

# MAINE STATE LEGISLATURE

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L.D. 1544

Date: 3-16-16

(Filing No. S-401)

**EDUCATION AND CULTURAL AFFAIRS**

Reproduced and distributed under the direction of the Secretary of the Senate.

**STATE OF MAINE**

**SENATE**

**127TH LEGISLATURE**

**SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 604, L.D. 1544, Bill, "An Act To Improve Teaching Assignments in Maine's Public Schools"

Amend the bill by striking out everything after the enacting clause and inserting the following:

'Sec. 1. 20-A MRSA §4502, sub-§4-C is enacted to read:

4-C. Involuntary transfers. If a school administrative unit transfers a teacher to a teaching assignment and that transfer is involuntary, the school administrative unit must accomplish the transfer in accordance with a written policy adopted by the school administrative unit that addresses involuntary transfers. If a school administrative unit adopts a written policy pursuant to this subsection, the policy must include a provision for notice to the affected teacher of the involuntary transfer. A teacher who receives notice of an involuntary transfer may request during the 15 days following such notification a hearing with the school board. The teacher may request the reasons for the involuntary transfer. The hearing must be private except by mutual consent and except that either or both parties may be represented by counsel. The hearing must be granted within 30 days of the receipt of the teacher's request.'

**SUMMARY**

This amendment replaces the bill, which is a concept draft. This amendment provides that if a school administrative unit seeks to transfer a teacher to a teaching assignment and that transfer is involuntary, it must do so in accordance with a written policy adopted by the school administrative unit that addresses involuntary transfers. If a school administrative unit adopts a written policy on involuntary transfers, the policy must provide for notification to the teacher of the involuntary transfer. This amendment provides that a teacher who receives notice of an involuntary transfer may request, within 15 days of the notice, a hearing with the school board, which must take place within 30 days of the request.

**COMMITTEE AMENDMENT**

1           The fiscal note on the amendment identifies certain requirements in this amendment  
2       as a potential state mandate. In order to be a mandate pursuant to the Constitution of  
3       Maine, a provision must require a local unit of government to expand or modify its  
4       activities so as to necessitate additional expenditures from local revenue. The committee  
5       members voting for this report find that the provisions identified as a potential mandate  
6       do not require a local unit of government to expand or modify its activities so as to  
7       necessitate additional expenditures from local revenue.

8           The requirement in the amendment that a school administrative unit adopt a written  
9       policy on involuntary transfers if the school administrative unit decides to involuntarily  
10       transfer a teacher does not require an expansion or modification of activities so as to  
11       necessitate additional expenditures from local revenue since there is no requirement that a  
12       school administrative unit involuntarily transfer a teacher.

13                                       **FISCAL NOTE REQUIRED**

14                                       **(See attached)**



# 127th MAINE LEGISLATURE

LD 1544

LR 2390(02)

## An Act To Improve Teaching Assignments in Maine's Public Schools

Fiscal Note for Bill as Amended by Committee Amendment "A" (S-401)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

### Fiscal Note

Potential State Mandate - Unfunded

#### State Mandates

Required Activity	Unit Affected	Local Cost
Requires local school administrative units to adopt a written local policy governing involuntary transfers of teachers among teaching assignments.	School	Insignificant statewide

The required local activities in this bill may represent a state mandate pursuant to the Constitution of Maine. If the bill does require a local unit of government to expand or modify its activities so as to necessitate additional expenditures from local revenue, the state mandate provisions of the Constitution of Maine require either: (1) General Fund appropriations be provided to fund at least 90% of any additional necessitated local costs of the mandate; or (2) a Mandate Preamble be added to the bill and two-thirds of the members of each House vote to exempt the mandate from the funding requirement. If the bill does represent a state mandate and neither one of these actions occurs, the local units of government will not be required to implement the mandated activities.