Michigan Teacher and Tenure - Tenured Teachers

**Performance Evaluation System**

1. Annual year-end evaluation – includes at least 2 observations, at least 1 of which is unscheduled, with feedback provided within 30 days of each observation. MCL 380.1249(2)(e); MCL 38.93.
   a) Observations must include a review of the teacher’s lesson plan, the state curriculum standard being used in the lesson, and pupil engagement in the lesson.
2. Student Growth and Assessment Data: 17/18=25% of evaluation; 18/19=40% of evaluation. MCL 380.1249(2)(a).
   a) Measured using multiple research-based growth measures, alternative assessments, student learning objectives, nationally normed or locally adopted assessments that are aligned to state standards, or achievement of individualized education program goals. Beginning in 18/19, 50% of student growth must be measured using state assessments, for core content areas in grades and subjects in which state assessments are administered.
3. The portion of a teacher’s evaluation not measured using student growth and assessment data or the evaluation tool shall incorporate the criteria enumerated in MCL 380.1248(1)(b)(i) to (iii).
4. A tenured teacher rated ineffective may request review of that rating by the superintendent. This review may not be requested more than twice in a 3-year period. MCL 380.1248(2)(l). A teacher rated minimally effective does not have this statutory right of review.

**Individual Development Plan (“IDP”).** A tenured teacher rated “ineffective” or “minimally effective” on his or her annual year-end performance evaluation must be provided with an IDP, which requires the teacher to make progress toward individual development goals within a specified time period, not to exceed 180 days. See MCL 38.93.

1. Under the Revised School Code (“RSC”), an IDP must include specific performance goals and recommended training identified by the school administrator or designee. MCL 380.1249(2)(c).
2. The IDP must be developed by appropriate administrative personnel in consultation with the individual teacher.
3. Under the RSC, a **midyear progress report** must be created for all tenured teachers rated as “minimally effective” or “ineffective” in his or her most recent annual year-end evaluation. MCL 380.1249a(2)(d). Statute does not define “midyear.”

**No Presumption of Satisfactory Performance.** The TTA no longer provides a presumption of satisfactory performance for a tenured teacher where the district fails to comply with the requirements regarding performance evaluations, IDPs, or midyear progress reports.

**Dismissal.** A tenured teacher must be dismissed after 3 consecutive years of “ineffective” ratings on his or her annual year-end evaluations. This provision does not limit a district’s ability to dismiss a teacher before 3 consecutive “ineffective” ratings. MCL 380.1248(2)(j).

**Discipline or Discharge.**

1. The Tenure Commission (“Commission”) will review discipline and discharge decisions to determine whether district’s decision was “arbitrary or capricious” (MCL 38.101(1)).
2. Discipline and discharge matters are now prohibited subjects of bargaining for school employees subject to the Tenure Act; Standard for discipline and discharge of these employees must be “arbitrary or capricious.” (MCL 423.215(3)(m)).
3. The TTA now provides that a tenure hearing may not begin more than 45 days after service of the controlling board’s answer to the claim of appeal and must not conclude more than 75 days after a claim of appeal is filed. (MCL 38.104(2), (5)(g)).

**Layoff/Recall decisions must be based on retaining effective teachers,** as determined by performance evaluation system under the RSC, Section 1249. Length of service or tenure status may not be the primary or determining factor in layoff and recall decisions. MCL 380.1248(1).

1. Tenure Commission does not have jurisdiction over layoff/recall of tenured teachers. (MCL 380.1248(3); Baumgartner v Perry Pub Schs, 309 Mich App 507 (2015)).
   a) Unlike cases of discipline and discharge of tenured teachers, which are decided by the Tenure Commission, cases alleging violation of teachers’ rights under the RSC, Sec. 1248 (re: layoff/recall) must be brought in court.
2. RSC states that the remedy for a district’s violation of Sec. 1248 is “an order of reinstatement commencing 30 days” after court decision. (MCL 380.1248(3)).