Series 4000: District Employment

4500 Administrators/Supervisors

4501 Definition

An Administrator, Supervisor, or Director performs duties meeting the administrative or executive exemptions under the Fair Labor Standard Act. Administrators, Supervisors, and Directors report to the Superintendent or designee.

A. Administrators

Administrators manage, supervise, and oversee District curriculum, instructional programs, and instructional services. As a condition of continued employment, Administrators must hold and maintain certificates, licenses, credentials, and qualifications (collectively, the "Certification") as set by the Board or required by law, including Revised School Code Sections 1246 and 1536.

1. "Administrator" includes the building principal, assistant principal, assistant superintendent, and any other person whose primary responsibility is administering instructional programs, as well as the position of "chief business official" as defined in Revised School Code Section 1246.

2. If an Administrator's Certification expires, is nullified, or is revoked, the Administrator must immediately notify the Superintendent or designee, in writing.

3. Administrators will be subject to individual employment contracts not to exceed 3 years and may be governed by a collective bargaining agreement.

4. Administrators are subject to Revised School Code Section 1229(2) for purposes of non-renewal.

B. Non-Instructional Supervisors or Directors

Non-Instructional Supervisors or Directors include managerial personnel who are not Administrators within the definition of this Policy and who have the authority to direct, recommend, hire, discipline, and discharge personnel they supervise, including transportation, custodial, maintenance, or food service personnel. Non-Instructional Supervisors or Directors may be provided individual employment contracts not to exceed 3 years and may also be governed by a collective bargaining agreement.

Legal authority: MCL 380.1229, 380.1246, 380.1536

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4500 Administrators/Supervisors

4502 Assignment and Transfer

Consistent with an applicable collective bargaining agreement or individual employment contract, the Superintendent or designee is authorized to assign or transfer an Administrator, Supervisor, or Director to another Administrator, Supervisor, or Director position and realign duties and responsibilities. The compensation will be commensurate with duties and responsibilities established by the Board.

Legal authority: MCL 380.11a(3), 380.601a, 380.653

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4500 Administrators/Supervisors

4503 Performance Evaluation

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 must be implemented consistent with Policy 1101.

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 and appeal 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;

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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.

The Administrator's individual employment contract will include an appeal process concerning the evaluation process and rating received.

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

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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 must be implemented consistent with Policy 1101.

Legal authority: MCL 380.11a

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4505 Reduction and Recall

The Board will determine the appropriate level and number of Administrators, Supervisors, and Directors necessary for curricular, fiscal, and other operating conditions.

The Board may determine that a reduction of administrative and supervisory personnel is warranted based on the Superintendent's or designee's recommendation.

The Superintendent or designee will first identify the recommended areas where reductions in the District's administrative and supervisory structure can best be accomplished consistent with the realization of District goals and objectives.

The Superintendent or designee will consider the following in making recommendations for the reduction and recall of Administrators, Supervisors, or Directors within the approved administrative structure: relevant experience, performance, disciplinary history, evaluations, qualifications, certification, relevant contract language, and other factors deemed relevant.

In implementing a reduction or recall, the Superintendent or designee may effectuate assignments and transfers as specified in Policy 4502.

The Board will consider and act on the Superintendent's or designee's recommendation(s) in open session.

If an Administrator selected for layoff has successfully completed a probationary period under the Teachers' Tenure Act, acquired tenure as a classroom teacher with the District, and maintained a valid teaching certificate on file with the District, the Administrator will be considered for placement to a teaching position for which the Administrator is properly certified and qualified consistent with the Teachers' Tenure Act and Policies 4402 and 4405.

An Administrator, Supervisor, or Director on layoff status may be eligible for recall to a vacant Administrator, Supervisor, or Director position for which that person is certified and qualified for a period of 12 months after the reduction in force was approved by the Board. An Administrator, Supervisor, or Director rated effective or highly effective will receive priority for recall to a vacant Administrator, Supervisor, or Director position for which that person is otherwise qualified over an Administrator, Supervisor, or Director rated minimally effective or ineffective.

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

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4500 Administrators/Supervisors

4506 Discipline

The Superintendent or designee may discipline Administrators, Supervisors, or Directors for misconduct, violations of contract, Policy, or law, or other inappropriate behavior. Off-duty conduct may result in discipline if it adversely impacts the District and is not otherwise a legally protected activity. This Policy does not cover termination of an Administrator, Supervisor, or Director, which is addressed in Policy 4507.

Before discipline is imposed, the Administrator, Supervisor, or Director will be provided an opportunity to respond to the allegation(s).

An Administrator, Supervisor, or Director governed by a collective bargaining agreement or individual employment contract may be disciplined consistent with applicable procedures and standards in that agreement. 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 4108.

If the Superintendent or designee concludes, by a preponderance of the evidence, that the conduct in question has been substantiated and that discipline is warranted, the Superintendent or designee may discipline the employee so long as the basis for the discipline follows the standard(s) identified in the employee's applicable collective bargaining agreement or individual employment contract. If the employee is not subject to a collective bargaining agreement or individual employment contract, the Superintendent or designee may implement discipline for any lawful reason. The disciplinary action may be considered in the employee's performance evaluation. Written discipline will be placed in the employee's personnel file.

