

## SECTION G

### PERSONNEL AND NEGOTIATIONS

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## **Personnel Forward G4010**

Those utilizing this section for research, policy clarification, or as a check on administrative directives are reminded that many personnel policies are outlined in the following employee agreements with the Bay City Board of Education:

- A. The Bay City Association of School Administrators
- B. The Bay City Education Association
- C. Bay City Supervisors Association
- D. Bay City Educational Support Professionals (previously Bay City Educational Support Personnel)
- E. Bay City Public Schools Maintenance Personnel Association
- F. United Steel Workers of America AFL-CIO #7380 (Transportation)
- G. Bay City Food Service Association
- H. Teamsters Union-Local 214 (Bus Mechanics)
- I. Service Employees International Union, #517M (Hall Monitors)

All the above agreements are posted on the District's website.

## **Personnel Policy Goals G4020**

The District's program will function best when it employs highly qualified personnel, conducts appropriate staff development activities, evaluates staff performance, and establishes policies and working conditions which are conducive to high morale and which enable each staff member to make the fullest contribution to District programs and services.

The goals of the District's personnel program shall include the following:

1. To develop and implement those strategies and procedures for personnel recruitment, screening, and selection which will result in employing the best available candidates.
2. To develop general deployment strategy for greatest contribution to the learning program, and to utilize it as the primary basis for determining staff assignments.
3. To develop a climate in which optimum staff performance, morale, and satisfaction are produced.
4. To provide positive programs of staff development designed to contribute both to improvement of the learning program and to each staff member's career development aspirations.
5. To provide for a genuine team approach to education, including staff involvement in planning, decision making, and evaluation.
6. To provide adequate compensation and benefits.
7. To develop and utilize for personnel evaluation positive processes which contribute to the improvement of both staff capabilities and the learning program.

## **Hiring Policies and Procedures G4035**

### **Equal Employment Opportunity**

In hiring, promotion, and appraisal/evaluation the District is committed to a policy of equal employment opportunity.

### **Conflict of Interest — Superintendent**

The School District shall not hire any member of the immediate family of the Superintendent. Immediate family shall include spouse, siblings, children, step children, son-in-law, daughter-in-law, grandchildren, or step grandchildren.

### **Conflict of Interest — Board**

Board members shall disclose any conflict of interest, and shall abstain from voting on any personnel or other issues that contain a conflict of interest prohibited by law.

### **Conflict of Interest — Other Employees**

Other District employees shall not be involved in the hiring, recommending for hiring or promotion of any member of his/her immediate family, nor placed in a position with authority to hire or supervise immediate family members. Immediate family shall include spouse, siblings, children, step children, son-in-law, daughter-in-law, grandchildren, or step grandchildren. This policy is not intended to exclude students of the District employed in school-related activities such as Co-op, or to exclude persons from non-permanent substitute positions.

This policy shall take immediate effect. For those employees who are members of bargaining units, currently subject to negotiated contracts, implementation shall be deferred until commencement of the next bargained collective bargaining agreement. The Superintendent, or his designee, shall notify each collective bargaining unit of the adoption of this policy within 30 days of its adoption. (Policy adopted by Board of Education on November 10, 2003)

### **Conflicts of Interest — Staff G4050**

No employee of the District shall engage in or have a financial interest, directly or indirectly, in any activity that conflicts or raises a reasonable question of conflict with his/her duties and responsibilities. Employees shall not engage in work of any type when the source of information concerning customer, client, or employer originates from any information obtained through the school system. It is the expectation of the Board that all personnel shall abide by the ethical requirements and considerations established by statute for public employees.

### **Staff Conduct G4055**

The Board expects employees to enforce a standard of personal conduct in the school buildings and on school grounds which shall be above reproach and which shall contribute to a high morale in the school and a wholesome school reputation.

An employee's dress and grooming are a matter of individual taste. It will be left to the discretion of individual employees as long as it is within the standards established by the District and reflects a professional appearance.

### **Staff Protection G4060**

The School District will be vigorous in its protection of all employees from physical and/or psychological abuse. Any employee who is threatened with harm is to notify his/her building administrator or supervisor immediately, and steps are to be taken at once to protect the employee's safety. Alternately, any employee may also notify the Director of Personnel and

Employee Relations, particularly in the event concerns relate to the employee's Building Administrator or Supervisor.

Cases of assault upon or physical abuse to any employee of the District, including threatened assault or verbal abuse, are of great concern to this Board in the orderly conduct of the school system.

All such incidents must be reported to the appropriate law enforcement agency, and to the aggrieved employee's administrative supervisor. If further action is deemed appropriate, the matter shall be referred to the Superintendent or his/her designee who may wish to have the facts reviewed by the law firm representing the Board. The Board Attorney shall then make a written recommendation to the Board. This is intended to encourage the aggrieved employee to take personally such legal action as she/he shall feel is for the best interests of themselves and the School District.

