Policy

TEACHER DISCIPLINE, DEMOTION, OR DISMISSAL

The Board of Education in recognition of legislative changes directs the superintendent or his/her designee to utilize this policy when making decisions about discipline, demotion or dismissal. Teachers whose employment is regulated by the provisions of the Michigan Teachers’ Tenure Act, MCL §§38.71 through 38.191, inclusive (“Tenure Act”), shall be disciplined, demoted or dismissed only for a reason(s) that is/are not arbitrary or capricious. This Board will not adopt, implement or maintain a policy or standard for discipline or dismissal of such employees that is different from the arbitrary or capricious standard within Section 1, Article IV of the Tenure Act, MCL §38.101.

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 ISD 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 ISD 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 by the MDE, are not subject to this policy or its implementing regulations (e.g., school social workers, school psychologists, school nurses, occupational therapists, etc.).

The superintendent and designee shall ensure that decisions regarding the discipline, demotion, or dismissal of public employees whose employment is regulated by the Tenure Act 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, or dismissal of teachers, as well as administrative decisions concerning the discipline, demotion, or dismissal of teachers, shall not be the subject of any terms or conditions within a collective bargaining agreement between the ISD and a collective bargaining representative of teachers.

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

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

POLICY

Adopted: August 21, 2012