
Non-Renewal of Administrator Contracts

By Marshall W. Grate / Jan 28, 2019

The deadlines are approaching for non-renewal of administrative contracts. Administrator contracts are governed by Section 1229 of the School Code, MCL 380.1229, which contains two crucial deadlines for non-renewing an administrator's contract. The statute requires a board of education to provide written notice of non-renewal of an administrative contract at least 60 days before the termination date of the contract, which typically is June 30. In addition, before the 60 days' notice, the board of education is required to provide at least 30 days' advance notice to the administrator that the board is considering non-renewal together with a written statement of the reasons, which cannot be arbitrary or capricious. If these deadlines are not followed, then the contract is automatically renewed for an additional one-year period.

For illustrative purposes, assuming that an administrative contract expires June 30, in order to satisfy the 60-day notice requirement, *the board of education must enact a resolution of non-renewal and ensure delivery to the administrator on or before Wednesday, May 1, 2019.*

In this same illustration, the statute provides that the 30 days' advance notice that the board is considering non-renewal should be sent and received by the administrator on or before Monday, April 1, 2019. After issuance of this written statement, the statute requires that the affected administrator be given an opportunity to meet with not less than a majority of the board to discuss the reasons for non-renewing his or her contract. Under the Open Meetings Act, an administrator has the option of requesting a closed meeting to consider non-renewal of his or her contract at a designated March board meeting to address the board and/or have the board consider the non-renewal in closed session.

If you have questions regarding non-renewal of an administrator's contract, please contact your Clark Hill PLC education law attorney.