The School District shall protect the district and its officers, volunteers, and employees through a comprehensive liability insurance program, which shall be periodically reviewed by the Superintendent or designee and the Finance Department. Whenever a claim is made or a civil action is commenced against the district, an officer, volunteer or employee, the school district may defend, and hold harmless any such district officer, volunteer, or employee from claims for damages caused or alleged to have been caused, in whole or in part, by the officer, volunteer or employee, while performing assigned duties on behalf of the district as an officer, volunteer, or employee, under the provisions of the district's liability policy, and as is consistent with MCLA 691.1408. The district shall not be obligated to assume any costs or judgments held against an officer, volunteer, or employee, when such damages are proved to be due to the employee's willful negligence, violation of law, or criminal act, as determined by a court of law.

#### **Health Examinations    G4065**

In the event the Board, or the Superintendent (or designee), shall determine that there is a need for a special physical or mental examination, the employee shall have such examination by a school- designated physician. It shall be at the expense of the School District.

Bus drivers are required to have annual health exams at Board expense.

Employment physicals at Board expense shall be as may be required by law and in accordance with the Americans with Disabilities Act.

#### **Participation in Community Activities    G4070**

Employees shall be encouraged to take an active part in the affairs of the Bay City School District. The school and the community should not be considered separate and apart but as working as a unified whole in the education process.

#### **Participation in Political Activities    G4075**

The Board recognizes that employees of the District have the same fundamental civic responsibilities and privileges as other citizens such as campaigning for an elective public office and holding an elective or appointive public office.

In connection with campaigning, no employee shall use school system resources, funds, facilities, equipment or supplies, nor shall the employee use any time during the working day for campaigning purposes. No employee shall hold a public office that would be incompatible, related to subject matter, with their position in the District.

## **Staff-Student Relations G4080**

Staff members shall be expected to regard each student as an individual and to accord each the rights and respect due any individual. Students shall be treated with courtesy and consideration. Neither insults nor sarcasm shall be used before a student's peers as a way of forcing compliance with a staff member's requirements or expectations. Employees are reminded that a "too friendly" approach to students must be tempered by the fact that employees are, and should remain, authority figures in the eyes of students. Favoritism or similar disparate treatment of students by staff is to be discouraged. All District employees must remain responsible for regulation of student conduct.

A staff member (individual employed by the Bay City Public Schools) shall not associate with students, at any time in a manner which gives the appearance of impropriety, including, but not limited to, the creation of participation in any situation or activity which could be considered abusive, unlawful, or sexually suggestive. This provision should not be construed as precluding a staff member from associating with students in private for legitimate or proper reasons. However, dating, romantic and/or sexual relationships with students, regardless of their age and regardless of consent are absolutely prohibited, unless the staff member and student are legally married.

Students shall be expected to regard staff members as individuals, employed to provide direct or indirect contributions to learning. While students are to have considerable latitude in making choices for themselves, they shall be required to respect the right of staff members (and other students, as well) and interference with those rights shall not be condoned. No student shall have the right to interfere with the efforts of instructional staff to coordinate or assist in learning, to disseminate information for purposes of learning, or to otherwise implement a learning program. Nor shall a student have the right to interfere with the motivation to learn or the learning activities and efforts of other students.

## **Personnel Files G4100**

The administration shall maintain employee personnel files in the Administration Building for each employee. Such files shall be maintained in accordance with law, including the Bullard-Plawecki Act, and may be subject to review in accordance with the Michigan Freedom of Information Act.

## **Appeals G4110**

Any school employee shall have the right to utilize appeal procedures for violations of these policies if the subject matter is not covered by (1) the grievance procedures in a respective master agreement (with the exception of those areas not subject to the grievance process) or by (2) the Tenure Act.

A process involving notice and opportunity to be heard shall be used and monitored by the Personnel department or in personnel policies. Employees believing that a personnel policy has been breached must raise the concern in writing to his/her immediate Supervisor within five (5) business days of the alleged breach. The concern should list the date of the occurrence, the date submitted to the Supervisor, the basis for the concern and the specific policy purportedly breached. After receiving the Supervisor's response or within ten (10) business days after the date submitted to the Supervisor, whichever is sooner, the concern may be appealed in writing to

Personnel and Employee Relations for a determination. Personnel and Employee Relations shall interview the employee, and issue a written determination within fifteen (15) business days after the interview. If the disposition from Personnel and Employee Relations is not satisfactory, the concern may be appealed to the Superintendent within five (5) business days after receipt.

### **Certificated Staff Positions G4120**

All certificated staff positions are created only with the approval of the Board (or designee).

Before any new position is established, the Superintendent (or designee) will establish a job description for the position which specifies the job holder's qualifications, and the job's performance responsibilities.

The Board instructs the Superintendent to maintain a comprehensive and up-to-date set of job descriptions of all certificated positions in the school system. A complete set of job descriptions will be on file in the Administration Building.

### **Staff Recruitment G4140**

#### **Certificated Personnel**

The goal of the District is the recruitment and retention of high caliber personnel.