A suspension without pay may be imposed as a disciplinary consequence, consistent with the Fair Labor Standards Act, for infractions of safety rules of major significance or infractions of workplace conduct rules, such as rules prohibiting unlawful harassment, workplace violence, drug or alcohol use, or for infractions of state or federal laws. Disciplinary deductions may only be made in full-day increments and must be imposed pursuant to a written Policy applicable to all employees.

Evidence of substantiated unprofessional conduct cannot be suppressed or removed from a personnel file consistent with Revised School Code Section 1230b.

The Teachers' Tenure Act shall apply if an Administrator's tenure rights are implicated by the disciplinary action.

Discipline that results in 5 days or more of lost compensation may be reviewed by the Board.

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Legal authority: 29 CFR 541.602(b)(5); MCL 380.11a, 380.601a, 380.653, 380.1230b, 380.1249, 380.1249b; MCL 423.209

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4500 Administrators/Supervisors

4507 Termination

For purposes of this Policy, "termination" refers to a proposed action to discharge or permanently discontinue the employment of an Administrator, Supervisor, or Director during the term of an individual employment contract. Non-renewal at contract expiration is not a termination under this Policy and is addressed in Policy 4508.

Unless otherwise provided by an applicable collective bargaining agreement or individual employment contract, an Administrator, Supervisor, or Director may be terminated for any lawful reason. Off-duty conduct may result in termination if it adversely impacts the District and is not a legally protected activity.

The applicable collective bargaining agreement or individual employment contract will set forth the procedure for terminating an Administrator, Supervisor, or Director. If the applicable collective bargaining agreement or individual employment contract does not set forth a procedure, then the Superintendent or designee will provide written charges in support of the recommendation for discharge and notice of the Board hearing date, time, and location, to the Administrator, Supervisor, or Director in advance of a Board meeting on the charges. The employee may request a hearing in closed session, but the Board's decision on the termination recommendation must be made in open session. If the employee requests a hearing, the employee has the right to bring legal counsel or another representative of the employee's choice (at the employee's expense) to hear and contest the evidence supporting the termination recommendation and to submit evidence in support of the employee's retention.

The Board resolution or written correspondence identifying the reason(s) for the Board's decision on termination will be placed in the employee's personnel file.

If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

Legal authority: MCL 38.71 et seq.; MCL 380.1229(2), 380.1229(3)

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4500 Administrators/Supervisors

4508 Administrator Non-Renewal

A. Administrators Subject to Revised School Code Section 1229(2)

Administrator contract non-renewal may be subject to Revised School Code Section 1229(2) depending on the person's responsibilities, duties, and certification. If the non-renewal of an Administrator is subject to Revised School Code Section 1229(2), this Policy shall be implemented consistent with that statute.

"Non-renewal" is an action to discontinue an employment contract at contract expiration. Termination during the term of an existing employment contract is addressed in Policy 4507.

If Revised School Code Section 1229(2) applies, the non-renewal of an Administrator's individual employment contract must be preceded by a notice to the employee that the Board is considering non-renewal. Written notice of consideration of non-renewal must be given to the Administrator at least 90 calendar days before the expiration date of the Administrator's contract. The Administrator will be provided notice of the Board meeting at which the consideration of non-renewal will be reviewed and may request an open or closed session, where appropriate. The Board must act in open session on the recommendation to consider non-renewal.

The Superintendent or designee will notify the Administrator of the Board's decision to consider non-renewal, including a written statement of the reason(s). The employee may request to meet with a majority of the Board to discuss the reason(s) in open or closed session, where appropriate. The meeting with the majority of the Board to discuss the reason(s) it is considering non-renewal must take place following notice to the administrator of the consideration of non-renewal and before any action of non-renewal.

There must be a minimum of 30 calendar days between the time that the administrator is provided written notice that the Board is considering non-renewal, including a statement of the reason(s) for consideration of non-renewal, and the Board's action to renew or non-renew the administrator's individual employment contract. The resolution and notice of non-renewal must be provided to the administrator not less than 60 calendar days before the expiration date of the administrator's individual employment contract.

If the non-renewal is based on a reduction in personnel and not for a performance reason, the Board's review and action must take place in open session.

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If the employee holds tenure rights as a classroom teacher and the District seeks to terminate those tenure rights, the District will comply with the Teachers' Tenure Act.

B. Non-Renewal of a Supervisor or Director

A Supervisor's or Director's contract may be non-renewed in accordance with the applicable individual employment contract or collective bargaining agreement. If the Supervisor or Director is not subject to an individual employment contract or collective bargaining agreement, the Superintendent or designee will present a recommendation of non-renewal to the Board at least 30 calendar days before June 30, stating the reason(s) for the recommendation. Advance written notice of the recommendation, the time, date, and location of the Board meeting, and the option for closed session deliberation will be provided to the Supervisor or Director.

Legal authority: MCL 380.1229

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