

Vicksburg Community Schools Bylaws & Policies

3120 - EMPLOYMENT AND PLACEMENT OF PROFESSIONAL STAFF

The Board of Education recognizes that it is vital to the successful operation of the District that positions created by the Board be filled with highly qualified and competent personnel.

The Superintendent or his/her designee shall determine teacher placement based on qualifications (as defined by the District, which shall include, but not be limited to, state and federal requirements such as certification, Highly Qualified requirements, endorsements, etc.), the academic needs and best interest of District students, and the District's educational program. Teacher preference(s) may also be considered. At all times, the District shall strive to place the most effective and qualified teachers in assignments aligned with student and District needs.

For purposes of this policy, "placement" shall mean and include the filling of vacancies, voluntary and involuntary transfers, job sharing, and any decision, which results in the placement of a teacher in an assignment determined by the District to be a teaching assignment; "vacancy" shall mean and include any unoccupied position to be filled by the Board after all other positions have been filled by District assignments, transfers, or recalls, in the manner and to the extent determined by the District as appropriate. Staffing decisions when making a personnel reduction or recall are subject to Board Policy [Layoff and Recall Policy].

The Board shall approve the employment, and also, when not covered by the terms of a negotiated agreement, fix the compensation and establish the term of employment for each professional staff member employed by this District.

Individuals employed in the following categories shall be considered members of the professional staff:

- A. administrative staff
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- B. teacher
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- C. counselors
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- D. special education: itinerant staff
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For purposes of this policy, “teacher” includes individuals whose employment is regulated by the Tenure Act, such as individuals with teaching certificates (as defined by the Teacher Certification Code) who are assigned to positions within the District for which the Michigan Department of Education (MDE) requires a teaching certificate. Individuals who do not possess teaching certificates but are serving a probationary period under the Tenure Act or acquire classroom teacher tenure within the District are also considered as a “teacher” for purposes of this policy. Individuals who may possess a teaching certificate but are assigned to a position for which a certificate is not required are not subject to this policy or its implementing regulations (e.g., school social workers, school psychologists, school nurses, occupational therapists, etc.).

Pursuant to section 15(3)(j) of the Public Employment Relations Act, teacher placement decisions, and the impact of such decisions on the individual teacher or the bargaining unit, shall not be the subject of any terms or conditions within a collective bargaining agreement between the District and a collective bargaining representative of such teachers.

The Superintendent or his/her designee may develop and adopt administrative guidelines related to teacher placement.

All professional staff are subject to a criminal history record check. See Policy [3121](#).

Such approval shall be given to those candidates for employment recommended by the Superintendent.

All applications for employment shall be referred to the Superintendent.

Applications for employment will not be accepted from any current District Board member. If a Board member wishes to apply for a position, his/her resignation must be accepted by the Board prior to submitting an application.

Any professional staff member's misstatement of fact material to qualifications for employment or the determination of salary shall be considered by this Board to constitute grounds for dismissal.

Wherever possible, positions shall be filled by holders of permanent, professional, or provisional certificates. Only when, after due diligence, a worthy candidate holding permanent, professional, or provisional certification cannot be found, the Board may employ the holder of an emergency certificate.

No candidate for employment to the professional staff as a nonadministrator shall receive recommendation for such employment without having proffered visual evidence of proper certification or that application for such certification is in process, except under the following circumstances:

- A. The Superintendent may employ noncertificated, nonendorsed teachers 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.
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- B. The Superintendent may also employ a teacher without a valid teaching certificate if the person has at least ninety (90) semester hours of college credit from a college or university.

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- C. The Superintendent may hire an individual who does not hold a valid teaching certificate to serve in a counseling or role provided s/he meets all the requirements established by law. Policy [3120](#) and Policy [3121](#) shall apply with respect to that individual in the same manner required for employing a person with a teaching certificate.

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The Superintendent shall prepare administrative guidelines for the recruitment and selection of all professional staff.