1. All currently employed personnel share a common responsibility for the procurement of the type of staff needed. They are expected to help in every way possible and specifically by making the system aware of outstanding prospects at every opportunity.
2. Certificated personnel recruitment is the responsibility of the Director of Personnel and Employee Relations. Building administrators and other staff will assist as needed.
3. Staff recruitment shall include an adequate criminal record background check and shall be in accordance with Michigan School Code and all legal requirements.
4. The employment of any staff member defined above is not official until the contract is approved by the Board and signed by the candidate.

#### **Non-Certificated Personnel**

The above principles are applicable to the recruitment of non-certificated personnel. Unlike certificated personnel selected for employment, non-certificated personnel do not need formal approval by the Board.

### **Applicants for Positions G4150**

All applications for positions shall be made electronically through the Employment Section of the District website or the manner prescribed by the school district.

### **Qualifications and Communication Related to NCLB G4155**

#### **Recruitment**

The Superintendent shall have the authority to establish a procedure for the recruitment of well-qualified personnel to staff the schools. The Superintendent may request building Principals or other staff members to assist in this effort.

## Identity and Employment Status

All potential employees of the District shall verify their identity and employment status to the Superintendent or designee.

The Superintendent or designee shall maintain a file on all of the District's employees hired after November 6, 1986, proving that each employee has verified his or her identity, employment status, U.S. citizenship, or legal alien status to the Superintendent's satisfaction. Evidence to be used to verify identity, employment status, U.S. citizenship, or legal alien status should include at least two of the following documents, one of which contains a current photo of the employee: U.S. birth certificate, social security card, current driver's license; a state or military identification card; or one of the following: U.S. passport, certificate of U.S. citizenship, certificate of naturalization, unexpired foreign passport, or resident alien card.

## Non-Discrimination

The Board shall not discriminate in its policies and practices with respect to compensation, terms or conditions of employment because of such individual's status protected by State and Federal laws.

## Title I Compliance

The Superintendent shall insure that the District is in compliance with the provisions of Title I and the No Child Left Behind Act. Manuals and handbooks shall comply with federal law as to the qualifications for instruction personnel. Notice of professional qualifications shall be provided to parents/guardians of students in Title I schools and staffing pattern reviews as required by law shall be conducted annually as required by law.

## **Part-Time and Substitute Employee Employment    G4160**

The Director of Personnel and Employee Relations shall maintain a resource of qualified employees who may be called to replace regular employees who are absent. Such a list shall be available to the administrator of each school.

The Director of Personnel and Employee Relations will be responsible to interpret the meaning of the eligibility rules for substitute employees.

Building administrators will be responsible for seeing that the work of the substitute is as effective as possible and will provide him/her with a planned program.

Employees requested to serve as substitute teachers shall be certified under the State Department of Education policies and regulations. Regulations and procedures shall be established by the Director of Personnel and Employee Relations to provide for a continuous and orderly educational program to be carried forward in the absence of the contractual teacher assigned to the position. This policy shall not prohibit the district from contracting with a third party vendor for services.

## **Orientation of New Employees     G4170**

Prior to beginning employment with the school district, all staff are required to be fingerprinted, with results reviewed, pursuant to the school safety legislation. All new personnel shall have an orientation as designed and executed by the administration. The building administrator or the immediate supervisor shall orient all employees with the evaluation procedures and standards within a timely manner. Each employee shall be advised as to who shall observe and evaluate his/her performance.

## **Employee Rights, Responsibilities and Obligations - NCLB     G4175**

All employees will be provided with an explanation of both their responsibilities and their rights under law in terms of the actions they may take to maintain order, discipline, and an appropriate educational environment. Training will be provided that defines approved actions, and informs employees that they may be liable for harm when they engage in criminal, grossly negligent or reckless conduct, or act with flagrant indifference to the rights and safety of another person who suffers harm as a result. The Superintendent will develop rules that prescribe the circumstances under which the District administration and/or parents/guardians are to be notified of actions taken, any written documentation of actions taken that is necessary, and other appropriate procedures including staff training. The office of the superintendent shall insure that all employees are appropriately trained. In addition, the Personnel Department shall maintain documentation of annual training provided, and shall maintain documentation in each employees personnel file of their training regarding their responsibilities, rights and obligations under No Child Left Behind.

## **Probation and Tenure     G4180**

### **Certified Employees**

All certificated personnel employed by the District shall be on probation as required and permitted by the Michigan Tenure Act.<sup>1</sup> The tenure procedures are defined in the employee agreements with the Board and/or as provided by law.

### **Non-Certified Employees**

The parameters of probation are covered in the master agreements or in the personnel policies of these employees with the Board. For the recruitment and employment of any person to a position not covered by a collective bargaining agreement, there shall be a 90-day probationary period applicable when employment shall be terminable at will. This probationary period may be extended at the discretion of the District.

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<sup>1</sup> MCLA 38.71, Chapter 38, Teachers Tenure Act



## **Assignments and Transfers G4200**

### Teacher Placement

The Board of Education considers the appropriate placement of effective teachers as an essential ingredient in promoting student academic growth, in attaining successful educational outcomes for students and in providing quality educational services.

For purposes of this policy, the term "teacher" shall refer to those employees of the District whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.* The term "placement" shall include decisions involving the assignment and transfer of teachers as well as decisions involving the filling of vacant teaching positions with on-staff teachers. These placement decisions are delegated to the Superintendent or designee.

