

policy

**BOARD OF EDUCATION
DETROIT PUBLIC SCHOOLS COMMUNITY DISTRICT**

ADMINISTRATION
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POLICIES PREAMBLE

For many years, state appointed Emergency Financial Managers, Emergency Managers, Reform CEO and/or Transition Managers managed Detroit Public Schools (“DPS”) and then Detroit Public Schools Community District (the “District”).

On January 1, 2017, an elected Board of Education (the “Board”) assumed partial management of the District.

The Board hereby adopts policies for the care and custody, establishment, maintenance, and carrying on of the public schools and property of the School District as authorized under current law. These policies end, replace and/or supersede all DPS policies, emergency manager orders, reform CEO actions and/or transition manager orders, as allowed by law.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

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SUPERINTENDENT CONTRACTING AUTHORITY

To facilitate efficient and effective day-to-day administration of the District, the Board delegates to the Superintendent the authority to enter into and execute Contracts on behalf of the District

The Superintendent will inform the Board semiannually of all active Contracts. The listed Contracts will include all, agreements, Contracts, memoranda of understanding, and/or other documents which purport to legally bind the District (collectively, "Contract") as necessary or appropriate for District operations. Such Contracts include a Contract:

1. For a term of one (1) year or less;
2. Reasonably projected or stated to be under \$250,000 in any District fiscal year or applicable term of the Contract;
3. For settlement of a claim, lawsuit, grievance, arbitration, litigation or proceeding to which the District is a party which is under \$100,000; and
4. Where expenditures required by or under the Contract were included in the budget approved by the Board for the fiscal year in which the expenditures would occur.

Contracts reserved for Board approval ("Board-Reserved Contracts") include any of the following:

1. Collective bargaining agreements;
2. Contract for the purchase, sale, lease or other transfer of an interest in real property by or on behalf of the District;
3. Contractual adjustments in compensation or benefits affecting an entire class of employees;
4. Contracts reasonably projected to require an expenditure, individually or in the aggregate, in excess of \$250,000 in any District fiscal year;

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- 40 5. Contracts required or related to financing by the District through bonds, state
41 aid notes or any other debt instrument, including any indenture, loan
42 agreement, note, security agreement or other financing agreement issued
43 under Part 17 of the Revised School Code;
44
- 45 6. Contracts for the investment of District debt retirement funds, building and
46 site funds, building and site sinking funds, or general funds of the District;
47
- 48 7. Contracts for settlement of a claim, lawsuit, grievance, arbitration, litigation
49 or a matter in a proceeding to which the District is a party, in excess of
50 \$100,000 in any District fiscal year;
51
- 52 8. Where expenditures required by or under the Contract were not included in
53 the budget approved by the Board for the fiscal year in which the
54 expenditures would occur;
55
- 56 9. Contracts in which the Superintendent's designees may have interests,
57 conflicts or appearance of conflicts; and
58
- 59 10. Other Contracts which require Board approval under the Michigan Revised
60 School Code, or such other local, state or federal law.
61

62 The Superintendent shall be responsible for compliance with any and all competitive
63 bidding and procurement requirements, state and federal laws, as well as, policies
64 applicable to the District with respect to Contracts.
65

66 From the period of notification of the Superintendent's resignation until the
67 appointment of an interim or a permanent replacement, all Contracts requiring the
68 Superintendent's signature shall also require the signature of the Board President or
69 his/her Board designee.
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76 Approved: 00/00/00
77 Revised & Adopted: 00/00/00
78 Reviewed: 00/00/00
79 Revised & Adopted: 00/00/00

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DISTRICT STRATEGIC PLAN

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3 A District Strategic Plan shall guide the decisions and actions of all District
4 personnel. The Strategic Plan shall be a living document that is revisited jointly by
5 the Superintendent and Board no less than annually and used as a benchmark for
6 assessing District actions and as a tool for reaffirming or revising strategic
7 directions.

8
9 The Board and the Superintendent shall help guide the strategic planning process,
10 incorporating input from school personnel, students, parents, community members,
11 and outside expert as necessary. The Board shall adopt the strategic plan and use it
12 as a guide when setting priorities, making decisions, and taking actions
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16 Approved: 00/00/00

17 Revised & Adopted: 00/00/00

18 Reviewed: 00/00/00

19 Revised & Adopted: 00/00/00

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REPORTS

The Superintendent shall provide to the Board regular reports on District operations and initiatives, scheduling the presentation of such reports related to Detroit Public Schools (DPS) and or Detroit Public Schools Community District (DPSCD) in cooperation with the Board at regularly scheduled Board meetings.

