

**BOARD POLICY**  
**BLUE WATER MIDDLE COLLEGE ACADEMY**

**SUBJECT: PERSONNEL**

**PURPOSE**

The purpose of this policy is to implement the requirements of the Public School Academy Contract (the "Contract") between the Blue Water Middle College Academy (the "Academy") and the St. Clair County Regional Educational Service Agency (the "RESA") and the requirements of state and federal law relative to the hiring and personnel practices of the Academy.

**POLICY**

The Academy will comply with the requirements of state and federal law and the Contract when making hiring and personnel decisions. To the extent not inconsistent with the law and/or the Contract, the Academy shall abide by the following regulations:

**1. Hiring:** All employment decisions, including the prescribing of employment qualifications and duties and affixing compensation and other benefits, shall be made by the Academy Board of Directors (the "Board"), consistent with applicable law, including without limitation, MCL 380.505 (mandating that the Academy shall use certificated teachers according to state board rule); MCL 380.1249 (mandating that the Academy shall adopt and implement for all teachers and school administrators a "rigorous, transparent and fair performance evaluation system"); and MCL 380.1250 (mandating that the Academy shall implement and maintain a method of compensation for its teachers and school administrators that shall include job performance and job accomplishments as a significant factor in determining compensation and additional compensation, and the assessment of job performance shall incorporate a rigorous transparent and fair evaluation system that evaluates a teacher's or school administrator's performance, at least in part, based upon data on student growth as measured by assessments and other objective criteria. The Board may designate an individual or entity to fulfill the Academy's hiring recruitment process. All Board interviews and hiring decisions shall be made in compliance with the Michigan Open Meetings Act, being MCL 15.261 *et seq.*

As a condition of employment, all employees of the Academy shall meet and continue to maintain the minimum applicable certification and/or authorization requirements, as imposed by the Michigan Revised School Code or other applicable law.

This section shall be a term of all Academy employment contracts.

**2. Discipline:** The authority for all final disciplinary action of employees of the Academy shall remain within the sole discretion of the Board. Possible discipline may include, by way of example and not limitation, an oral or written reprimand, suspension with or without pay, demotion and discharge, or any combination thereof. Such discipline may be imposed for reasons that are not unconstitutional or otherwise prohibited by law or the Contract and shall be conducted in compliance with any minimum applicable due process or other legal requirements.

The Board may designate an individual or entity to perform the disciplinary function of the Board. All such discipline shall be subject to appeal to the Board if a request for appeal is made to the Academy Director within Ten (10) days from the date of imposition of the disciplinary action.

**3. Promotions:** All decisions regarding promotions and increases in benefits of Academy employees shall be made by action and within the discretion of the Board.

**4. Performance Evaluations:** All employees of the Academy shall be subject to periodic review and evaluation, at least annually, by the Board or an individual or entity designated by the Board. The Academy shall adopt and implement for all teachers and school administrators a “rigorous, transparent, and fair performance evaluation system” in compliance with Section 1249 of the Revised School Code, MCL 380.1249. All reviews and evaluations shall be documented and maintained in the employee's personnel file. Board-approved evaluation and Individual Development Plan (“IDP”) forms, if any, shall be used for documenting reviews and evaluations and for preparing IDPs.

**5. Background Checks:** The Academy shall make provisions to have background checks conducted, as required by law and/or deemed necessary by the Academy, prior to offering employment to any Academy applicant. All applicants shall be required to authorize in writing the Academy to conduct all such background checks and complete an Academy-approved release from liability form. Except as provided herein, no employment decision shall become final until the Board receives and approves the results of such background checks.

The Academy shall make provisions to have criminal history checks conducted with the Michigan Department of State Police and Federal Bureau of Investigation prior to any individual being hired for a position with the Academy as a teacher, school administrator or a position requiring approval from the State of Michigan Board of Education in compliance with sections 1230 and 1230a of the Michigan Revised School Code.

The Academy may conditionally employ an individual prior to receiving the criminal history check results, in compliance with sections 1230 and 1230a of the Michigan Revised School Code, only if (1) the Board determines it necessary to employ the individual during or within 30 days prior to the beginning of the current school year; (2) the Board has requested the criminal history check prior to the conditional employment, and (3) the individual signs a statement, as provided by the Michigan Department of Education, identifying all criminal convictions and agreeing that his/her employment is voidable by the Board if the results are not the same as his/her statement.

The Academy shall make provisions to have unprofessional conduct checks conducted with the applicant's current or, if not currently employed, former employer prior to any individual being hired by the Academy in compliance with section 1230b of the Michigan Revised School Code.

Board Approval  
Date: October 8, 2010