Placement does not include staffing decisions made in the context of recall of a teacher from layoff, which decision is governed by District Policy G4290. Placement also excludes decisions to initially hire or to dismiss or non-renew a teacher, which determinations are reserved to the Board of Education and are not delegated under this Policy.

Teacher placement decisions shall be guided by the following standards:

1. These decisions will be premised on staffing the established curriculum with the most effective teachers who are certified and qualified to instruct the courses within the established curriculum, grades and departments.
2. All teachers must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/ approval status, as applicable) of a teacher shall be determined by provisions of the Revised School Code, the Teacher Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes or regulatory authority.
3. Teacher placement decisions shall be made on the basis of a teacher's qualifications, which shall be determined by the following standards:
  - a. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding.
  - b. Compliance with applicable accreditation requirements.
  - c. Assessment of the extent of a teacher's professional training and academic preparation are relevant to an instructional assignment and are predictive of the teacher's success in that assignment.
  - d. Assessment of the extent to which a teacher's prior teaching experience is relevant to an instructional assignment and is predictive of the teacher's effectiveness in that assignment.

4. In addition to certification and qualifications, teacher placement decisions also may be made on the basis of interview results and teacher effectiveness, as determined through the teacher effectiveness criteria established in Section 1248 of the Revised School Code and as articulated in Board Policy 4290/ Reduction and Recall of Teachers.

LEGAL REFERENCE: MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1233; MCL 423.215; MCL 388.1763, MCL 38.71 *et seq.*

#### Administrators and Non-Certificated Staff

Employees should be assigned on the basis of their qualifications, the needs of the District, and their expressed desires. When it is not possible to meet all three conditions, personnel shall be assigned first in accordance with the needs of the District, second where the administration feels the employee is most qualified to serve, third as to expressed preference of employees in order of seniority in the District. Assignments shall be made as indicated in this policy section unless covered otherwise in a respective master agreement.

#### **Staff Development Opportunities** G4230

A program of in service training shall be established to provide an opportunity for the continuous professional and technical growth of all employees of the School District.

Staff members are to become knowledgeable regarding new developments and changes in their specialized fields and will utilize new and improved methods in practice.

#### Administrators

The administrative team shall keep abreast of the latest educational methods and research in education. Administrators may be required to attend periodic inservice workshops to improve leadership and educational skills. Administrators may be required to attend if the workshop is scheduled within the contracted working period.

Administrators may be authorized to attend periodic inservice workshops to improve leadership and educational skills.

#### **Evaluation of Administrators and Teachers** G4250

The performance evaluation system for administrators and teachers is a significant tool in accomplishing the district's mission of providing competent and skilled educational services to the children and constituents that we serve. All evaluations of administrators and teachers shall utilize a rigorous, transparent and fair system with the involvement of administrators and teachers, and shall include the following:

1. Evaluations shall be conducted at least annually, unless Michigan law allows otherwise, providing timely and constructive feedback;
2. All evaluations shall use multiple rating categories that take into account data and student growth as a significant factor, consistent with state law; and
3. Administrators (whose primary responsibility is to administer instructional programs including the Central Business Official) and teachers shall be rated "highly effective," "effective," "minimally effective," or "ineffective."

All evaluations shall be performed consistent with the Revised School Code and

the Teachers' Tenure Act, as well as any other federal or state law that might be applicable.

Administrators shall be evaluated annually by the Superintendent and/or his/her designees. The results of the evaluation are to be shared with the administrator; the administrator is entitled to add his/her own written comments to his/her file. A report of the evaluation will be made to the Board annually by the Superintendent and/or his/her designee.

### **Performance Based Pay for Administrators and Teachers      G4255**

The Board of Education considers job performance and job accomplishments to be significant bases for compensating its administrators (defined in MCL 380.1246) and certificated teachers. Accordingly, compensation for these administrators (whose primary responsibility is to administer instructional programs including the Central Business Official) and teachers shall include, as a significant component, job performance and job accomplishments, consistent with the Revised School Code and any other applicable federal or state law.

The Superintendent in consultation with district curriculum and personnel specialists shall develop the standards and method of compensation for each new school year by July 1, prior to the beginning of said year. The assessment of job performance shall incorporate a rigorous, transparent and fair evaluation system that evaluates performance at least in part based upon data on student growth as measured by assessments and other objective criteria.

### **Evaluation of Other Staff      G4260**

Other staff will be evaluated consistent with collective bargaining agreements or individual contract agreements.

### **Administrative and Supervisory Vacancies      G4270**

The Board accords all personnel an opportunity to advance by publicizing vacancies that occur on the administrative or supervisory staff by bulletins posted on the District's website; and/or by announcement in college placement offices; through public news media; and/or appropriate trade journals.

Selection procedures will be used which insure the employment of the best qualified applicant based solely on merit including such factors as knowledge, skills, personal qualifications and potential for growth. In no case, however, will the Board promote personnel without the recommendation of the administration.

