

# **POLICY UPDATES**

## **PERSONNEL – 4000 Series**

### **Update 18.03 (Policy 4004 – Evaluations, Discipline and Discharge, Resignations)**

*The requirement that school districts maintain a policy of performance-based compensation was removed from the Revised School Code effective July 1, 2024. Thus, we recommend the removal of this section because it is no longer required by law.*

**Performance Evaluations** All teachers and administrators can improve their performance and should strive for excellence in order to provide the best possible education for the students of the School District. To that end, the School District will use a rigorous, transparent, and fair evaluation system for all teachers and administrators. This system will comply with Michigan law and include annual year-end evaluations for all teachers and administrators, unless otherwise permitted by Michigan law. The Superintendent will provide inter-rater reliability training for all evaluators as required by law.

The evaluation system is intended to be used to improve the performance of all teachers and administrators and encourage professional growth. The system will be used, at a minimum, to inform decisions on the effectiveness and development of teachers, and to grant tenure or full certification, and to remove ineffective tenured and untenured teachers. The Superintendent will develop and implement any legally-compliant administrative regulations necessary to put this policy into effect with the involvement of teachers and school administrators. The regulations will use legally-compliant criteria to deem teachers and administrators unevaluated.

The Superintendent is authorized to promulgate regulations based on changes of the law governing evaluations.

The evaluation of the Superintendent shall be conducted in a manner consistent with state law and/or his/her employment contract. In accordance with state law, Board members must receive training in the evaluation framework for the Superintendent. Board members are expected to complete such training before participating in an annual performance evaluation of the Superintendent. If such training is not obtained in advance of participation, the Board member(s) shall be recused from the evaluation of the Superintendent.

**Performance Based Compensation** The Superintendent may develop for Board review and approval a legally-compliant system of performance based compensation.

**Ineffective Teachers** Teachers will receive ratings as prescribed by law. Any teacher rated less than effective on a year-end evaluation will be placed on an individualized development plan (IDP). That teacher will be evaluated mid-year during the next school year, in addition to receiving a year-end evaluation. If the teacher continues to be found less than effective for three consecutive years, the School District will act to discharge the teacher, either through termination (if probationary) or the filing of tenure charges (if tenured), unless special circumstances are found to exist.

**Discipline and Discharge** This discipline and discharge policy applies to all School District employees. Furthermore, the employment of a probationary employee, including a probationary teacher, may be terminated at any time, for any reason that is not in violation of state or federal law. Where this policy conflicts with an individual contract of employment or an enforceable provision of a collective bargaining agreement, the applicable contract or agreement will supersede this policy.

The Board believes in maintaining a work environment that allows employees to be successful in providing an education to students of the School District. In return, employees are required to meet the highest standards of personal integrity, professionalism, and performance. Employees whose conduct or performance is inconsistent with the School District's expectations are subject to corrective and/or disciplinary action.

Discipline, for purposes of this policy, includes verbal and written warnings, verbal and written reprimands, suspensions, and dismissals/discharges. Discipline does not include verbal or written directives, verbal counseling aimed at correcting behavior or conduct, placement upon a voluntary or involuntary paid leave of absence, and performance evaluations. Such actions are not subject to this policy.

Disciplinary actions are taken at the discretion of the School District, and may arise for any reason that is not arbitrary or capricious. Except as otherwise expressly provided by law, individual employment contracts or an enforceable provision of a collective bargaining agreement, all disciplinary decisions of the School District are final and not subject to any grievance or arbitration procedure.

**Resignations** The Superintendent is authorized to accept resignations on behalf of the Board. A resignation must be in writing and is effective upon acceptance by the Superintendent.

As always, if you have any questions regarding the proposed updates, please don't hesitate to contact us by emailing [Policy@MillerJohnson.com](mailto:Policy@MillerJohnson.com). Thank you!