Updates on the following shall be provided by the Superintendent:

- A. Current initiatives;
- B. Financial reports;
- C. Progress on the Strategic Plan and Board-established goals and objectives;
- D. Report from Auditors;
- E. Status of current and pending legal action and arbitration;
- F. Stewardship of locally-raised tax revenues;
- G. Student achievement, attendance, discipline and graduation rates; and
- H. Other reports as requested.

The Superintendent shall be responsible for the compilation and timely delivery of all DPS and/or DPSCD reports required by state or federal law, as well as all reports required by Board-authorized contracts, or grant/funding agencies or by request of the Board.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

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LEGAL CONTROLS

The Superintendent shall establish a system of legal controls to ensure competent representation and limit unnecessary exposure of the District to liability and legal fees. Such a system shall include but not be limited to the following provisions:

1. The Superintendent or designee is authorized to retain legal counsel in their areas of expertise on such matters as are necessary to protect the interests of the Board.
2. No lawsuit or claims shall be initiated nor settlement agreement above \$100,000 shall be entered into by or on behalf of the District or the Board without the prior approval of the Board. The Board shall be notified in the event of a lawsuit initiated against the Board or the District, and the Board shall be updated as needed as to the status of the litigation;
3. The Superintendent shall notify and consult with the Board in the event of any arbitration action which poses significant financial risk or has policy implications for the District; and
4. The Superintendent in cooperation with the General Counsel shall provide updates as needed on the status of all current or pending litigation.

This policy shall not preclude the use of conventional insurance policies granting the insurance carrier substantial control over litigation arising under such policies or settlement within the coverage of the insurance policies. The Superintendent shall submit a compiled quarterly report to the Board of all pending or settled lawsuits or claims against the District.

Approved: 00/00/00
Revised & Adopted: 00/00/00
Reviewed: 00/00/00
Revised & Adopted: 00/00/00

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BOARD - SUPERINTENDENT RELATIONSHIP

1
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3 It is the primary duty of the Board to establish and approve policies and that of the
4 Superintendent to recommend and administer such policies. When originating or
5 changing policy, the Board shall consider the Superintendent's recommendations.
6 The Superintendent should recommend the best method of implementing the
7 policies of the Board.
8

9 The Superintendent, as the chief executive officer of the School District, is the
10 primary professional advisor to the Board. He/she is responsible for the
11 development, supervision, and operation of the school program and facilities.
12 His/her methods should be made known to the staff through the Administrative
13 Guidelines of the District. The Board shall retain oversight supervision of such
14 administrative guidelines.
15

16 The Superintendent and those administrators directed by the Superintendent shall
17 attend all meetings, when feasible. Administrative participation shall be by
18 professional counsel, guidance, and recommendation - as distinct from deliberation,
19 debate, and voting of Board members.
20

21 In order to expedite negotiation procedures, the Superintendent is appointed as chief
22 representative of the Board for the purpose of determining negotiation strategies and
23 members of negotiation teams for collective bargaining with recognized unions and
24 employee units. The Board shall determine the parameters to be used by the Board's
25 negotiating teams.
26

27 The Board is responsible for determining the success of the Superintendent in
28 meeting the goals established by the Board through annual evaluations of the
29 Superintendent's performance. The Board may also perform an interview progress
30 report or evaluation. The Board, in formulating its position with regard to the
31 performance of the Superintendent, shall rely, whenever possible, on the objective
32 outcomes of its evaluations rather than on subjective opinions.
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35 M.C.L.A. 380.1246
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38 Approved: 00/00/00
39 Revised & Adopted: 00/00/00
40 Reviewed: 00/00/00

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41 Revised & Adopted: 00/00/00

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EMPLOYMENT OF THE SUPERINTENDENT

1
2
3 The Board of Education vests the primary responsibility for administration of this
4 District in the Superintendent of Schools. The appointment of that officer is,
5 therefore, one of the most important functions the Board can perform.
6

7 Whenever the position of Superintendent shall be vacant, the Board shall appoint a
8 Superintendent of Schools as chief executive officer and fix his/her salary and term
9 of office which shall be no more than five (5) years.
10

11 The Board shall actively seek the best qualified and most capable candidate for the
12 position of District Superintendent. It may be aided in this task by:

- 13 A. a committee of Board members;
14
15 B. the advice of the out-going Superintendent;
16
17 C. the services of professional consultants; and
18
19 D. the participation of members of the community.
20

