



114th MAINE LEGISLATURE

SECOND REGULAR SESSION - 1990

Legislative Document

No. 2230

H.P. 1613

House of Representatives, January 25, 1990

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 26.

Reference to the Committee on Education suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative OLIVER of Portland. Cosponsored by Senator ESTES of York.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND NINETY

An Act to Clarify the Negotiability of Sabbatical Leave Agreements.



Be it enacted by the People of the State of Maine as follows:

Sec. 1. 20-A MRSA §13604, as enacted by PL 1981, c. 693, §§5 4 and 8, is amended to read:

6 §13604. Sabbatical leave

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To increase the efficiency of the public schools and to 8 permit teachers, principals or other persons to pursue a further 10 course of study or to travel to be better qualified by education and culture for the position they hold in the schools, a school beards board may grant a leave of absence to any teacher, 12 principal or other person regularly employed by them-a-leave-of absense-for-a -period-of-not-to-exceed-one-year-and-for-not-more 14 than-half-pay the school board. A leave of absence may not exceed one year and may be granted only after 7 years and-under 16 those--conditions--and--rules--determined--by--the--school--board. 18 Compensation during a leave of absence and other terms and conditions of a leave of absence, if any, may be determined by a collective bargaining agreement, or by a school board, to the 20 extent not inconsistent with any applicable collective bargaining 22 agreement.

24 Sec. 2. Applicability. Section 1 applies to leaves of absence granted on or after the effective date of this Act and includes leaves of absence granted under collective bargaining agreements entered into before the effective date of this Act.
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STATEMENT OF FACT

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32 Certain collective bargaining agreements between teachers and school districts permit sabbatical leave for one year at half salary or 1/2 year with full salary. Some school districts have 34 questioned whether these agreements conflict with current law, which limits a leave of absence to one year at "not more than 36 half pay." The bill clarifies the permissibility of leaves of 38 absence granted under those agreements by removing the limit on compensation, and provides that compensation will be determined 40 by the school board or by a collective bargaining agreement. The bill also clarifies that other terms and conditions of leaves of absence are negotiable in collective bargaining. 42 The bill does not change the one-year limit on the duration of a leave of absence and the requirement that a person granted a leave of 44 absence has had 7 years of employment in the school system.