REQUIREMENTS FOR TITLE I TEACHERS

~~All teachers hired after the first day of the 2002-2003 school year for a Title I supported program must be "highly qualified."~~

~~"Highly Qualified" means:~~

- ~~A. full State certification as a teacher or passed State teacher licensing exam and holds current license to teach; certification or license requirements may not be waived on emergency, temporary, or provisional basis;~~
 - ~~</~~
- ~~B. for elementary teachers new to the profession, this also requires:~~
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 - ~~1. at least a bachelor's degree;~~
 - ~~</~~
 - ~~2. passing a rigorous State test on subject knowledge and teaching skills in reading, writing, math, and other areas of elementary curriculum (State certification test may suffice);~~
 - ~~</~~
- ~~C. for secondary or middle school teachers new to the profession this also requires:~~
 - ~~</~~
 - ~~1. at least a bachelor's degree, and~~
 - ~~</~~
 - ~~2. passing a rigorous State test in each of the subject areas s/he will teach (State certification test may suffice), or~~
 - ~~</~~
 - ~~3. for each academic subject taught, having an academic major, course work equivalent to an undergraduate major, a graduate degree, or advanced certification or credentialing;~~
 - ~~</~~
- ~~D. for elementary, middle, or secondary school teachers with prior experience, this also requires:~~
 - ~~</~~
 - ~~1. at least a bachelor's degree, and~~
 - ~~</~~
 - ~~2. meets standards for new teachers (above), or~~
 - ~~</~~

3. demonstrates competence in all academic subjects s/he teaches based on a uniform State standard of evaluation (standard for academic subject matter and teaching skills set by the State).

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REQUIREMENTS FOR TEACHERS IN DISTRICT RECEIVING TITLE I FUNDING

By the end of the 2005 – 2006 school year, all core subject teachers (as defined in the No Child Left Behind Act) in a District receiving Title I funds shall be "highly qualified" as described above. The District must have a plan and show annual progress towards meeting these teacher qualification requirements.

M.C.L.A. 380.1229, 380.1230, 1231, 380.1233, 380.1237, 380.1531d, 380.623
20 U.S.C. 6319 & 7801

Source: [MCL §423.215\(3\)\(j\)](#).

Revised 1/99
Revised 11/12/01
Revised 11/13/06

[Revised 6/11/12](#)

REPLACEMENT POLICY - VOL. 26, NO. 1**STAFF REDUCTIONS/RECALLS**

~~It is the policy of this Board that all personnel decisions shall be based on retaining effective teachers in situations involving a staffing or program reduction or any other personnel decision resulting in the elimination of a position, as well as for hiring after such reductions/position eliminations or recall to vacant positions. Length of service or tenure status may only be considered by the administration when all other factors, as listed below, are considered equal amongst the potentially affected teachers.~~

Teacher and school administrator layoff and recall decisions shall be made based on the goal of retaining effective teachers within the Vicksburg Community Schools. Therefore, when conducting a staffing or program reduction, recalling from a staffing or program reduction, making any other personnel decision resulting in the elimination of a position, hiring after a staffing or program reduction, or making any other personnel determination related to such decisions, the Board of Education of the Vicksburg Community Schools, directs the Superintendent and administrative staff to ensure that all such decisions are based on the retention of effective teachers and administrators.

All criteria used when making decisions relating to personnel reduction of teachers and administrators shall be construed and applied in a manner consistent with section 1248 of the Michigan Revised School Code, as it may be amended from time to time.

The Board, the District, the Superintendent, and each member of the administrative staff shall not make personnel decisions involving teachers and administrators within the scope of this policy, using length of service or tenure status as the primary or determining factors, except only in the limited circumstances stated within this policy and its implementing regulations.

The development and content of policies, standards and procedures relating to decisions concerning the layoff and recall of teachers and administrators shall not be the subject of any terms and conditions within a collective bargaining agreement between the District and a collective bargaining agreement of the teachers (or school administrators, if applicable) who are covered by this policy.

