by law, the Board has authority, based on statute, to make decisions regarding the following subjects without resort to prior bargaining:

- A. the policyholder of an employee group insurance benefit
- B. the starting day for the school year and the amount of student contact time to receive full State school aid
- C. the composition of the District's school-improvement committees established under M.C.L. 380.1277
- D. the decision whether or not to have inter-district and intra-district open-enrollment opportunities
- E. the decision whether or not to permit authorization of Charter Schools (public school academies)
- F. contracting with outside parties for noninstructional support services provided by an employee group including the procedures for obtaining a contract, the identity of the outside party, and the impact on individual staff members or a bargaining unit if the employee group is given an opportunity to bid on providing the noninstructional support services
- G. use of volunteers
- H. decisions regarding the use of experimental or pilot programs including staffing, use of technology, provision of the technology, and the impact on individual staff members or a bargaining unit
- I. compensation or reimbursement of a staff member for monetary penalties imposed on the staff member under the Public Employment Relations Act
- J. any decision regarding the placement of teachers, or the impact of that decision on an individual employee or the bargaining unit
- K. for teachers covered under the Teacher Tenure Act, decisions about the development, content, standards, procedures, adoption, and implementation of policies regarding personnel decisions when conducting a staffing or program reduction or eliminating a position as well as decisions regarding recall or hiring after any such reduction  
  
This includes the impact of any such decisions on an individual employee or the bargaining unit.
- L. decisions about the development, content, standards, procedures, adoption, and implementation of a performance evaluation system under M.C.L. 380.1249 for teachers and administrators
- M. decisions concerning the content of a teacher's or administrator's performance evaluation or the impact of such decision
- N. decisions about the format, timing or number of classroom observations required for evaluation under the Teacher Tenure Act (M.C.L. 38.83a)
- O. decisions concerning the classroom observation of an individual teacher, and the impact of such decision on an individual teacher or the bargaining unit
- P. decisions about the development, content, standards, procedures, adoption, and implementation of the method of performance-based compensation for teachers and administrators in accordance with M.C.L. 380.1250
- Q. decisions about how performance evaluation is used to determine the performance-based compensation for teachers and administrators
- R. decisions concerning the performance-based pay of an individual teacher or administrator, or the impact of such decision on such individual or the bargaining unit
- S. decisions about the development, content, standards, procedures, adoption, and implementation of a policy regarding discipline or discharge for teachers covered under the Teacher Tenure Act (M.C.L. 38.71)
- T. decisions concerning the discipline or discharge of a teacher covered under the Teacher Tenure Act (M.C.L. 38.71), or the impact of such decision on an individual teacher or the bargaining unit
- U. insertion of statutorily required emergency manager language into all collective bargaining agreements
- V. decisions on whether to enter into an intergovernmental agreement to consolidate, to jointly perform or to collaborate on one or more functions or services
  - 1. procedures of obtaining a contract for such an agreement to transfer of functions or responsibilities
  - 2. identities of any other parties to such an agreement

- W. any requirement that would violate section 10(3), M.C.L. 423.210(3) (Right to Work Law)
- X. decisions about the development, format, content, and procedures of the notification to parents and legal guardians required under M.C.L. 380.1249a (the requirement to make the notifications is effective with the 2018-2019 school year)

Title: BYLAWS AND POLICIES

Code: po0131.1

Status

Legal

M.C.L. 380.1201 et seq.

Adopted

December 10, 2014

Last Revised

February 12, 2024

#### 0131.1 - BYLAWS AND POLICIES

The Board of Education shall adopt bylaws and policies for the organization and operation of this Board and the District and shall be bound to follow such bylaws and policies.

Those bylaws and policies which are not dictated by the statutes or rules of the State Board of Education or ordered by the Superintendent of Public Instruction or a court of competent authority may be adopted, amended, and repealed at any meeting of the Board, provided the proposed adoption, amendment, or repeal shall have been proposed at a previous Board meeting and, once proposed, shall have remained on the agenda of each succeeding Board meeting until approved or rejected, except that the Board may, upon a vote and where compelling reasons exist, cause to adopt, amend, or suspend bylaw or policy contained herein, provided the amendment, adoption, or suspension does not conflict with law. Any resolution adopting, amending, or suspending a bylaw or policy under this provision shall expire automatically at the next public meeting of the Board unless the Board moves to adopt the resolution in final form.

Bylaws and policies shall be adopted, amended, repealed, or suspended by a majority vote of the Board.

Periodically, it may be deemed necessary to make technical corrections to policies that have already been adopted through normal procedures. These technical corrections may include statutory references, scrivener's errors, renumbering that does not change the order of the sections or subsections, grammatical corrections or additions including punctuation or typographical errors, as well as alterations and omissions not affecting the construction or meaning of any sections, subsections, chapters, titles, or policies as a whole. Technical corrections may also include the updating of the named individuals in these policies where the originally named individual no longer works for the District or no longer works in the applicable position. Should the Board choose to make such technical corrections, it may be accomplished by resolution without going through the normal policy adoption procedures.

The Board may adopt, amend, or repeal rules of order for its own operation by simple resolution of the Board passed by a majority of those present and voting. In the event of a conflict between two or more policies, the most recently adopted policy takes precedence

The adoption, modification, repeal, or suspension of a Board bylaw or policy shall be recorded in the minutes of the Board. All bylaws and policies shall be printed in the Board policy manual. Any policy or part of a policy that is superseded by a term in a negotiated agreement shall no longer be in force and effect as a policy.

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Revised 2-12-24

Title: EMPLOYMENT OF SUBSTITUTES

Code: po3120.04

Status

Legal

M.C.L. 380.1230, 380.1230a, 380.1230g, 380.1233, 380.1233b, 380.1531

M.C.L. 380.1236, 380.1236a

A.C. Rule 390.1105(1), 390.1141(2), 390.1146

Adopted

December 10, 2014

Last Revised

February 12, 2024

### 3120.04 - EMPLOYMENT OF SUBSTITUTES

The Board of Education recognizes the need to procure the services of substitutes in order to continue the operation of the schools as a result of the absence of regular personnel.