The District reserves the right to leave any post vacant.

### **Teacher Discipline and Discharge      G4275**

The Board of Education believes that maintaining appropriate procedures and standards for addressing teacher misconduct and other inappropriate behavior is a critical ingredient in furthering an effective educational environment and in providing quality educational services necessary for the attainment of successful educational outcomes for students. This policy is intended to provide standards and procedures by which administrative personnel shall make determinations as to whether teacher discipline is warranted and, if so, in arriving at an appropriate disciplinary response.

Although discipline is corrective, other significant purposes of discipline are to promote accountability of teachers to maintain proper conduct, to provide notice to teachers of behavioral expectations, and to inform teachers of the consequences of any future disciplinary infractions, offenses or other misconduct.

For purposes of this policy, the term "teacher" shall refer to those employees of the school district whose employment is regulated by the Teachers' Tenure Act MCL38.71 *et seq.*

Discharge, demotion or other discipline of teachers under this policy shall be made only for a reason(s) that is not arbitrary or capricious. This standard signifies that a disciplinary decision must be supported by results of a disciplinary investigation and that any resulting disciplinary action must have a rational relationship to the teacher's conduct which forms the basis for a disciplinary decision.

Before imposing any disciplinary measure under this policy, the administrator shall investigate whether or not a teacher has engaged in an offense, infraction or other misconduct which could result in a disciplinary consequence. An administrator shall investigate the alleged violation before imposing a disciplinary measure upon the teacher. The investigation should include discussions with any witnesses to the event(s) upon which possible teacher discipline is premised, including witnesses or other sources suggested by the teacher being investigated. The teacher who is the subject of the disciplinary allegation shall be provided with an opportunity to respond to those allegations as part of the investigation process.

The following procedures shall be used for disciplinary actions against teachers, up to and including a recommendation for discharge:

1. Oral or written notice will be given by the administration to the teacher of the incident, complaint or charge that forms the basis for the investigation and potential disciplinary action.
2. If the complaint alleges child abuse or neglect, the matter shall be reported to Child Protective Services consistent with applicable laws.
3. The teacher will be given written notice of the time, date and location of a meeting to provide the teacher with an opportunity to respond to the disciplinary incident, complaint or charge. This opportunity to respond shall include the right of the teacher to dispute the factual basis of the incident, complaint or charge, as well as the nature of any contemplated disciplinary action in the event that the disciplinary incident, complaint or charge is factually substantiated.
4. A teacher represented by an exclusive bargaining agent under the Public Employment Relations Act shall, upon request, be entitled to union representation at any investigative meeting which the teacher reasonably believes could ultimately result in disciplinary action. Alternatively, a teacher shall, upon his/her request, be entitled to have another member of their bargaining unit accompany him/her to any investigative meeting which the teacher under investigation is required to attend when that teacher (or the administration) reasonably believes

that the investigation may ultimately result in his/her discipline. The obtaining of a representative shall not unreasonably delay an investigative meeting.

5. The Superintendent (or designee) is authorized to place a teacher on administrative leave, with pay, pending the completion of a disciplinary investigation of the alleged or suspected offense, infraction or misconduct. This authority can be exercised in those circumstances when, in the judgment of the Superintendent (or designee), the nature of the charges, the behavior or record of the teacher, or other circumstances make it inadvisable for the teacher to remain at work while the investigation is ongoing. Placement on administrative leave under this provision is not regarded as, in itself, disciplinary measure or penalty.
6. If criminal charges are filed against a teacher before or during the pendency of a disciplinary investigation, a probationary teacher may be placed on unpaid leave during the pendency of the investigation after notice and an opportunity to be heard. Under these circumstances, a tenured teacher's salary shall not be discontinued other than through observance of the pertinent standards and procedures specified in the Teachers' Tenure Act. The District need not delay the institution of tenure charges or other disciplinary action against a teacher during the pendency of any criminal charges against the teacher.
7. If an investigation of teacher conduct supports a determination that the teacher has engaged in an offense, infraction, misconduct, or other behavior warranting disciplinary action, the administrative decision as to the level of discipline shall be guided by the following standards:
  - a. The seriousness of the offense, infraction or misconduct.
  - b. The teacher's prior disciplinary and employment record.
  - c. How teachers engaging in similar or like offenses, infractions or misconduct have been disciplined in past comparable circumstances involving similarly situated teachers; and
  - d. The existence of aggravating or mitigating factors.
8. Disciplinary measures include but are not limited to: oral warning (memorialized in writing), written warning, written reprimand, paid or unpaid suspension, and discharge. Nothing in this policy or the identification of these levels of discipline require that the above disciplinary measures be applied progressively or sequentially. The Board reserves the right to apply the disciplinary sanction it determines to be appropriate to a specific set of circumstances.
9. When disciplinary action is taken against a teacher it shall be confirmed in writing. The document confirming the discipline will be provided to the teacher and placed in the teacher's personnel file.