21 Recruitment procedures may be prepared in advance of the search and may include:

- 22
23 A. preparation of a written job specification for the position of Superintendent;
24
25 B. preparation of written specifications of qualification in addition to proper
26 State certification;
27
28 C. preparation of informative material describing this District and its
29 educational goals;
30
31 D. where feasible, the opportunity for applicants to visit the schools of this
32 District;
33
34 E. the requirement that each selected candidate for the position be interviewed
35 by Board members in a format that encourages him/her to express his/her
36 educational philosophy;
37
38 F. solicitation of applications from a wide geographical area;
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40 G. consideration of all applicants fairly without discrimination on the basis of
41 race, color, gender, age, religion, national origin or ancestry, citizenship,
42 marital status, disability, height, weight, and/or any other legally protected
43 characteristic unrelated to the position of Superintendent.
44

45 All interviews with Board selected finalists shall be conducted through public
46 meetings in an open forum.
47

48 Consistent with requirements for all School District administrators and employees,
49 the Superintendent must submit to a criminal background record check conducted
50 by a District approved vendor, as well as, fingerprinting and detailed criminal
51 history check in accordance with Sections 1230 and 1230g of the Revised School
52 Code which includes a check through the federal bureau of investigation by the
53 department of state police.
54

55 A person who is employed as Superintendent by this Board who was a school
56 administrator in Michigan prior to January 4, 2010, is not required to have a school
57 administrator's certificate issued by the Department of Education but must confirm
58 that he/she meets the continuing educational requirements for school
59 administrators established by the State Board of Education. All others must either
60 have a valid school administrator's certificate or be enrolled or become enrolled,
61 within six (6) months of beginning the position, in a program leading to certification
62 as a school administrator. Certification must be completed within three (3) years, or
63 the person may not continue to be employed as the Superintendent.
64

65 The Superintendent must be employed pursuant to a signed contract.
66

67 Such contract shall include:
68

- 69 A. the term for which employment is contracted, including beginning and ending
70 dates;
71
72 B. that tenure in a position shall not be granted;
73
74 C. the salary which the Superintendent shall be paid and the intervals at which
75 he/she shall be paid;
76
77 D. the benefits to which he/she is entitled;
78
79 E. a requirement or annual evaluation; and

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F. such other matters as may be necessary to a full and complete understanding
of the employment contract and as required by law.

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The Superintendent so appointed shall devote himself/herself to the duties of
his/her office.

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Any candidate's intentional misstatement of fact material to his/her qualification for
employment or the determination of his/her salary shall be considered by the Board
to constitute grounds for his/her dismissal.

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The person selected for the position of Superintendent may be required to undergo
the same physical examination and/or psychological examinations as other School
District employees or candidates, for similarly situated School District administrator
and employee positions. The cost of which shall be borne by the District.

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M.C.L. 15.601, et seq., 380.1229, 380.1230, 380.1230g, 380.1246, 380.1536

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Approved: 00/00/00

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Revised & Adopted: 00/00/00

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Reviewed: 00/00/00

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Revised & Adopted: 00/00/00

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QUALIFICATIONS AND RESPONSIBILITIES OF THE SUPERINTENDENT

The Superintendent is the chief executive officer of the School District and shall have, under the direction of the Board, general administrative responsibilities and authority for supervision over academic instruction and all schools, personnel and facilities of the District. The Superintendent is responsible for the management of the schools under Board policies and is accountable to the Board.

The Superintendent, at his/her direction, may delegate to other school personnel the exercise of any powers and the discharge of any duties imposed upon the Superintendent by Board policies or by vote of the Board. The delegation of power of duty, however, shall not relieve the Superintendent of responsibility for the action taken under such delegation.

Qualifications

The Superintendent shall have:

- A. met all the requirements for certification as established by the Michigan State Board of Education for persons administering instructional programs.
- B. established himself/herself as an educational leader in the profession through active participation in a variety of areas; and

Essential Duties

The essential duties and responsibilities of the Superintendent shall be to:

- A. serve as administrative head of the entire District and chief executive officer of the School District, in charge of both educational and business functions;
- B. act as the agent of the Board of Education;
- C. keep the Board informed on status of facilities;
- D. implement the policies of the Board;
- E. initiate matters of educational policy and to make definite recommendations thereon;

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- 41
- 42 F. recommend the number and types of positions required to provide proper
- 43 personnel for the operation of education programs;
- 44
- 45 G. recommend staff for appointment, assignment, transfer, suspension or
- 46 termination, subject to approval of the Board; and
- 47
- 48 H. define the duties of all personnel, except the Office of the Inspector General.
- 49