Substitute personnel are subject to a criminal history record check. See Policy 3121.

The Superintendent shall employ substitutes for assignment as services are required to replace temporarily-absent regular staff members and fill new positions. Such assignment of substitutes may be terminated when their services are no longer required. A substitute, however, who is employed directly by the District for 150 days or more during a school year of not less than 180 days, except under circumstances identified in statute, shall be given, during the balance of that year as well as during the succeeding school year, the first opportunity to accept or reject a contract for which the person is certified and qualified, provided that all other District teachers have been reemployed in accordance with the negotiated, collectively-bargained agreement.

Substitutes must possess a valid Michigan professional certificate and a permit, if substitute teaching in a subject for which s/he is not certified, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed substitutes to teach, in grades 9-12, a course in computer science, foreign language, mathematics, biology, chemistry, engineering, physics, robotics, or any other course approved by the State Board, providing they meet all of the conditions established by law and by the Superintendent.
- B. The Superintendent may also employ a substitute without a valid teaching certificate if the person has at least sixty (60) semester hours of college credit or an associate degree from a college or university or community college. The sixty (60) semester hours do not need to be from the same college, university or community college.
- C. The Superintendent may employ noncertificated, substitutes to teach in an industrial technology education program or career and technical education program providing they meet all of the conditions established by law and by the Superintendent.

In order to retain well-qualified substitutes for service in this District, the Board will offer competitive compensation at a rate set annually by the Board.

A substitute, employed directly by the District in one (1) specific teaching position, shall, after sixty (60) consecutive days in that assignment, be paid a salary not less than the minimum salary on the current salary schedule and granted the privileges provided regular staff.

Subject to Board Policy T-4207, the Board may enter into a contract with a person or entity (a partnership, nonprofit or business corporation, labor organization, limited liability company, or any other association, corporation, trust, or other legal entity) to furnish substitute teachers to the District as necessary to carry out the operations of the District. A contract entered into under this section shall include the following provisions:

- A. Assurance that the person or entity will furnish the School District with qualified teachers in accordance with the School Code and any implementing rules and regulations.
- B. Assurance that the person or entity will not furnish to the School District any teacher who, if employed directly by the School District, would be ineligible for employment by the District as a substitute teacher under the School Code.
- C. A description of the level of compensation and fringe benefits to be provided for the employees of the person or entity who are to be assigned to the District as substitute teachers.
- D. A description of the type and amounts of insurance coverage to be secured and maintained by the person or entity and the School District.
- E. Assurance that the person or entity, before assigning an individual to serve as a substitute teacher in the District, will comply with and provide to the Board the criminal history record information obtained under section 1230 and with the results of the criminal record check under section 1230a of the School Code.

Revised 6/28/17

Revised 3/20/19

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Revised 2-12-24

Title: PAYROLL DEDUCTIONS

Code: po6520

Status

Legal

M.C.L. 380.1224, 408.477; 423.210 (2012 P.A. 53)

M.E.A. v. Secretary of State, (on rehearing) 489 Mich. 104 (2011)

Mich. OAG 7187 (2006)

Adopted

December 10, 2014

Last Revised

February 12, 2024

#### 6520 - PAYROLL DEDUCTIONS

The Board authorizes in accordance with the provisions of law or upon proper authorization on the appropriate form that deductions be made from an employee's paycheck form for the following purposes:

- A. Federal and State income tax
- B. Social Security
- C. Municipal income tax
- D. Public School Employees Retirement System
- E. Michigan Public School Employment Retirement System (MPERS) Tax Deferred Payment (TDP) plan
- F. Section 125 deductions (cafeteria plans)
- G. direct deposit in a chartered credit union and/or bank
- H. contributions to charitable corporations, not-for-profit, and community fund organizations
- I. payment of group insurance premiums for a plan in which at least ten percent (10%) of the District employees participate
- J. payment for benefits of part-time employees who elect to participate in benefits provided to full-time staff
- K. court ordered judgments

To the extent permitted by law and in accordance with the procedures set forth below, the Board of Education declares its willingness to enter into an agreement with any of its employees whereby the employee agrees to take a reduction in salary with respect to amounts earned after the effective date of such agreement in return for the Board's agreement to use a corresponding amount to purchase an annuity for such employee (or group of employees desiring the same annuity company) from any company authorized to transact the business as specified in law in accordance with Section 403(b) of the Internal Revenue Code, and in accordance with the District's administrative guidelines. However, it shall be clearly understood that the Board's only function shall be the deduction and remittance of employee funds.

In any case where the employee designates the agent, broker or company through whom the Board shall arrange for the placement or purchase of the tax-sheltered annuity, the agent, broker or company must execute a reasonable service agreement, an information sharing agreement, and/or other similar agreements as determined at the discretion of the District. The service agreement shall include a provision that protects, indemnifies, and holds the District harmless from any liability attendant to procuring the annuity in accordance with provisions of the Internal Revenue Code and other applicable Federal or State law.

The Board may limit the number of participating providers and select approved providers.

The Board, by providing employees with payroll deduction services for annuities, is not providing any financial advice to employees, and is not vouching for the suitability of any investment or any annuity provider. The District assumes no responsibility or liability for any investment decisions or losses with respect to employee annuity purchases.

Said agreement shall comply with all of the provisions of law and may be terminated as said law provides upon notice in writing by either party. Employees shall notify the Superintendent's Office in writing if they wish to participate in such a program.

## Series 2000: Bylaws

### T-2300 Board Member Conduct

#### T-2301 *Conflict of Interest*

Board members take an oath of public office requiring that they faithfully discharge their duties to the best of their abilities. Board members must act in the District's best interests and avoid any actual or perceived conflict of interest in the performance of their public duties. Board members will not misuse their public office to solicit, accept, obtain, or produce a substantial direct or indirect benefit for themselves or a family member.