For purposes of this policy, "teachers" include individuals whose employment is regulated by the Tenure Act, individuals with teaching certificates (as defined by the Teacher Certification Code) who are assigned to positions within the District for which the Michigan Department of Education (MDE) requires a teaching certificate. Individuals who may possess a teaching certificate, but are assigned to a position for which such a certificate is not required, are not

~~SCHOOL DISTRICT~~ **VICKSBURG COMMUNITY SCHOOLS** 3131/page 2
subject to this policy or its implementing regulations (e.g., school social workers, school psychologists, school nurses, occupational therapists, etc.).

For purposes of this policy, “administrators” include administrators with instructional responsibilities who have acquired tenure within the District or are serving a probationary period under the Tenure Act.

The effectiveness of teachers shall be measured in accordance with the District's performance evaluation system developed under Section 1249 of the School Code, and the personnel decisions shall be based on the following factors:

- A. Individual performance shall be the majority factor in making the decision, and shall consist of but is not limited to all of the following:
 1. Evidence of student growth, which shall be the predominant factor in assessing an employee’s individual performance.
 2. The teacher’s demonstrated pedagogical skills, including at least a special determination concerning the teacher’s knowledge of his or her subject area and the ability to impart that knowledge through planning, delivering rigorous content, checking for and building higher-level understanding, differentiating, and managing a classroom; and consistent preparation to maximize instructional time.
 3. The teacher’s management of the classroom, manner and efficacy of disciplining students, rapport with parents and other teachers, and ability to withstand the strain of teaching.
 4. The teacher’s attendance and disciplinary record, if any.

- B. Significant, relevant accomplishments and contributions. This factor shall be based on whether the individual contributes to the overall performance of the school by making clear, significant, relevant contributions above the normal expectations for an individual in his or her peer group and having demonstrated a record of exceptional performance.
- C. Relevant special training. This factor shall be based on completion of relevant training other than the professional development or continuing education that is required by the employer or by state law, and integration of that training into instruction in a meaningful way.

Teachers rated as Ineffective on their year-end final evaluation shall not be given preference over a teacher who is evaluated as Minimally Effective, Effective, or Highly Effective. [In rare cases, with the written approval and rationale of the Superintendent, an ineffective teacher may be retained due to unique certification and/or highly qualified status.]

Teachers rated as Minimally Effective on their year-end final evaluation shall not be given preference over a teacher who is evaluated as Effective or Highly Effective, provided that there are teachers certified and highly qualified to perform the remaining work, without creating an undue disruption to other teaching assignments or educational continuity, in the opinion of the Superintendent or designee.

Probationary teachers rated as Effective or Highly Effective shall not be displaced by a teacher on continuing tenure solely because the other teacher has continuing tenure.

In the event that a personnel decision within the scope of this policy involves two or more teachers, and all of the above factors, as well as any other job related factors identified by the Superintendent or designee are equal, then length of service or tenure status may be considered as the final tiebreaker.

Administrator effectiveness shall be measured by the performance evaluation system established by the District.

PA 102, 2011

M.C.L. 380.1248

Sources: Public Act 102 of 2011 / Section 380.1248 of the Revised School Code;
Public Act 103 of 2011/Section 423.215(3)(k).

BOARD OF EDUCATION

PROFESSIONAL STAFF

~~SCHOOL DISTRICT~~ VICKSBURG COMMUNITY SCHOOLS 3131/page 4

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~~Revised 4-16-12~~

Revised 6-11-12

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NEW POLICY 3139

TEACHER DISCIPLINE, DEMOTION, OR DISMISSAL

Teachers whose employment is regulated by the provisions of MCL §§38.71 through 38.191, inclusive, shall be disciplined, demoted or dismissed only for a reason that is not arbitrary or capricious. The Board shall not adopt, implement, or maintain a policy or standard for discipline, demotion, or dismissal of teachers that is different from the standard within Section 101 of the Michigan Teachers' Tenure Act.

The Superintendent or designee shall ensure that decisions regarding the discipline, demotion and dismissal of public employees whose employment is regulated by MCL §§38.71 through 38.191 are consistent with this policy and the legal authority cited above.

