

TEACHERS' TENURE (EXCERPT)
Act 4 of 1937 (Ex. Sess.)

ARTICLE II
PROBATIONARY PERIOD.

38.81 Teachers' probationary period; continuing tenure.

Sec. 1. (1) Subject to subsections (2) and (3) and section 3b of this article, a teacher is in a probationary period during his or her first 5 full school years of employment.

(2) Subject to section 3b of this article, a teacher under contract but not on continuing tenure as of the effective date of the 2011 amendatory act that amended this subsection is in a probationary period during his or her first 4 full school years of employment.

(3) A teacher on continuing tenure as of the effective date of the 2011 amendatory act that amended this subsection continues to be on continuing tenure even if the teacher has not served for at least 5 full school years of employment.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.81;—Am. 1993, Act 59, Imd. Eff. June 11, 1993;—Am. 2011, Act 101, Imd. Eff. July 19, 2011.

Transfer of powers: See MCL 16.406.

Popular name: Teachers' Tenure Act

38.82 Probationary period.

Sec. 2. A teacher shall not be required to serve more than 1 probationary period in any 1 school district or institution.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.82;—Am. 1993, Act 59, Imd. Eff. June 11, 1993;—Am. 2011, Act 101, Imd. Eff. July 19, 2011.

Popular name: Teachers' Tenure Act

38.82a Probationary teacher rated as effective; displacement.

Sec. 2a. A probationary teacher who is rated as effective on the probationary teacher's most recent year-end performance evaluation under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, is not subject to displacement by a teacher on continuing tenure solely because the other teacher has continuing tenure.

History: Add. 2011, Act 101, Imd. Eff. July 19, 2011;—Am. 2023, Act 225, Eff. July 1, 2024.

Popular name: Teachers' Tenure Act

38.83 Controlling board; statements of performance and notices of dismissal; issuance to probationary teachers.

Sec. 3. (1) Before the end of each school year, the controlling board shall provide the probationary teacher with a definite written statement as to whether or not his or her work has been effective. Subject to subsection (2), a probationary teacher or teacher not on continuing contract shall be employed for the ensuing year unless notified in writing at least 15 days before the end of the school year that his or her services will be discontinued.

(2) A teacher who is in a probationary period may be dismissed from his or her employment by the controlling board at any time.

History: 1937, Ex. Sess., Act 4, Eff. Sept. 1, 1937;—CL 1948, 38.83;—Am. 1967, Act 216, Imd. Eff. July 10, 1967;—Am. 2011, Act 101, Imd. Eff. July 19, 2011.

Popular name: Teachers' Tenure Act

38.83a Teacher in probationary period; individualized development plan; performance evaluation; basis.

Sec. 3a. The controlling board of a probationary teacher's employing school district shall ensure that the teacher is provided with an individualized development plan developed by appropriate administrative personnel in consultation with the individual teacher and that the teacher is provided with at least an annual year-end performance evaluation each year during the teacher's probationary period. The annual year-end performance evaluation shall be based on classroom observations and shall include at least an assessment of the teacher's progress in meeting the goals of his or her individualized development plan. The controlling board shall determine the format and number of the classroom observations in consultation with teachers and school administrators. A performance evaluation shall be conducted in accordance with section 1249 of the

revised school code, 1976 PA 451, MCL 380.1249.

History: Add. 1993, Act 59, Imd. Eff. June 11, 1993;—Am. 2011, Act 101, Imd. Eff. July 19, 2011.

Popular name: Teachers' Tenure Act

38.83b Successful completion of probationary period; conditions.

Sec. 3b. (1) Before July 1, 2024, and except as otherwise provided in subsection (2), a teacher is not considered to have successfully completed the probationary period unless the teacher has been rated as effective or highly effective on the teacher's 3 most recent year-end performance evaluations under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has completed at least 5 full school years of employment in a probationary period.

(2) Before July 1, 2024, if a teacher has been rated as highly effective on 3 consecutive year-end performance evaluations under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has completed at least 4 full school years of employment in a probationary period, the teacher is considered to have successfully completed the probationary period.

(3) Beginning July 1, 2024, if a teacher has been rated as effective on or after July 1, 2024, or effective or highly effective before July 1, 2024, on 3 of the teacher's year-end performance evaluations, including the most recent year-end performance evaluation, under section 1249 of the revised school code, 1976 PA 451, MCL 380.1249, and has completed at least 4 full school years of employment in a probationary period, the teacher is considered to have successfully completed the probationary period.

History: Add. 2011, Act 101, Imd. Eff. July 19, 2011;—Am. 2023, Act 225, Eff. July 1, 2024;—Am. 2024, Act 134, Eff. Apr. 2, 2025.

Popular name: Teachers' Tenure Act

38.84 Probationary period; portions of act inapplicable.

Sec. 4. Articles 4, 5 and 6 shall not apply to any teacher deemed to be in a period of probation.

History: Add. 1963, Act 242, Eff. Sept. 6, 1963.

Popular name: Teachers' Tenure Act