A. "Family member" as used in this Policy means that term as defined in Revised School Code Section 1203.

B. Statutory Conflict of Interest

1. When a Board member believes or has reason to believe that the Board member has a conflict of interest, as described in Revised School Code Section 1203, as to a contract or other financial transaction that requires Board approval, the Board member will: (a) abstain from voting on the contract or other financial transaction, and (b) disclose the specific conflict of interest. If a majority of Board members are required to abstain from voting under this section, the special quorum and voting rules prescribed in Revised School Code Section 1203 will apply.
2. A Board member is presumed to have a conflict of interest if the Board member or the Board member's family member has a financial interest or a competing financial interest in the contract or other financial transaction or is a District employee.

C. Contracts of Public Servants with Public Entities

1. Affected Contracts Defined

For purposes of this Policy, an affected contract means a contract between the District and any of the following:

- a. a Board member;
- b. any firm, meaning a co-partnership or other unincorporated association, of which a Board member is a partner, member, or employee;
- c. any private corporation in which a Board member is a stockholder owning more than 1% of the total outstanding stock of any class if the stock is not listed on a stock exchange, or stock with a present total market value in excess of \$25,000 if the stock is listed on a stock exchange, or of which a Board member is a director, officer, or employee; or
- d. any trust of which a Board member is a beneficiary or trustee.

2. Board members will comply with the disclosure and voting requirements of the Contracts of Public Servants with Public Entities Act for affected contracts.
3. A Board member will not do either of the following concerning an affected contract in which that Board member has a direct or indirect financial interest:
  - a. take any part in the negotiation, renegotiation, amendment, or approval of the affected contract; or
  - b. represent either party in the transaction.
4. Disclosure Requirements

Board members will comply with the following disclosure requirements concerning an affected contract. Disclosures will be recorded in the Board's minutes.

- a. Nominal Benefit or Emergency

If the Board member files a sworn affidavit with the Board attesting that the Board member will directly benefit from the affected contract in an amount less than \$250 and less than 5% of the public cost of the affected contract, or if the affected contract is for emergency repairs or services, the disclosure will be made as follows:

- i. the disclosure may be made less than 7 calendar days before the meeting at which a vote will be taken on the affected contract; and
- ii. the sworn affidavit or grounds to determine the need for an emergency repair or service will be recorded in the Board minutes.

- b. Benefit Equals or Exceeds \$250 But Does Not Exceed \$5,000

If a Board member will directly benefit from the affected contract in an amount equal to or exceeding \$250 (but not more than \$5,000) or equal to or more than 5% of the public cost of the affected contract, and if the affected contract is not for emergency repairs or services, the disclosure will be made in either of the following ways:

- i. at least 7 calendar days before the meeting at which a vote will be taken on the affected contract, the Board member will promptly disclose in writing the financial interest in the affected contract to the President (or other presiding officer), or to the Secretary if the President is the Board member that will directly benefit from the affected contract. The disclosure will be made public in the same manner as a public meeting notice; or
- ii. the Board member will disclose the financial interest at a public meeting of the Board; provided that the vote on the affected contract will be taken

at a subsequent Board meeting held at least 7 calendar days after the meeting at which the disclosure is made.

c. Benefit Exceeds \$5,000

If the amount of the direct benefit to the Board member is more than \$5,000, disclosure must be made at a public meeting of the Board and the vote on the affected contract will be taken at a subsequent public Board meeting held at least 7 calendar days after the meeting at which the disclosure is first made.

5. Abstention Requirements

A Board member must abstain from voting on an affected contract in which the Board member has a financial interest.

D. Incompatible Public Office

A Board member will not hold 2 or more incompatible public offices, as defined by Michigan law.

Legal Authority: Const 1963, art 4, §10; MCL 15.181 et seq., 15.321 et seq.; MCL 380.1203; MCL 388.1769b; OAG, No 4555 (April 12, 1967)

Date adopted: 2-12-24

Date revised:

## **Series 4000: District Employment**

### **T-4100 Employee Rights and Responsibilities**

#### ***T-4108 Union Activity and Representation***

The District will not engage in any of the following:

- interfere with, restrain, or coerce employees in the exercise of their rights under the Public Employment Relations Act (PERA);
- discriminate in regard to hire, terms, or other conditions of employment based on membership or non-membership in a labor organization;
- discriminate against an employee because he/she has given testimony or instituted proceedings under PERA;
- initiate, create, dominate, contribute to, or interfere with the formation or administration of any labor organization; and
- use public school resources to assist a labor organization in collecting dues or service fees from wages of public school employees, unless a collective bargaining agreement expressly permits dues or service fee deductions from wages. Upon the expiration of the collective bargaining agreement, the District is not obligated to collect labor organization dues or service fees. Unless prohibited by a collective bargaining agreement, the District may charge an administrative fee to the labor organization for collecting and processing dues and other deductions on the organization's behalf.

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

An employee who is subject to an investigatory interview that may result in discipline or reasonably believes that an investigatory interview may result in discipline may bring to the investigatory meeting another employee, or a union representative, if the employee is in an exclusively represented bargaining unit. If the employee's union representative of choice is not immediately available, the investigatory meeting need not be delayed and may proceed with another representative present.

The District may permit a union representative to attend other meetings, but is not obligated to do so unless required by law or by an applicable collective bargaining agreement. District administration is not required to inform an employee of the right to union representation.

An employee is not entitled to have legal representation present at an employment-related meeting with District administration unless the Superintendent or designee gives prior permission.

Legal authority: MCL 423.209, 423.210; *Janus v AFSCME*, Council 31, 138 S. Ct. 2448 (2018); *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date adopted: 2-12-24

Date revised:

## **Series 4000: District Employment**

### **T-4200 Employee Conduct and Ethics**

#### ***T-4207 Third-Party Contracting***

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

Unless expressly prohibited by a collective bargaining agreement and to the maximum extent permitted by law, the Board or designee may contract with third parties as determined by the Board.

