MAINE STATE LEGISLATURE

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(Filing No. H-108)	
(FIIIIII NO. H-100)	
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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, "A Act to Provide Due Process in Employment Decisions Affecting	
Public School Principals"	
Amend the bill by striking out everything after the enactin clause and before the statement of fact and inserting in it 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 an	
person certified as a principal in accordance with chapter 501 o	
502 who is employed as a supervising principal for more than 50° of the time in any public elementary or secondary school in the	
or the time in any public elementary of secondary school in the State.	፷.
<u>, race.</u>	
\$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
2. Written contract. Employment of principals must be by written contract that includes, but is not limited to:	Z
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	B. The responsibilities of the position:
2	C. The renewal or extension provisions: and
4	D. The salary and benefits for the position.
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8	§13303. Contract renewal
10	1. Notice. A school board shall provide notice of the renewal or nonrenewal of a principal's employment contract as
	follows.
12	A. Notwithstanding any contract provision to the contrary
14	and no later than March 1st of the year the contract expires, the school board shall notify a principal who has
16	been employed by the board for more than 2 years of its decision to renew the principal's contract for a period not
18	to exceed 3 years or not to renew the principal's contract. Notice of a principal's nonrenewal of contract must be in
20	writing. Upon written request, the school board shall provide a written statement of the reasons for nonrenewal to
22	a principal.
24	B. Notwithstanding any contract provision to the contrary and no later than April 1st of the year the contract
26	expires, the school board shall notify a principal who has been employed by the board for 2 years or less of its
28	decision to renew the principal's contract for a period not to exceed 3 years or not to renew the principal's contract.
30	Notice of nonrenewal of a principal's contract must be in writing.
32	2. Failure to give notice. If the board fails to notify
34	the principal in accordance with subsection 1, the following provisions apply.
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38	A. A principal may request in writing within 15 days of the March 1st or April 1st notice deadline, as applicable, a meeting with the school board to discuss contract renewal
40	issues. The board shall hold that meeting within 30 days of receipt of the principal's request.
42	
44	B. A school administrative unit shall pay a forfeiture to the principal. The amount of that forfeiture is equal to the sum of 1/260th of the principal's present annual salary
46	rate multiplied by the number of days between the notification deadline and the date on which notification is
48	made or a complaint is filed in accordance with this paragraph. A principal who believes notice has not been
50	provided as required in subsection 1 may file a complaint with the commissioner. Following the filing of a complaint,

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the commissioner shall make a determination of whether the

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	school board has failed to notify the principal as required
2	by subsection 1 and of the amount of forfeiture due. If a
	complaint is not filed within 30 days after the termination
4	of the principal's contract, the right to a forfeiture is no
	longer available.
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	3. Hearing. Within 15 days of receipt of notice of
8	nonrenewal of a contract by a principal who has been employed for
	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.
	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
	by counsel.
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	4. Meeting. Within 15 days of receipt of notice of
16	nonrenewal of a contract by a principal who has been employed for
	2 years or less, the principal may request in writing a meeting
18	with the school board to discuss contract renewal issues. The
	board shall hold the meeting within 30 days of receipt of the
20	principal's request and either or both parties may be represented
	by counsel.
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	\$13304. Dismissal
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	In accordance with this section, a school board may dismiss
26	a principal before the expiration of the contract term.
28	1. Requirements. The principal may be dismissed only:
30	A. After consideration of a recommendation of the
	superintendent;
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	B. For cause:
34	Hallman B. A. Ramar M. D. H. Walls
• -	C. After due notice and investigation;
36	at index and wanted man and operation
30	D. After a hearing before the school board, if requested;
38	and
30	SAME AND ADDRESS OF THE PROPERTY OF THE PROPER
40	E. By a majority vote of the school board.
10	us by a majorray voca or one senous boards
42	2. Salary. Upon dismissal, the principal's salary ceases.
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44	\$13305. Elimination of principal's position
**	244444 STANDONAN AT ATTACTED P POPTITOR
46	The right to terminate a contract, after due notice of 90
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48	days, is reserved to the school board when changes in local conditions warrant the elimination of the principal's position
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50	for which the contract was made.

Sec. 2. Application. This Act applies to all contracts entered into or renewed or extended on or after the effective date of this Act.

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FISCAL NOTE

This bill may result in increased costs to the local school units due to legal costs associated with public hearings or potential termination litigation. A precise estimate of these potential costs can not be determined at this time. However, as a state mandate, additional General Fund appropriations for fiscal year 1991-92 and fiscal year 1992-93 to the Department of Education, Reimbursement for State Mandates, will be required to reimburse local school units for 100% of these additional costs.'

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STATEMENT OF FACT

This amendment replaces the original bill. The amendment establishes an initial hiring process for principals consisting of nomination by the superintendent and approval by the school board. It requires that a principal's employment contract be in writing and for a term not to exceed 3 years. The amendment further requires the school board to notify an experienced principal by March 1st and a first or 2nd year principal by April 26 1st in the year in which the principal's employment contract expires whether or not the contract will be renewed. Failure to notify the principal results in a forfeiture payment by the school unit to a principal. If a principal is notified of the intent not to renew the contract, the principal may request a hearing before the school board on that decision. The amendment also provides that a principal may be dismissed by the school board during the term of a contract for cause or when local conditions warrant elimination of the principal's position.

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Reported by the Committee on Education Reproduced and distributed under the direction of the Clerk of the House (4/10/91)(Filing No. H-108)