10. The Superintendent (or designee) is delegated the authority under this policy to impose all teacher discipline with the exception of:
  - a. the discharge of either a probationary or tenured teacher;
  - b. the non-renewal of a probationary teacher; and
  - c. the demotion of a tenured teacher, as defined in the Teachers' Tenure Act.
  - d. The discharge or demotion of an administrator
  - e. The non-renewal of an administrator.
  
11. The Superintendent (or designee) is delegated by the Board authority to accept resignations on behalf of Bay City Public Schools. Resignations shall be irrevocable when accepted and may not thereafter be rescinded or withdrawn after a period of two (2) business days. The ability to rescind or withdraw in this manner is limited to one time only.

Each of the above disciplinary actions may only be imposed by this Board of Education upon written recommendation of the Superintendent and upon adherence to any applicable procedures set forth in the Teachers' Tenure Act.

LEGAL REFERENCE: MCL 380.11a (K-12), MCL 380.601a (ISD), MCL 423.215, MCL 38.71, *et seq.*

### **Termination of Non-Teachers G4280**

The Superintendent is delegated with authority to hire, discipline, and dismiss staff members consistent with applicable individual employment contracts, master agreements, and state/federal law.

### **Reduction in Work Force G4290**

#### Reduction and Recall of Teachers

In making program and staffing decisions, the Board of Education shall determine the size of the teaching staff in response to curricular, fiscal, and other operating conditions and retains the exclusive right to do so. To the extent that such determinations involve the requirements of Section 1248 of the Revised School Code, MCL 380.1248, this policy shall guide the implementation of that statute.

This Policy applies to "teachers", which term refers to those employees of the District whose employment is regulated by the Teachers' Tenure Act, MCL 38.71 *et seq.* For purposes of this policy, the term "teacher" shall be defined co-extensively with Article I, Section 1 of the Teachers' Tenure Act, MCL 38.71.

Decisions involving the reduction and recall of teachers shall be guided by the following standards and procedures:

1. These decisions will be initially premised on retaining effective teachers who are certified (or otherwise approved or authorized) and qualified to instruct the courses within the established curriculum, grades, and departments.
  - a. All teachers must be properly certified (or otherwise approved or authorized) for all aspects of their assignment. The certification (or authorization/approval status, as applicable) of a teacher shall be determined by the Revised School Code, the Teacher Certification Code, the Michigan Department of Education's Rules for Special Education Programs and Services, and other applicable statutes and regulatory authority.
  - b. All teachers must also be qualified for all aspects of their assignment. Teacher qualifications shall be determined by the Board through reference to the following standards:
    - i. Compliance with applicable state or federal regulatory standards, including, but not limited to, those standards established as a condition to receipt of foundation, grant, or categorical funding;
    - ii. Compliance with applicable accreditation requirements;
    - iii. Assessment of the extent to which a teacher's professional training and academic preparation are relevant to an instructional assignment and are predictive of the teacher's effectiveness in that assignment;
    - iv. Assessment of the extent to which a teacher's prior teaching experience is relevant to an instructional assignment and is predictive of the teacher's effectiveness in that assignment; and
    - v. Possession or satisfaction of any qualification requirement(s) contained in a job posting, job description, or administrative regulation pertaining to the position in question which was promulgated in advance of the reduction or recall.
  - c. A teacher shall maintain current and valid certification (or approval or authorization, as applicable), and shall be responsible for filing a copy of his/her teaching certificate (or approval or authorization, as applicable) in the Superintendent's (or designee's) office in conformance with requirements of Section 1532 of the Revised School Code. If a teacher petitions for nullification

of his/her teaching certificate or any endorsement on that certificate, he/she shall promptly provide written notice of that petition to the Superintendent's office. A teacher shall supply current documentation to the District of all of the teacher's qualifications (as defined above).

- d. Reduction and recall decisions shall be made on the basis of the certification and qualifications of a teacher, as reflected in the District's records, at the time that such decisions are made.
2. The Superintendent shall be responsible, acting within budgetary approval, for establishing the number and type of teaching assignments to implement the approved curriculum. If the Superintendent determines that insufficient funds have been budgeted to support delivery of the curriculum through the existing complement of faculty, he/she shall recommend to the Board the number of teaching positions to be reduced and the grades or departments within which the recommended reductions are to be effectuated.

Similarly, if after a reduction of teaching staff, the Superintendent determines that the District's curriculum cannot be delivered through the existing complement of faculty and that sufficient funds are budgeted to support the augmentation of faculty through recall of teachers, he/she shall recommend to the Board the number of teaching positions to be added and to identify the affected grades or departments.

3. All teacher reductions and recalls are subject to formal action and approval by the Board of Education.
4. When a teaching position has been identified for reduction and there exists a concurrently vacant teaching assignment for which the incumbent teacher in the position to be reduced is both certified and qualified, and if that teacher has received an overall rating of at least "effective" on his /her most recent year-end performance evaluation, that teacher shall be assigned to the vacant position unless the Superintendent determines that the educational interests of the District would not be furthered by that assignment.
5. If one or more teaching positions are to be reduced, the Superintendent (or designee) shall first identify the academic level(s) or department(s) impacted by the reduction. Among those teachers who are certified (or approved or authorized) and qualified to instruct the remaining curriculum within the impacted academic levels or departments, selection of a teacher for layoff shall be based upon the teacher's effectiveness score. Those teachers within the above group with the highest effectiveness scores will be retained and the teachers with the lowest effectiveness scores will be laid off.
  - a. The Superintendent (or designee) shall provide written notice of layoff to affected teachers.