Any selected third-party contractor must fully comply with applicable Policies, including but not limited to 0122, 4120.04, 1421, 3121, 4121, 8142, 8321.

Legal authority: MCL 380.11a(3)

Date adopted: 2-12-24

Date revised:

## Series 4000: District Employment

### T-4400 Professional Staff

#### ***T-4402-R Placement (Effective July 1, 2024)***

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### A. Teacher as Defined by Revised School Code Section 1249

The appropriate placement of effective teachers is an essential component in promoting student academic growth, educational outcomes, and quality educational services. The Superintendent or designee may make teacher placement decisions at their discretion consistent with this Policy.

Placement includes, but is not limited to, assignment, transfer, or the filling of a position with current staff or newly hired teachers. For vacant positions see Paragraph C (Vacancy).

Placement does not include reduction in force or recall decisions governed by Policy T-4405.

1. Consistent with Revised School Code Section 1248, teacher placement decisions shall be based on the following clear and transparent factors:
  - a. Staffing the curriculum with the most effective, certified, and qualified teachers to instruct the applicable courses, grades, and school schedule.
  - b. Appropriate certification, approval, or authorization for all aspects of the assignment. The certification, approval, or authorization, as applicable, will be determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations.
  - c. Teacher placement decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policy T-4403.
  - d. Teacher placement decisions will be guided by the following criteria:
    - i. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), and department(s).

- ii. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:
  - A) Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and
  - B) Based on documentation on file with the Superintendent's office.
    - 1) A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.
    - 2) If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.
- iii. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on documentation on file with the Superintendent's office, including:
  - A) Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;
  - B) Credentials needed for District, school, or program accreditation;
  - C) District-provided professional development, training, and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment and is integrated into instruction;
  - D) Relevant special training, other than professional development or continuing education as required by state or federal law, and integration of that training into instruction in a meaningful way;
  - E) Disciplinary record, if any
  - F) Length of service in a grade level(s) or subject area(s);
  - G) Recency of relevant and comparable teaching assignments;
  - H) Previous effectiveness ratings;
  - I) Attendance and punctuality;
  - J) Rapport with colleagues, parents, and students;

K) Ability to withstand the strain of teaching;

L) Compliance with state and federal law; and

M) Other relevant factors as determined by the Superintendent or designee.

- e. Length of service may be considered as a tiebreaker if a teacher placement decision involves 2 or more teachers and all other factors distinguishing those teachers from each other are equal.

**B. Placement of Non-Teaching Professionals Not Subject to Revised School Code Section 1249**

If a collective bargaining agreement or individual employment contract governs the Non-Teaching Professional's employment, the Superintendent or designee will comply with the applicable language on placement.

If a collective bargaining agreement or individual employment contract does not address the placement of Non-Teaching Professionals, the Superintendent or designee is authorized to place Non-Teaching Professionals at their discretion.

**C. Vacant Positions**

1. Vacancies may be posted consistent with Policies 4402R and 3132. The Superintendent or designee determines when a vacancy exists. Generally, a vacancy is an unassigned, open position or a newly created position which the District intends to permanently fill.
2. Vacancies may be filled by a certified and qualified internal or external candidate consistent with this Policy. The Superintendent or designee has full discretion to assign Professional Staff or contractors to cover employee absences consistent with business necessity and operational needs.

Legal authority: MCL 380.11a, 380.601a, 380.1248, 380.1249

Date adopted: 2-12-24

Dated revised:

## **1. Series 4000: District Employment**

### **T-4400 Professional Staff**

#### ***T-4403-R Performance Evaluation (Effective July 1, 2024)***

Performance evaluations are essential to provide quality educational services and to measure competency. This Policy does not diminish the Board's authority or ability to non-renew a professional staff member's contract at the end of the contract's term, consistent with applicable statutes, collective bargaining agreements, Policies, and individual employment contracts. This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### **A. Teachers as Defined by Revised School Code Section 1249**

Teachers will be evaluated pursuant to a performance evaluation system consistent with Revised School Code Section 1249 and the Teachers' Tenure Act. This performance evaluation system will include, as appropriate, the following:

1. a year-end evaluation process that meets statutory standards;
2. an evaluation tool that incorporates components required by law, including:
  - a. locally agreed-on student growth and assessment data or student learning objectives, as defined by Revised School Code Section 1249;
  - b. the teacher's performance; and
  - c. objective criteria.
3. an individualized development plan (IDP) with performance goals developed by the evaluator in consultation with the teacher and recommended training designed to improve the teacher's effectiveness for:
  - a. all probationary teachers;
  - b. teachers rated minimally effective or ineffective during the 2023-24 school year;
  - c. teachers rated needing support or developing; or
  - d. at the evaluator's discretion when performance deficiencies are noted.
4. classroom observations of at least 15 minutes each which include, at a minimum, a review of the teacher's lesson plan, the state curriculum standard used in the lesson, and pupil engagement, with appropriate written feedback and a post-observation meeting between the teacher and the school administrator conducting the observation to discuss those items;

5. a mid-year progress report, if required by law, which aligns with the teacher's individualized development plan, includes specific performance goals developed by the evaluator, and any recommended training identified by the evaluator;
6. a year-end performance evaluation effectiveness rating, of effective, developing, or needing support;
7. tenured teachers rated as highly effective or effective on the 3 most recent consecutive year-end evaluations may be evaluated triennially, but if the teacher is not rated as effective on one of the triennial year-end evaluations, the teacher must receive year-end evaluations;
8. a mentor for teachers rated developing or needing support or for teachers in the first year of probation;
9. opportunity for a tenured teacher rated needing support on a year-end evaluation to request a review consistent with Revised School Code Section 1249;
10. a tool approved by MDE, a modified MDE tool, or a local evaluation tool if adopted in compliance with Revised School Code Section 1249 and corresponding regulations;
11. website posting of required information for the evaluation tool;
12. training on the evaluation tool for teachers and evaluators as required by law; and
13. other components that the Superintendent or designee deems relevant, important, or in the District's best interests.

