

MAINE STATE LEGISLATURE

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Date: 5/30/19

L.D. 1338
(Filing No. H-400)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 966, L.D. 1338, Bill, "An Act To Protect Teachers from Unfair Evaluations"

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

Sec. 1. 20-A MRSA §13201, sub-§3, as enacted by PL 2019, c. 132, §2, is amended to read:

3. Termination upon elimination of a teaching position. The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall ~~must~~ may include the teacher's effectiveness rating pursuant to chapter 508 as a factor and may also include, but may not be limited to, seniority.

Sec. 2. 20-A MRSA §13703, as enacted by PL 2011, c. 635, Pt. A, §3, is repealed and the following enacted in its place:

§13703. Use of effectiveness rating; grievance

1. Use of effectiveness rating. A superintendent may use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal.

2. Just cause for nonrenewal. Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

COMMITTEE AMENDMENT

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3. Appeal or grievance. Except as provided in subsection 2, a teacher does not have the right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the teacher's employer as a basis for disciplinary action. When a summative effectiveness rating is used as the sole basis for disciplinary action and there is an appeal or grievance under the terms of an applicable collective bargaining agreement of that disciplinary action, the standard applied to the summative effectiveness rating is the same as for nonrenewal under subsection 2.

4. Opportunity to respond. A teacher may provide a written response to any summative effectiveness rating issued to the teacher. If a teacher provides a written response, the response must be attached to and made a part of that teacher's summative effectiveness rating.'

Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

This amendment strikes and replaces the bill and provides that, in any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include the teacher's effectiveness rating as a factor.

This amendment also provides that, subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

This amendment also provides that there is no right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the employer as a basis for a disciplinary action and provides that a teacher has the opportunity to provide a written response to any summative effectiveness rating issued to the teacher.