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November 29, 2023

Re: 2023 Professional Staff Board Policy Update

Dear Thrun Policy Subscriber,

Thrun Law Firm, P.C. is updating eleven (11) Board Policies to bring them into compliance with new legislative changes to the Michigan Public Employment Relations Act (“PERA”), the State School Aid Act (“SSAA”), the Revised School Code (“RSC”), and the Teachers’ Tenure Act (“TTA”). The updates are posted under today’s date to a password-protected portion of the Thrun Law Firm website (www.ThrunLaw.com/Policy-Updates).

The updates and a brief summary are provided below:

- **Policy 4108 Union Activity and Representation:** These policy changes address PERA amendments that repealed a prohibition on the voluntary deduction of union dues, service fees, and contributions to political action committees from employee wages. The policy includes optional language concerning the charging of administrative fees.
- **Policy 4207 Third-Party Contracting of Non-Instructional Support Services:** These policy changes address PERA amendments that removed third-party contracting of non-instructional support services and intergovernmental contracts from the prohibited bargaining subjects.
- **Policy 4402-R Placement (formerly Assignment and Transfer):** These changes address PERA amendments making teacher placement decisions a mandatory bargaining subject and RSC Section 1248 amendments requiring clear and transparent procedures for teacher placement decisions.
- **Policy 4403-R Performance Evaluation:** These changes address the PERA amendments making teacher evaluations a mandatory bargaining subject and RSC Section 1249 amendments regarding teacher evaluation.
- **Policy 4404 Performance Based Compensation:** These changes address the repeal of RSC Section 1250 and amendment to SSAA Section 164h regarding teacher merit pay.
- **Policy 4405-R Reduction in Force and Recall:** These changes address PERA amendments making teacher layoff and recall a mandatory bargaining subject and RSC Section 1248 amendments requiring clear and transparent procedures for teacher layoff and recall decisions.
- **Policy 4407 Discipline:** These changes address PERA amendments that make teacher discipline a mandatory bargaining subject.



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- **Policy 4408 Termination:** These changes are intended to address amendments to TTA.
- **Policy 4409-R Non-Renewal:** These changes are intended to address the RSC Section 1249 amendments regarding amendments to TTA.
- **Policy 4503-R Performance Evaluation (Administrator):** These changes are intended to address RSC Section 1249 and 1249b amendments regarding administrator evaluation.
- **Policy 4504 Performance Based Compensation (Administrator):** These changes are intended to address the repeal of RSC Section 1250 and amendment to SSAA Section 164h regarding teacher merit pay.

Notably, five of the Policy Updates listed above contain a “-R” to indicate that those “-Revised” policies are not to become effective until July 1, 2024. Accordingly, the current, respective Board policies in those five (5) sections (i.e., Policies 4402, 4403, 4405, 4409, and 4503) must also remain in place through June 30, 2024, and the “-Revised” policies will become effective on July 1, 2024. Therefore, the provided sample Board resolution to adopt the Policy Updates reflects this timeline for the “-R” policies. We recommend that districts maintain the “-R” designation within the policy file name and post the policy after adoption.

If you have questions about the Policy Updates or their implementation, please contact Lucas Savoie (LSavoie@ThrunLaw.com). As always, thank you for allowing us to be of service to your school.

Very truly yours,

THRUN LAW FIRM, P.C.