If a tenured teacher is rated ineffective or needing support on 3 consecutive year-end evaluations, the teacher shall be discharged consistent with due process. The District is not precluded from discharging a teacher at other times as provided by the Teachers' Tenure Act.

If a teacher receives an unevaluated rating, the teacher's rating from the school year immediately before the designation must be used.

#### B. Non-Teaching Professionals Subject to the Teachers' Tenure Act

The performance evaluation system for a Non-Teaching Professional with a teaching certificate subject to the Teachers' Tenure Act must include multiple observations. An IDP will be developed during the employee's probationary period. Except during the probationary period, which must include annual evaluations, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

The Superintendent or designee also has discretion to implement an IDP if performance deficiencies are noted, regardless of the employee's effectiveness rating.

To the extent required by law, a tenured Non-Teaching Professional subject to the Teachers' Tenure Act rated as needing support may request a review consistent with Revised School Code 1249.

#### C. Non-Teaching Professionals Not Subject to the Teachers' Tenure Act

For Non-Teaching Professionals without a teaching certificate who are not subject to the Teachers' Tenure Act, the Superintendent or designee will evaluate the employee's performance at intervals determined by the Superintendent or designee, except annual evaluation will be performed during the employee's probationary period. The Superintendent or designee has discretion to select and use an evaluation tool that serves the District's best interests.

An IDP may be established at the Superintendent's or designee's discretion.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1233b, 380.1248, 380.1249; 380.1249a(2); MCL 423.215

Date adopted: 2-12-24

Date revised:

## **Series 4000: District Employment**

### **T-4400 Professional Staff**

#### ***T-4404 Performance Based Compensation***

The Superintendent or designee may implement a performance based compensation system for Professional Staff. This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

Legal authority: MCL 380.11a

Date adopted: 2-12-24

Date revised:

## Series 4000: District Employment

### T-4400 Professional Staff

#### ***T-4405-R Reduction in Force and Recall (Effective July 1, 2024)***

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### A. Reduction in Force and Recall for Classroom Teachers

When making program and staffing decisions resulting in the elimination of a teaching position or the recall of a teacher to a vacant teaching position, the Board will retain the most effective classroom teachers who are certified and qualified to instruct courses within the applicable curriculum, academic levels, and departments. The Board has the exclusive right to determine the size of the teaching staff based on curricular, fiscal, and other operating conditions. To the extent that the determinations involve Revised School Code Section 1248 requirements, the clear and transparent procedures of this Policy guides the implementation of that statute.

##### 1. General Provisions

- a. The Superintendent is responsible, acting within the approved budget, for establishing the number and nature of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds are budgeted for the existing teaching staff or that a reduction in teaching staff is necessary due to program, curricular, or other operational considerations, the Superintendent will recommend to the Board the teaching positions to be reduced.
- b. Reduction in force and recall decisions must be made based on teacher effectiveness criteria established in Revised School Code Section 1249 and Policy T-4403.
- c. Decisions about the reduction and recall of teachers will be guided by the following criteria:
  - i. Retaining the most effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the curriculum, academic level(s), department(s), and school schedule(s). A probationary teacher rated as effective or highly effective on the teacher's most recent annual year-end performance evaluation is not subject to displacement by a tenured teacher solely because the other teacher is tenured under the Teachers' Tenure Act.

- ii. Teachers must be properly certified, approved, or authorized for all aspects of their assignments. The teacher's certification, authorization, or approval status will be:
  - A) Determined by the Revised School Code, MDE's Teacher Certification Code, MDE's Rules for Special Education Programs and Services, and other applicable statutes and regulations; and
  - B) Based on documentation on file with the Superintendent's office.
    - 1) A teacher must maintain valid certification, approval, or authorization, as applicable, and is responsible for filing a copy of the certificate, approval, or authorization with the Superintendent's office in compliance with Revised School Code Section 1532.
    - 2) If a teacher petitions for nullification of the teaching certificate or any endorsement, the teacher must promptly provide written notice of that petition to the Superintendent's office.
- iii. In addition, teachers must be fully qualified for all aspects of their assignments, as determined by the Board, based on documentation on file with the Superintendent's office, including:
  - A) Compliance with applicable state or federal regulatory standards, including standards established as a condition to receipt of foundation, grant, or categorical funding;
  - B) Credentials needed for District, school, or program accreditation;
  - C) District-provided professional development, training, and academic preparation for an instructional assignment that is anticipated to contribute to the teacher's effectiveness in that assignment and is integrated into instruction;
  - D) Relevant special training, other than professional development or continuing education as required by state or federal law, and integration of that training into instruction in a meaningful way;
  - E) Disciplinary record, if any;
  - F) Length of service in a grade level(s) or subject area(s);
  - G) Recency of relevant and comparable teaching assignments;
  - H) Previous effectiveness ratings;
  - I) Attendance and punctuality;
  - J) Rapport with colleagues, parents, and students;

