

## Dispute Resolution For Disagreements Regarding Teacher Evaluation and Discipline

The District has proposed that tenured teachers with disputes concerning this evaluation or discipline be allowed to grieve the matter up to mediation administered by the Michigan Employment Relations Commission, excluding arbitration. The District's proposal is designed to enhance the dispute resolution protections that exist in State law. Under the old collective bargaining agreement, teachers cannot challenge these decisions except as allowed by law.

### **1) Teacher Evaluation MCL 380.1249.**

The specific protection for all Holly Area Schools teachers under the state's educator evaluation law is found in [Section 1249](#) of the Revised School Code. An evaluation and feedback concerning the evaluation must be provided, in writing, to the teacher being evaluated. If a teacher is probationary or receives a "developing" or "needing support" rating, the individual will be placed on an improvement plan. The year-end evaluation must include specific performance goals that will assist in improving effectiveness for the next school year and are developed in consultation with the teacher.

By law, the teacher may request a review of the evaluation and the rating by the school district superintendent within 30 days after being informed of the rating. Upon receiving the request, the Superintendent shall review the evaluation and rating and may make modifications as appropriate based on the review. A written response regarding the school district superintendent's findings must be provided to the teacher by not later than 30 calendar days after receipt of the request for a review and before making any modifications.

If the written response from the school district superintendent's or intermediate superintendent's review does not resolve the matter, the teacher or collective bargaining representative may request mediation as provided for in 1947 PA 336, 423.201 to 423.217, consistent with the District's proposal.

If the teacher receives two consecutive ratings of "needing support," the teacher may also request binding arbitration by filing a demand for arbitration with the American Arbitration Association within 30 calendar days after the teacher receives the written response from the school district superintendent.

### **2) Tenure Teacher Discipline Appeals, Teacher's Tenure Act**

State and Federal law provide due process protection for teachers facing disciplinary action, particularly for those with tenure. Further, the Teachers' Tenure Act (MCL [38.104](#)) specifies that disciplinary actions like discharge or demotion (suspensions greater than 14 days without pay) may be appealed to a state administrative appeal process, which includes a full hearing before an administrative law judge and appeal consideration by the Full State Tenure Commission.