- b. It is the laid-off teacher's responsibility to maintain current contact information (address, phone and e-mail address) in the Superintendent's (or designee's) office.
6. In the event of a recall of teachers, the Superintendent shall first identify the grades or departments where additional position(s) will be created. The Superintendent (or designee) may reassign on-staff teachers to the additional position(s) in accordance with District Policy G4200/Teacher Placement. Recall of teacher(s) to assignments that remain unfilled shall be accomplished by first recalling the teacher with the highest effectiveness rating who is certified and qualified for the open assignment.
  - a. The Superintendent (or designee) shall provide written notice of recall to teachers and shall establish the time within which the teacher must accept recall in order to preserve the teacher's employment rights.
  - b. A teacher who is recalled and fails to accept recall by the time designated in the recall notice and report for work by the deadline specified in the recall notice, shall be regarded as having forfeited all rights to recall and continued employment unless the Superintendent, in his/her discretion, has extended those time limitations, in writing.
7. This Policy shall not operate or be applied to retain or recall a teacher whose most recent performance evaluation contains an overall rating of "ineffective" in preference to any teacher with a higher effectiveness rating, as reflected in that teacher's most recent performance evaluation.

This Policy shall not operate or be applied to retain or recall a probationary teacher who has received a rating of either minimally effective or ineffective on his/her most recent annual year-end performance evaluation in preference to any tenured teacher who is rated either effective or highly effective on his/her most recent annual year-end performance evaluation.

A probationary teacher who is rated as effective or highly effective on his or her most recent annual year-end performance evaluation is not subject to being displaced under this policy by a tenured teacher solely because the other teacher has attained tenure under the Teachers' Tenure Act, MCL 38.71 et seq.

8. A teacher's length of service with this District or the teacher's attainment of tenure under the Teachers' Tenure Act shall not be the primary or determining factors in layoff and recall decisions, except if the decision involves two or more teachers and all have the same effectiveness ratings, as described in ¶ 9 of this Policy.
9. A teacher's effectiveness rating shall be determined according to the following standards:

- a. Individual performance shall be the majority factor in determining a teacher's effectiveness rating (80%). The teacher's individual performance shall be determined through the performance evaluation system used to implement the requirements of Section 1249 of the Revised School Code.
  - i. In arriving at the value of a teacher's effectiveness rating on the criterion of individual performance, the predominant factor (consistent with State law) shall be based on evidence of student growth. The percentage weight assigned to student growth within the performance evaluation shall comport with those percentages expressed in Section 1249 of the Revised School Code.
  - ii. The remainder of the teacher's effectiveness rating on the criterion of individual performance shall be based on the evaluation results of demonstrated pedagogical skills, including, but not limited to, determination of the following:
    - A. The teacher's knowledge of the subject matter pertinent to the area of his /her assignment;
    - B. The teacher's ability to impart that knowledge to students as demonstrated through planning, delivery of rigorous content, checking for and building higher level understanding of the subject matter instructed, and differentiating instruction;
    - C. The teacher's ability to manage the classroom as well as the teacher's manner and efficacy of disciplining pupils;
    - D. The teacher's ability to maximize effective use of instructional time through consistent and proficient preparation;
    - E. The quality of the teacher's relationships with students, parents/guardians and other teachers;
    - F. The teacher's ability to perform essential job functions;.
    - G. The teacher's attendance record, exclusive of any absences taken under the Family and Medical Leave Act or as a reasonable accommodation pursuant to applicable state or federal law; and
    - H. The teacher's disciplinary record, if any.

- iii. In applying the above standards, a teacher's evaluation shall be his/her most recent year-end evaluation, except for teacher on an Individualized Development Plan. In that case, the evaluation used for application of the above standard shall be the District's most recent evaluation of the teacher at the time that a reduction or recall decision is made.
  - b. An additional factor (10%) in determining teacher effectiveness shall be the extent to which the teacher has made clear, significant, and relevant accomplishments and contributions and has demonstrated a record of exceptional performance in that context. Those contributions and accomplishments must exceed the normal expectations for an individual in the teacher's professional peer group.
    - i. These accomplishments and contributions shall exclude any activities or functions for which the teacher receives additional remuneration, including, but not limited to, extra pay for extra duty assignments.
    - ii. The Superintendent (or designee) shall develop and maintain a system for the recording and verification of qualifying activities that will be regarded by the District as indicators of teacher effectiveness because those activities reflect accomplishments and contributions exceeding normal expectations for a teacher's professional peer group.
    - iii. The Superintendent (or designee) shall designate values for the identified accomplishments and contributions, as defined above, that will be used in the calculation of the teacher's effectiveness score.
    - v. The teacher's effectiveness score on this factor shall be computed on an annual basis and shall not be accumulative from one school year to any succeeding school year.
  - c. The final factor in determining teacher effectiveness (10%) is the extent to which the teacher has engaged in relevant special training pertinent to the teacher's instructional assignment and the extent to which the teacher has integrated that training into instruction in a meaningful way.
    - i. Qualifying training excludes any training or professional development under Sections 1526, 1526a or 1527 of the Revised School Code.
    - ii. Qualifying training or professional development excludes any training or professional development designated on the school calendar or otherwise designated on a regularly-scheduled teacher work day during teacher work hours.