- K) Ability to withstand the strain of teaching;
  - L) Compliance with state and federal law; and
  - M) Other relevant factors as determined by the Superintendent or designee.
- iv. Teachers must provide the District with current information and documentation supporting the teacher's certification and qualifications.
    - A) Reduction and recall decisions will be based on the teacher's certification and qualifications in the District's records at the time of the decision.
    - B) A laid off teacher must maintain current contact information (address, phone, and email address) with the Superintendent's office.
    - C) Failure to maintain current contact information may negatively impact the teacher's recall.
  - v. Teacher reductions and recalls are by formal Board action.
  - vi. Before the Board authorizes a teacher reduction, the Superintendent or designee will notify, in writing, the affected teacher of an opportunity to respond, either in person or in writing, to the proposed reduction.
  - vii. The Superintendent or designee will provide written notice of Board reduction in force or recall decisions to each affected teacher.
  - viii. A teacher's length of service with the District or tenure under the Teachers' Tenure Act will not be the sole factor in reduction in force and recall decisions.
- d. Teacher reduction in force decisions will be implemented by the following:
    - i. If 1 or more teaching positions are to be reduced, the Superintendent will first identify the academic level(s) or department(s) affected by the reduction. Among those teachers who are certified, approved, or authorized and qualified to instruct the remaining curriculum within the affected academic level(s) or department(s), selection of a teacher(s) for reduction in force will be based on the factors set forth in this Policy.
    - ii. Teachers within the affected academic level(s) or department(s) who are certified and qualified for the remaining positions will be retained consistent with the factors set forth in this Policy.
    - iii. When a teaching position is identified for reduction and there exists a concurrently vacant teaching position for which the teacher in the position to be reduced is both certified and qualified, and the teacher has received an overall rating of at least effective on that teacher's most

recent year-end performance evaluation, that teacher may be assigned to the vacant position consistent with Policy T-4402 unless the Superintendent or designee determines that the District's educational interests would not be furthered by that assignment.

- iv. If more than 1 teacher whose position has been identified for reduction is certified and qualified for a concurrently vacant teaching assignment, the Superintendent or designee will fill the vacancy consistent with Policy T-4402, unless the Superintendent determines that the District's educational interests would not be furthered by that assignment.

If the reduction or recall decision involves more than 1 teacher and all other factors distinguishing those teachers from each other are equal, seniority (as established by the most recent seniority list for the bargaining unit to which the teachers belong or, if none exists, the District's records) will determine preference for reduction or recall.

## 2. Teacher Recall Process

- a. A teacher is eligible for recall under this Policy for 12 months from the date the District implemented the reduction in force.
- b. The Superintendent will first identify the academic level(s) or department(s) where a teaching vacancy exists.
- c. Before or in lieu of initiating the recall of a laid-off teacher, the Superintendent may reassign teachers to fill vacancies in accordance with Policy T-4402.
- d. After or in lieu of any reassignment of existing teaching staff, the Superintendent may take either of the following actions to fill a vacancy:
  - i. Recall the laid-off teacher who is certified and qualified for the vacancy, provided the teacher was rated at least effective. If more than 1 laid-off teacher is certified and qualified for recall to a vacant teaching assignment, the Superintendent or designee will fill the vacancy consistent with Policy T-4402; or
  - ii. Post the vacancy and consider all applicants if the Superintendent determines that:
    - A) the District's educational interests would not be furthered by recalling an otherwise eligible laid-off teacher who meets the certification and qualification standards for the position, considering the factors in Policy T-4402; or
    - B) no teacher on layoff meets the certification and qualification requirements for the position as otherwise stated herein.

- e. The Superintendent or designee will provide written notice of the Board's recall decision to any recalled teachers and will establish the time within which a teacher must accept recall to preserve the teacher's employment rights.
- f. A laid-off teacher who is offered an interview for a vacancy and who fails to appear at that interview forfeits all rights to recall and continued employment.
- g. A laid-off teacher who is recalled and fails to accept recall by the time designated in the recall notice, or who does not report for work by the deadline specified in the recall notice after filing a written acceptance of recall with the Superintendent, will forfeit all rights to recall and continued employment unless the Superintendent, in the Superintendent's sole discretion, has extended the time limit in writing.

If a collective bargaining agreement or individual employment contract governs reduction in force or recall, the Superintendent or designee will adhere to the applicable language.

**B. Reduction in Force and Recall of Non-Teaching Professionals Not Subject to Revised School Code Section 1249**

For Non-Teaching Professionals governed by a collective bargaining agreement, the Superintendent will implement the collective bargaining agreement's standards and procedures that pertain to reduction in force or recall when recommending a reduction in force or recall to the Board.

If no collective bargaining agreement exists, or if an existing agreement does not address reduction in force or recall of Non-Teaching Professionals, the Superintendent will recommend a reduction in force or recall among Non-Teaching Professionals using the same standards and procedures as set forth in this Policy for teachers.

**C. Unemployment Compensation**

A teacher or Non-Teaching Professional who is laid off and who is paid unemployment compensation chargeable to the District during the summer immediately following a reduction in force and who is recalled on or before the beginning of the next school year will be paid according to an annual adjusted salary rate such that the employee's unemployment compensation received plus the adjusted annual salary rate will be equal to the annual rate of salary the employee would have earned for the school year had the employee not been laid off.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a, 380.1248, 380.1249, 380.1532; MCL 423.215

Date adopted: 2-12-24

Date revised:

## Series 4000: District Employment

### T-4400 Professional Staff

#### ***T-4407 Discipline***

Maintaining appropriate procedures and standards for addressing misconduct and other inappropriate behavior by Professional Staff is a critical component in furthering an effective educational environment and in providing quality educational services to students. Off-duty conduct may result in discipline if it adversely impacts the District and is not a legally protected activity. Information about substantiated unprofessional conduct will not be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b. This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### A. Probationary Professional Staff

Probationary Professional Staff discipline or demotion may occur for any lawful reason.

1. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.
2. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy T-4108.
3. The Superintendent or designee is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the completion of an investigation when, in the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.
4. Disciplinary measures may include warning, reprimand, unpaid suspension, financial penalty, or discharge. This Policy does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measures for the circumstances. The District may also consider preventative measures, including training, coaching, and other remedial measures.
5. Discipline will be confirmed in writing and placed in that person's personnel file. The person's year-end performance evaluation may also reflect the discipline.
6. The Superintendent or designee is authorized to impose discipline except for:
  - a. Nonrenewal of a probationary teacher; or

b. Discharge of a probationary teacher.

The Board's action may be based upon the Superintendent's or designee's written recommendation and applicable procedures set forth in the Teachers' Tenure Act.