General Duties

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- 51
- 52 The general duties of the Superintendent shall be to:
- 53
- 54 A. Adhere to policies established by the Board;
- 55
- 56 B. administer the development and maintenance of a positive educational
- 57 program designed to meet the needs of the community, to keep abreast of the
- 58 best educational developments and to advise regarding changes in the
- 59 program;
- 60
- 61 C. supervise the preparation of the annual budget and to recommend it to the
- 62 Board for consideration;
- 63
- 64 D. advise and recommend in matters of business administration; to pass upon
- 65 all proper requests for equipment and supplies, to point out possible
- 66 economies and to supervise activities of the District;
- 67
- 68 E. conduct a continuous study of the development and needs of the schools and
- 69 to keep the public adequately informed concerning his/her findings;
- 70
- 71 F. assure that District finances are credited with interest earned by tax money
- 72 on deposit;
- 73
- 74 G. supervise and direct the work of teachers and other employees of the Board;
- 75
- 76 H. classify and control the promotion of students;
- 77
- 78 I. serve as chief representative of the Board for the purpose of determining
- 79 negotiation strategies and members of negotiation teams for collective

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- 80 bargaining with recognized unions and employee units. The Board shall
81 determine the parameters to be used by the Board's negotiating teams;
82
83 J. establish and prepare meeting agendas in consultation with the Board
84 President and present items for consideration to the Board;
85
86 K. recommend to the Board the best methods of arranging the courses of study;
87
88
89 L. make written reports to the Board;
90
91 M. make written reports to the State;
92
93 N. assist the Board in matters pertaining to the general welfare of the District;
94 and
95
96 O. ensure compliance with appropriate federal and state law or local rules.
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98 This policy shall not contradict or negate current federal and state constitutions,
99 and or statutory rules and regulations that pertain to qualifications and
100 responsibilities of the Superintendent.

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105 Approved: 00/00/00
106 Revised & Adopted: 00/00/00
107 Reviewed: 00/00/00
108 Revised & Adopted: 00/00/00

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DEVELOPMENT OF ADMINISTRATIVE GUIDELINES

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3 The Board delegates to the Superintendent the function of developing and
4 implementing Administrative Guidelines under which the District will operate
5 in accordance with Board policy.

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7 Administrative Guidelines describe procedures or processes developed by the
8 Superintendent or his/her designees that support the implementation of
9 Board Policies.

10
11 Administrative Guidelines must be consistent with Board Bylaws, Policies
12 and Regulations. The Superintendent is authorized to obtain a legal opinion
13 from the Office of the General Counsel that any such Administrative
14 Guideline is consistent with Board Bylaws, Policies and Regulations and law.
15 Administrative Guidelines will become effective when so designated by the
16 Superintendent.

17
18 The Board will formulate and adopt Administrative Guidelines only when
19 required by law. Otherwise, the need for a specific Administrative Guidelines
20 will be identified by the Superintendent, and their drafting and modification
21 will be assigned to specific administrators. Administrative Guidelines will be
22 approved by the Superintendent.

23
24 Further, the Superintendent or his/her designee may issue Administrative
25 Procedures, an elaboration of Administrative Guidelines, developed to
26 manage the day-to-day operations of the District. Administrative Guidelines
27 are a set or system of processes that describe the Guidelines for managing
28 District functions and processes. Administrative Guidelines are meant to
29 establish efficiency, consistency, responsibility, and accountability across the
30 District. They also help establish the legitimacy of administrative actions by
31 ensuring the application of administrative decisions are executed in an
32 objective, fair, and consistent manner. Administrative Guidelines shall
33 accurately reflect the intent of specific policies and ensure that District staff
34 are held accountable for decisions that deviate from established guidelines.

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36 A review or modification of Administrative Guidelines may occur at any time,
37 to enhance operations of the District, as required by law or when there exists
38 and actual or perceived need for modification.

39
40 A copy of the District's Administrative Guidelines shall be made a part of the
41 Board's reference materials. Administrative Guidelines shall be periodically
42 updated in response to changes in the law and other circumstances.

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45 M.C.L. 380.132, 380.248

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52 Approved: 00/00/00

53 Revised & Adopted: 00/00/00

54 Reviewed: 00/00/00

55 Revised & Adopted: 00/00/00

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INCAPACITY OF THE SUPERINTENDENT

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3 It is the legal duty of the Board of Education to appoint a Superintendent 'pro
4 tempore' who shall meet the certificate requirements as established by law by a
5 majority vote of the Board upon determination that the Superintendent is
6 incapacitated in such a manner that he/she is unable to perform the duties of
7 his/her office.