- iii. Qualifying training or professional development must satisfy all of the following standards:
  - A. The training or professional development takes place outside of the teacher work day during the school year or outside the teacher work year.
  - B. The training or professional development has direct relevance to the teacher's assignment or to another area within the endorsements appearing on the teacher's Michigan teaching certificate (or authorization/approval, as applicable) and has received the prior approval of the Superintendent (or designee).
  - C. The teacher is able to demonstrate that the training or professional development is integrated into the instruction delivered by the teacher in a meaningful way.
- iv. The Superintendent (or designee) shall develop and maintain a system for the recording and verification of qualifying professional development and training to be used in the calculation of a teacher's effectiveness rating.
- v. The Superintendent (or designee) shall designate the values associated with qualifying professional development and training that will be used in the calculation of a teacher's effectiveness rating.
- vi. A teacher who has earned an effectiveness rating through completion of qualifying professional development or training shall retain that score for three (3) school years after the school year in which it is initially earned, so long as there is evidence that the teacher continues to integrate that training or professional development into instruction in a meaningful way. This standard does not prevent a teacher from taking additional qualifying training or professional development to enhance the teacher's effectiveness rating.

Legal Reference: MCL 38.71, *et seq*; MCL 380.11a (K-12); MCL 380.601a (ISD); MCL 380.1248; MCL 380.1532; MCL 423.215

#### Administrators

In any necessary reduction of administrative or supervisory staff, determination of persons to be retained shall be based on the following considerations used in the sequence listed: (1) administrative and supervisory needs of the District (2) necessary qualification and certification, (3) demonstrated skills and ability (4) past performance evaluations, (5) number of years served in the district.

### Non-Certificated Employees

As with certificated employees, in the event it becomes necessary to reduce the number of non-certificated employees, among other factors, the Board shall give some consideration to seniority or length of service to the District unless otherwise covered in a respective master agreement.

### **Resignation of Employees G4300**

Employees are encouraged to submit resignations at a time that will be the least disruptive of the school routine arranged between the employee and the Director of Personnel and Employee Relations. Resignation of certified staff shall be in accordance with Policy G4275. Further, the Superintendent (or designee) shall have authority to accept the resignation of a non-certified staff member or administrator. Resignations shall be irrevocable when accepted and may not thereafter be rescinded or withdrawn after a period of two (2) business days. The ability to rescind or withdraw in this manner is limited to one time only.

### **Retirement of Employees G4310**

Employees who are eligible to retire under the Michigan Retirement law, and who elect to take early retirement, should submit to the Board a written notice of intention to retire at least 90 calendar days prior to the date of planned retirement. The Superintendent (or designee) shall have authority to accept a retirement application on behalf of the Board. Retirements shall be irrevocable when accepted and may not thereafter be rescinded or withdrawn after a period of two (2) business days. The ability to rescind or withdraw in this manner is limited to one time only.

### **Non-School Employment by Employees G4320**

Any non school employment or “moonlighting” that a school employee pursues must not conflict with his/her obligations to the District. In addition, the Board expects that any employment accepted by Board employees from outside sources will not detract from their effectiveness as school employees. Nor will the Board condone any employees carrying out employment which would be considered to be an unethical practice by their professional organization. In order to determine conflict, school employees who are employed elsewhere are required to advise the Board and the Personnel and Employee Relations Department of their other employment.

### **Bus Driver Qualifications G4340**

Drivers shall conform with all legal requirements and may be suspended or discharged when such requirements are violated or not met.

### **Negotiations Goals G4400**

“Negotiations” is defined as collaborative bargaining. Such negotiations are one legitimate way for staff members to be involved in the decision-making processes.

The Board shall always negotiate in good faith on appropriate concerns. It shall deal with staff negotiating units openly and fairly, and will sincerely endeavor to reach agreement on items being negotiated. Nothing in negotiations shall abridge the Board’s legal responsibilities nor will any staff member's rights and privileges under state and federal statutes be impaired.

Negotiation procedures shall be designed to implement collaborative bargaining in all phases of union-management relations. The ratification of the collective bargaining agreement is only the beginning of an ongoing collaborative process.

The Superintendent shall develop and recommend to the Board specific objectives for achieving the above goals.

### **Superintendent’s Role In Negotiations G4430**

The Superintendent is granted discretionary powers by the Board to determine his/her role in negotiations.

### **Payment of Negotiations Costs G4435**

The parties may utilize the services of qualified professional and lay consultants to assist in all negotiations. The cost of such consultants shall be borne by the party requesting them or shared by mutual agreement.