The development, content, standards, procedures, adoption and implementation of policies and procedures relating to the discipline, demotion and discharge of teachers, as well as administrative decisions concerning the discipline, demotion or dismissal of teachers, shall not be the subject of any terms and conditions within a collective bargaining agreement between the District and a collective bargaining representative of teachers.

The Superintendent or designee may develop and adopt administrative guidelines that detail the standards or procedures for the discipline, demotion, and/or dismissal of employees subject to this policy.

Source: MCL §§38.71-191; MCL §423.215(3)(m).

June 11, 2012

REVISED POLICY – VOL. 26, NO. 2

TERMINATION AND RESIGNATION

TERMINATION

An ~~Employment contracts~~ employment contract may be suspended or terminated, upon a majority vote of the Board of Education. In such cases, the Board shall abide by due process and such terms as may be set forth in ~~a negotiated, collectively bargained agreement, the Teacher Tenure Act or the individual contract,~~ as applicable administrative guidelines that may be subject to this policy or that of policy 3139.

Employees and those under contract to work regularly and continuously in the schools, whether part-time or full-time, may not continue employment with the Board if a criminal history records check or other authoritative source reveals a conviction of a "listed" offense under M.C.L.A. 28.722.

Individuals convicted of a non-listed felony may not continue to work unless both the Superintendent and the Board give written approval. Such conviction(s) may subject professional staff to discharge or demotion of a teacher on continuing tenure. The State Board of Education will be notified of the report of conviction(s) as required by law.

RESIGNATION

A professional staff member may resign in accordance with the terms of the negotiated, collectively-bargained agreement or his/her employment contract.

An administrator may resign by filing a written resignation with the Superintendent at least thirty (30) days prior to the effective date of the resignation.

A resignation, once accepted, may not then be rescinded.

The Superintendent may act for the Board in the acceptance of a resignation.

~~M.C.L.A.~~ 28.722, 38.74, 380.1230 et seq., 380.1535a
Revised June 11, 2012

REVISED POLICY – VOL. 26, NO. 2

PROBATIONARY TEACHERS

The Board of Education recognizes its obligation to employ only those professional staff members best trained and equipped to meet the educational needs of the students of this District. The Board shall discharge that obligation by retaining in service only those probationary teachers who meet those standards.

Teachers, new to the District, who have not previously acquired tenure in the State of Michigan, ~~shall be required to serve four (4) full school years of~~ will be in a probationary status for the first five (5) years of employment before becoming eligible for tenure in the District, except as provided below. A teacher must receive ratings of Effective or Highly Effective on the last three (3) annual performance evaluations to achieve tenure.

Probationary teachers who are rated highly effective on the annual performance evaluation in years 2, 3 and 4 achieve tenure after four (4) years. Any probationary teacher under contract prior to July 19, 2011, is in a probationary period for only four (4) years. Any teacher having tenure in the district as of July 19, 2011, will not be required to serve additional probation.

Teachers, new to the District, who have previously acquired tenure in any other Michigan school district, shall be required to serve no more than two (2) years of probation before becoming eligible for tenure in the District but may, at the Board's option, be placed immediately on continuing tenure.

The Superintendent shall ensure that all probationary teachers are provided an Individualized Development Plan, evaluated in a timely manner by appropriate administrators, notified of areas of which performance is not meeting expectations, and are provided assistance in improving their performance. ~~—If the probationary teacher has been employed for at least one (1) full school year, a written Individualized Development Plan must be prepared.~~

The Board shall annually review the performance of all probationary teachers by a date adequate to ensure timely compliance with all statutory, contractual, and other applicable timelines. The Superintendent shall provide to the Board a written recommendation with regard to each such teacher specifically noting the extent to which the probationary teacher's performance is meeting District expectations. On the basis of its review, the Board may, in its discretion, (1) grant tenure, if otherwise eligible; (2) non-renew employment based on unsatisfactory performance; or (3) continue the probationary period of employment if not otherwise eligible for tenure (not to exceed the statutory probation periods). The Board's review of such recommendation shall comport with all applicable statutory, contractual, or other legal requirements.