B. Tenured and Non-Probationary Professional Staff

Tenured teacher discipline or demotion will occur only for a reason(s) that is not arbitrary or capricious. Likewise, the disciplining of Non-Teaching Professionals will be governed by the arbitrary or capricious standard unless expressly stated otherwise in a collective bargaining agreement, employee handbook, or individual employment contract. Under the arbitrary or capricious standard, a disciplinary decision must be supported by a preponderance of the evidence and the discipline must have a rational relationship to the established misconduct or inappropriate behavior.

Before imposing discipline, the Superintendent or designee will investigate whether a Professional Staff member engaged in conduct that may justify discipline. The investigation should include discussions with witnesses determined by the Superintendent or designee to have relevant information and a review of tangible evidence (e.g., documents, video, electronic communications). The Professional Staff member will be provided an opportunity to respond to the allegation(s).

If a Professional Staff member is governed by a collective bargaining agreement or individual employment contract, the Superintendent or designee will adhere to the disciplinary standards and procedures in that agreement. If the collective bargaining agreement or individual employment contract does not have an applicable provision, then the standards and procedures outlined below will apply.

The following procedures may be used for investigating allegations of Professional Staff misconduct or inappropriate conduct:

1. The Superintendent or designee may consult with legal counsel in appropriate cases and may request that legal counsel assist with an investigation.
2. The Superintendent or designee will give the Professional Staff member oral or written notice of the allegation(s).
3. If the complaint alleges suspected child abuse or neglect, the matter must be immediately reported to Children's Protective Services.
4. The Superintendent or designee will give oral or written notice of the time, date, and location of a meeting to provide the Professional Staff member with an opportunity to respond to the allegation(s) and substantiating factor(s).

5. An employee who is subject to an investigatory interview that may result in discipline or who reasonably believes an investigatory interview may result in discipline may bring a representative consistent with Policy T-4108.
6. The Superintendent or designee is authorized to place a Professional Staff member on paid, non-disciplinary administrative leave pending the completion of an investigation when, in the judgment of the Superintendent or designee, placing the Professional Staff member on leave will protect the investigatory process or work environment.
7. If an investigation concludes that a preponderance of the evidence (i.e., more likely than not) establishes that the Professional Staff member engaged in conduct warranting discipline, the appropriate level of discipline will be guided by the following:
  - a. the seriousness of the offense;
  - b. the Professional Staff member's prior disciplinary and employment record;
  - c. whether other Professional Staff members have engaged in similar or like past conduct known to the District's administration and the discipline imposed for those infractions;
  - d. the existence of aggravating or mitigating factors, as determined by the Superintendent or designee;
  - e. applicable federal or state law;
  - f. the Professional Staff member's acceptance of responsibility;
  - g. the likelihood of recurrence; and
  - h. any other factors the Superintendent or designee determine are relevant.
8. Disciplinary measures may include:
  - a. warning;
  - b. reprimand;
  - c. unpaid suspension;
  - d. financial penalty; or
  - e. discharge.

This Policy does not require that disciplinary measures be applied progressively or sequentially. The District may apply appropriate disciplinary measure. The District may consider additional preventative measures to address the misconduct, including training, coaching, and other remedial measures.

9. Discipline will be confirmed in writing and placed in that person's personnel file. The discipline imposed may also be reflected in the person's year-end performance evaluation.

10. The Superintendent or designee is authorized to impose discipline except for:

- a. the discharge of a Professional Staff member; or
- b. the demotion of a tenured teacher, as defined in the Teachers' Tenure Act.

The Board's action may be based on the Superintendent's or designee's written recommendation and applicable procedures in the Teachers' Tenure Act.

11. A tenured teacher's salary may be escrowed after tenure charges are approved by the Board.

Legal authority: MCL 38.71 et seq.; MCL 380.11a, 380.601a; *NLRB v J Weingarten, Inc*, 420 US 251 (1975)

Date adopted: 2-12-24

Dated revised:

## **Series 4000: District Employment**

### **4400 Professional Staff**

#### **4408 Termination**

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

##### **A. Probationary Teachers**

For purposes of this Policy, the “termination” of a probationary teacher occurs when the probationary teacher is discharged during the term of an existing individual employment contract between the probationary teacher and the Board. Discontinuation of a probationary teacher’s employment at the expiration of an individual employment contract is not termination for purposes of this Policy and is addressed separately in Policy T-4409.

The Board may terminate a probationary teacher for misconduct, inappropriate behavior, performance that is not effective, or for any other lawful reason at any time.

The Superintendent or designee may recommend the termination of a probationary teacher to the Board. The recommendation will include the reason(s) for the proposed termination.

Probationary teachers recommended for termination by the Superintendent or designee will be provided advance notice of the allegations; an opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

##### **B. Tenured Teachers**

The Superintendent or designee may recommend the termination of a tenured teacher by filing tenure charges with the Board. The Board will consider whether to proceed on the tenure charges or modify the charges. A tenured teacher may be terminated for a reason that is not arbitrary or capricious.

The tenured teacher may challenge the Board’s decision to discharge or demote the teacher by timely filing an appeal with the State Tenure Commission.

##### **C. Non-Teaching Professionals**

Unless otherwise provided by a collective bargaining agreement or individual employment contract: (1) a Non-Teaching Professional who is not subject to the Teachers’ Tenure Act is subject to 4 years of probationary service and may be non-renewed or terminated at-will by the Board; and (2) after 4 years, the non-

probationary Non-Teaching Professional may be terminated for any reason that is not arbitrary or capricious, subject to due process.

The Superintendent or designee may recommend the termination of a Non-Teaching Professional to the Board. The recommendation will include the reason(s) for the proposed termination.

Non-Teaching Professionals recommended for termination by the Superintendent or designee will be provided advance written notice of the allegations; an opportunity for a hearing in closed or open session before the Board; and the time, date, and location of the Board hearing.

