

MAINE STATE LEGISLATURE

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
115TH LEGISLATURE
FIRST REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 190, L.D. 283, Bill, "An Act to Provide Due Process in Employment Decisions Affecting Public School Principals"

Amend the bill by striking out everything after the enacting clause and before the statement of fact and inserting in its place the following:

'Sec. 1. 20-A MRSA c. 504 is enacted to read:

CHAPTER 504

EMPLOYMENT OF PRINCIPALS

§13301. Definition

For the purposes of this chapter, "principal" means any person certified as a principal in accordance with chapter 501 or 502 who is employed as a supervising principal for more than 50% of the time in any public elementary or secondary school in the State.

§13302. Nomination and approval; contracts

1. Employment of principals. The superintendent shall nominate principals for employment, subject to regulations established by the school board governing salaries and qualifications and the requirements of section 1001, subsection 13. If the school board approves the nomination, the superintendent may employ a principal for a term not to exceed 3 years as determined by the school board.

2. Written contract. Employment of principals must be by written contract that includes, but is not limited to:

A. The identification of the parties to the contract;

2 B. The responsibilities of the position;

4 C. The renewal or extension provisions; and

6 D. The salary and benefits for the position.

8 §13303. Contract renewal

10 1. Notice. A school board shall provide notice of the
12 renewal or nonrenewal of a principal's employment contract as
14 follows.

16 A. Notwithstanding any contract provision to the contrary
18 and no later than March 1st of the year the contract
20 expires, the school board shall notify a principal who has
22 been employed by the board for more than 2 years of its
24 decision to renew the principal's contract for a period not
26 to exceed 3 years or not to renew the principal's contract.
28 Notice of a principal's nonrenewal of contract must be in
30 writing. Upon written request, the school board shall
32 provide a written statement of the reasons for nonrenewal to
34 a principal.

36 B. Notwithstanding any contract provision to the contrary
38 and no later than April 1st of the year the contract
40 expires, the school board shall notify a principal who has
42 been employed by the board for 2 years or less of its
44 decision to renew the principal's contract for a period not
46 to exceed 3 years or not to renew the principal's contract.
48 Notice of nonrenewal of a principal's contract must be in
50 writing.

52 2. Failure to give notice. If the board fails to notify
54 the principal in accordance with subsection 1, the following
56 provisions apply.

58 A. A principal may request in writing within 15 days of the
60 March 1st or April 1st notice deadline, as applicable, a
62 meeting with the school board to discuss contract renewal
64 issues. The board shall hold that meeting within 30 days of
66 receipt of the principal's request.

68 B. A school administrative unit shall pay a forfeiture to
70 the principal. The amount of that forfeiture is equal to
72 the sum of 1/260th of the principal's present annual salary
74 rate multiplied by the number of days between the
76 notification deadline and the date on which notification is
78 made or a complaint is filed in accordance with this
80 paragraph. A principal who believes notice has not been
82 provided as required in subsection 1 may file a complaint
84 with the commissioner. Following the filing of a complaint,
86 the commissioner shall make a determination of whether the

2 school board has failed to notify the principal as required
3 by subsection 1 and of the amount of forfeiture due. If a
4 complaint is not filed within 30 days after the termination
5 of the principal's contract, the right to a forfeiture is no
6 longer available.

7 3. Hearing. Within 15 days of receipt of notice of
8 nonrenewal of a contract by a principal who has been employed for
9 more than 2 years, the principal may request in writing a hearing
10 with the school board on the decision not to renew the contract.
11 The board shall hold the hearing within 30 days of receipt of the
12 principal's request and either or both parties may be represented
13 by counsel.

14 4. Meeting. Within 15 days of receipt of notice of
15 nonrenewal of a contract by a principal who has been employed for
16 2 years or less, the principal may request in writing a meeting
17 with the school board to discuss contract renewal issues. The
18 board shall hold the meeting within 30 days of receipt of the
19 principal's request and either or both parties may be represented
20 by counsel.

21 §13304. Dismissal

22 In accordance with this section, a school board may dismiss
23 a principal before the expiration of the contract term.

24 1. Requirements. The principal may be dismissed only:

25 A. After consideration of a recommendation of the
26 superintendent;

27 B. For cause;

28 C. After due notice and investigation;

29 D. After a hearing before the school board, if requested;
30 and

31 E. By a majority vote of the school board.

32 2. Salary. Upon dismissal, the principal's salary ceases.

33 §13305. Elimination of principal's position

34 The right to terminate a contract, after due notice of 90
35 days, is reserved to the school board when changes in local
36 conditions warrant the elimination of the principal's position
37 for which the contract was made.