8 The Board shall fix the compensation of the Superintendent 'pro tempore' who shall
9 serve until the Superintendent's incapacity is removed or until the expiration of the
10 Superintendent's contract or term of office, whichever is sooner. The removal
11 process of a Superintendent 'pro tempore' shall be conducted in accordance with
12 applicable law. The Superintendent 'pro tempore' shall perform all of the duties and
13 functions of the incapacitated Superintendent, and may be removed at any time by
14 majority vote of members of the Board.

15 If the Board is asked to make, or seeks on its own to make, a determination of the
16 Superintendent's incapacity, the Board shall make such determination with medical
17 documentation, or upon certification of a physician selected and compensated by
18 the Board.

19 If the Board determines that the Superintendent is unable to perform the duties of
20 his/her office, he/she may:

- A. at his/her request, be placed on sick leave, with pay, not to exceed the amount of his/her accumulated but unused sick leave and any advancement of such sick leave which may be authorized by Board policy;
- B. at the request of the Board be placed on sick leave with such pay to which s/he may be entitled or which may be authorized by Board policy;
- C. at his/her request, be placed on a leave without pay.

21 The foregoing leave shall not extend beyond the contract or term of office of the
22 Superintendent.

23 The Superintendent shall, upon request to the President of the Board, be returned to
24 active duty status, unless the Board denies the request within ten (10) days of
25 receipt of the request. The Board may require the Superintendent to establish to its
26 satisfaction that he/she is capable of resuming such duties on a full-time basis.

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27 The Board may demand that the Superintendent return to active service, and upon
28 medical documentation that the Superintendent is able to resume his/her duties,
29 the Superintendent shall return to active service.

30 The Superintendent may request a hearing before the Board on any action taken
31 under this policy.

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37 Approved: 00/00/00

38 Revised & Adopted: 00/00/00

39 Reviewed: 00/00/00

40 Revised & Adopted: 00/00/00

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DISTRICT ORGANIZATION AND HIRING

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3 The Board recognizes the grouping of grades and services within District schools
4 promotes the success of all students by ensuring management of the District,
5 operations, and resources for a safe, efficient, and effective learning environment.
6

7 The Superintendent shall serve as the chief executive officer of the District. The
8 Board delegates authority to the Superintendent for recruiting, screening, and hiring
9 administrative and school level personnel. The Superintendent maintains a system
10 for performing District functions, and shall make every effort to ensure the most
11 qualified administrative and school level personnel are hired to support District
12 programming. Responsibility shall flow clearly from the Superintendent through
13 administrative staff to operational personnel.
14

15 The Board will receive recommendations from the Superintendent to hire and
16 approve after consideration the lead District administrators for legal services,
17 finance, and communications. The Board will be provided a list containing new hire,
18 separation, and resignation transactions included on monthly board meeting
19 agendas.
20

21 Within the functional budgetary resource allocations established by the Board, the
22 Superintendent shall define and determine administrative and school level positions
23 required to implement educational and operational programs, plans, and activities
24 established in the District, including the selection and hiring of candidates for
25 administrative and school level positions. The Board shall approve the annual
26 budget and any amendments thereto, including a clearly delineated total allocation
27 amount for the funding of administrative positions.
28

29 The Superintendent is also authorized to establish and modify the administrative
30 and school level organization of the District, including but not limited to the job
31 description of administrative positions, the tasks and responsibilities assigned to
32 administrators, the functions of divisions/department, and the placement of
33 personnel, subject to the limitations of the Board-adopted budget and Board policy.
34

35 It shall be the responsibility of the Superintendent to determine the need for and
36 define operational requirements sufficient to ensure optimized functioning of the
37 District. Maintenance of an efficient, skilled, operational workforce is essential to the
38 effective performance of the District and schools. The Superintendent shall make
39 any necessary modifications to the District's organization which are in the best
40 interests of students, make the most strategic use of District resources, serve the

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41 mission, vision, core values, and priorities of the District. The Board shall be
42 notified within 30 days of any substantive change in the District's organization and
43 shall be provided with a revised organizational chart.
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49 Approved: 00/00/00
50 Revised & Adopted: 00/00/00
51 Reviewed: 00/00/00
52 Revised & Adopted: 00/00/00