Legal authority: MCL 38.83(2), 38.101, 38.121

Date adopted: 2-12-24

Date revised:

## Series 4000: District Employment

### T-4400 Professional Staff

#### ***T-4409-R Non-Renewal (Effective July 1, 2024)***

For purposes of this Policy, “non-renewal” of a probationary teacher refers to the discontinuation of the employment relationship between the Board and a probationary teacher at the expiration of the probationary year following the process set forth in the Teachers’ Tenure Act.

Teachers must serve a probationary period as required by the Teachers’ Tenure Act. A probationary teacher’s contract may be non-renewed for performance-based reasons or any other lawful reason.

This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### A. Probationary Period

1. A probationary teacher rated developing, or needing support may be subject to non-renewal consistent with the Teachers’ Tenure Act. To attain tenure, a probationary teacher must be rated effective (after July 1, 2024) or highly effective (before July 1, 2024) on the teacher’s 3 most recent year-end annual performance evaluations and serve at least 4 full school years. A teacher’s probationary period may extend beyond 4 years .
2. For a teacher who previously held tenure in another Michigan public school district, the teacher is subject to a 2-year probationary period, unless the Board acts to reduce the teacher’s probationary period.
3. Unless otherwise provided by a collective bargaining agreement or individual employment contract:
  - a. Non-Teaching Professionals who are not subject to the Teachers’ Tenure Act are subject to 4 years of probationary service and may be non-renewed or terminated at-will by the Board; and
  - b. After 4 years, the non-probationary Non-Teaching Professional may be non-renewed or terminated for any reason that is not arbitrary or capricious, subject to due process.

#### B. Non-renewal

1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers’ Tenure Act. This Policy shall be implemented consistent with that statute.

2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent's or designee's recommendation for non-renewal and the time, date, and place of the Board meeting at which the Board will consider the recommendation. The recommendation for non-renewal will state the reason(s) for the recommendation and may include supporting documentation.
  3. The probationary teacher must receive written notice of Board action to non-renew the teacher's contract at least 15 calendar days before the end of the school year (June 30) except as provided in subsection 4 below. If the teacher is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.
  4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.
- C. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.
  - D. The Board must take action in open session on the recommendation to non-renew the probationary teacher.
  - E. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the timeframe required by the Teachers' Tenure Act. The non-renewal notice will specify that a probationary teacher has the right to appeal the timeliness or legal effect of a notice of non-renewal. The appeal must be filed with the State Tenure Commission within 20 calendar days after the probationary teacher's receipt of the notice of non-renewal. A copy of the Teachers' Tenure Act should also be included with the notice.

Legal authority: MCL 38.81 et seq., 38.91 et seq.

Date adopted: 2-12-24

Date revised:

## **Series 4000: District Employment**

### **T-4500 Administrators/Supervisors**

#### ***T-4503-R Performance Evaluation (Effective July 1, 2024)***

Performance evaluations of Administrators are an essential element of providing quality educational services and measuring an employee's competency. This Policy does not alter the Board's authority or ability to terminate an Administrator's employment during the term of an individual employment contract or to non-renew an Administrator's contract at the end of the contract's term. This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

#### **A. Building Level and Central Office Instructional Administrators**

The Superintendent or designee will ensure that building level and central office Administrators who are regularly involved in instructional matters are evaluated consistent with a performance evaluation system under Revised School Code Sections 1249 and 1249b. This performance evaluation system will include, if appropriate, the following:

1. an annual evaluation process that meets statutory standards and is based on objective criteria;
2. an annual evaluation by the Superintendent or designee, unless the Administrator qualifies for a biennial evaluation. This paragraph does not preclude more frequent Administrator evaluations as determined necessary by the Superintendent or designee;
3. an individualized improvement plan if the Administrator is rated developing or needing support or if performance deficiencies are noted;
4. student growth and assessment data or student learning objectives, as defined by Revised School Code Section 1249;
5. an evaluation and feedback provided in writing with an overall effectiveness rating of effective, developing, or needing support;
6. dismissal of an Administrator rated ineffective or needing support on 3 consecutive evaluations;
7. opportunity for an Administrator rated needing support to request a review consistent with Revised School Code 1249b;
8. a mentor for an Administrator for the first 3 years in which the Administrator is in a new administrative position;

9. a midyear progress report each year that the administrator is evaluated that includes specific performance goals for the remainder of the year and any recommended training identified by the evaluator;
10. for a building level administrator's evaluation, the evaluator will visit the school building where the administrator works, review the building level school administrator's school improvement plan, and observe classrooms with the administrator to collect evidence of school improvement plan strategies being implemented and the impact the school improvement plan has on learning;
11. an evaluation tool approved by the MDE, a modified MDE tool, or a local evaluation tool adopted in compliance with Revised School Code Sections 1249 and 1249b;
12. website posting of required information pertaining to the evaluation tool;
13. appropriate training for evaluators; and
14. other components that the Superintendent or designee deems relevant, important, or in the District's best interest.

**B. Non-Instructional Administrators, Supervisors, and Directors**

The Superintendent or designee may evaluate Non-Instructional Administrators, Supervisors, and Directors based on the appropriate evaluation instrument as determined by the Board and consistent with any applicable collective bargaining agreement or individual employment contract. An individual improvement plan may be implemented to remediate and enhance employee performance.

Legal authority: MCL 380.11a, 380.601a, 380.1249, 380.1249b

Date adopted: 2-12-24

Date revised:

## **Series 4000: District Employment**

### **T-4500 Administrators/Supervisors**

#### ***T-4504 Performance Based Compensation for Administrators/Supervisors***

The Superintendent or designee may implement a performance based compensation system for Administrators, Supervisors, and Directors. This policy is not intended to change or alter the terms of a collective bargaining agreement between the Board and a labor organization. Collective bargaining agreement terms supersede inconsistent Policies unless contrary to state or federal law. This Policy does not change or alter the terms of enforceable contracts or other legal obligations.

Legal authority: MCL 380.11a

Date adopted: 2-12-24

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