The Superintendent shall ensure that appropriate notices of the Board's actions are timely sent and delivered to all affected probationary teachers. The Superintendent shall further ensure that appropriate guidelines are drafted implementing the requirements of the Teacher Tenure Act.

| M.C.L.A. 38.81 et seq.

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REVISED POLICY – VOLUME 25, NO. 2

PROFESSIONAL STAFF EVALUATION

The Board of Education, through the powers derived from the School Code and other relevant statutes, is responsible for the employment and discharge of all personnel. To carry out this responsibility, with involvement of professional staff who are regularly involved in instructional matters, it delegates to the Superintendent the function of establishing and implementing a rigorous, transparent, and fair performance evaluation system that does all of the following:

- A. evaluates the employee's job performance at least annually while providing timely and constructive feedback
- B. establishes clear approaches to measuring student growth and provides professional staff with relevant data on student growth
- C. evaluates an employee's job performance, using multiple rating categories that take into account data on student growth as a significant factor

For these purposes, student growth shall be measured by national, State, or local assessments and other objective criteria.

- D. uses the evaluations, at a minimum, to inform decisions regarding all of the following:
 - 1. the effectiveness of employees, so that they are given ample opportunities for improvement
 - 2. promotion, retention, and development of employees, including providing relevant coaching, instruction support, or professional development
 - 3. whether to grant tenure or full certification, or both, to employees, using rigorous standards and streamlined, transparent, and fair procedures
 - 4. removing ineffective tenured and untenured employees after they have had ample opportunities to improve, and providing that these decisions are made using rigorous standards and streamlined, transparent, and fair procedures

E. rates employees using four rating categories: Highly Effective, Effective, Minimally Effective, or Ineffective

~~The staff evaluation program shall aim at the early identification of specific areas in which the individual professional staff member needs help so that appropriate assistance may be provided or arranged for. A supervisor offering suggestions for improvement to a professional staff member shall not release that professional staff member from the responsibility to improve. If a professional staff member, after receiving a reasonable degree of assistance, fails to perform his/her assigned responsibilities in a satisfactory manner, dismissal, or non-renewal procedures may be invoked. In such an instance, all relevant evaluation documents may be used in the proceedings.~~

~~Evaluations shall be conducted of each professional staff member as stipulated in the Teacher Tenure Act, the revised School Code, a negotiated agreement or contract, the Superintendent's administrative guidelines and as directed by the Michigan Department of Education. A professional staff member shall be given a copy of any documents relating to his/her performance which are to be placed in the personnel file.~~

~~The evaluation procedure set forth above in this policy shall be in effect as of September 1, 2011, unless there is a collective bargaining agreement in place as of January 4, 2010, which would prevent implementation of this procedure. In that case, the procedure must be in place and become effective upon the expiration of the bargaining agreement.~~

~~This policy shall not deprive a professional staff member of any rights provided by State law or contractual rights consistent with State law.~~

M.C.L.A. 380.1249 (as amended)

The Board of Education shall comply with recent amendments to Section 1249 of the Revised School Code beginning with the 2013-2014 school year. The Superintendent or designee, following consultation with teachers and administrators, shall make such changes as s/he believes are desirable to enhance teaching and learning with the District and assure the District's compliance with the requirements of section 1249 as amended.

The Board and Superintendent, or designees will also examine the recommendation of the Michigan Council on Educator Effectiveness and may revise this policy accordingly.

BOARD OF EDUCATION
_____ **SCHOOL DISTRICT**

PROFESSIONAL STAFF
3220/page 3 of 3

Decisions regarding the development, content, standards, procedures, adoption and implementation of performance evaluation systems, and decisions about the content of performance evaluation systems, and the impact of such decisions on the individual employee, or the applicable bargaining unit, shall not be in the subject of any terms or conditions within a collective bargaining agreement between the District and a collective bargaining representative of such teachers.

Sources: MCL 380.1248, 1249; MCL 38.831;
MCL 38.93, as amended by Public Acts 100. 101 and 102, effective July 19, 2011
MCL 380.1143(d)

Revised June 11, 2012