

## Series 4000: District Employment

### 4400 Professional Staff

#### *4409 Non-Renewal*

For purposes of this Policy, “non-renewal” of a probationary teacher refers to the discontinuation of the employment relationship between the Board and a probationary teacher at the expiration of the probationary year following the process set forth in the Teachers’ Tenure Act.

Teachers must serve a probationary period as required by the Teachers’ Tenure Act. A probationary teacher’s contract may be non-renewed for performance-based reasons or any other lawful reason.

#### A. Probationary Period

1. A probationary teacher rated minimally effective or ineffective may be subject to non-renewal consistent with the Teachers’ Tenure Act. To attain tenure, a probationary teacher who is serving a 5-year probationary period must be rated effective or highly effective on the teacher’s 3 most recent year-end annual performance evaluations. Under limited circumstances, a teacher’s probationary period may be extended.
2. A probationary teacher may obtain tenure in less than 5 years if the teacher has taught at the District for 4 years and received a highly effective evaluation rating for 3 consecutive years.
3. For a teacher who previously held tenure in another Michigan public school district, the teacher is subject to a 2-year probationary period, unless the Board acts to reduce the teacher’s probationary period.
4. Unless otherwise provided by a collective bargaining agreement or individual employment contract: (a) Non-Teaching Professionals who are not subject to the Teachers’ Tenure Act are subject to 5 years of probationary service and may be non-renewed or terminated at-will by the Board; and (b) after 5 years, the non-probationary Non-Teaching Professional may be non-renewed or terminated for any reason that is not arbitrary or capricious, subject to due process.

#### B. Non-renewal

1. Probationary teacher non-renewal is subject to the non-renewal procedures specified in the Teachers’ Tenure Act. This Policy shall be implemented consistent with that statute.
2. Before non-renewing a probationary teacher, the probationary teacher must receive written notice of the Superintendent’s or designee’s recommendation for non-renewal and the time, date, and place of the Board meeting when the

Board will consider the recommendation. The recommendation for non-renewal will state the reason(s) for the recommendation of non-renewal and may include supporting documentation.

3. The probationary teacher must receive written notice of Board action to non-renew the teacher's contract at least 15 calendar days before the end of the school year (June 30) except as provided in subsection 4 below. If the teacher is hired after the beginning of the school year, notice of non-renewal must be received at least 15 calendar days before the teacher's anniversary date of hire.
  4. For a teacher who previously held tenure in another Michigan public school district, the teacher must receive written notice of non-renewal at least 60 calendar days before the completion of the probationary period.
- C. The probationary teacher will be provided an opportunity to address the Board in open or closed session and respond to the Superintendent's or designee's recommendation to non-renew.
  - D. The Board must take action in open session on the recommendation to non-renew the probationary teacher.
  - E. The probationary teacher must be served with written notice of the Board's action non-renewing the teacher's employment and a copy of the Board action within the timeframe required by the Teachers' Tenure Act. The non-renewal notice will specify that a probationary teacher has the right to appeal the timeliness or legal effect of a notice of non-renewal. The appeal must be filed with the State Tenure Commission within 20 calendar days after the probationary teacher's receipt of the notice of non-renewal. A copy of the Teachers' Tenure Act should also be included with the notice.

Legal authority: MCL 38.81 et seq., 38.91 et seq.

Date adopted: May 17, 2021

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