

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



115th MAINE LEGISLATURE

FIRST REGULAR SESSION-1991

Legislative Document

No. 283

H.P. 190

House of Representatives, February 2, 1991

Reference to the Committee on Education suggested and ordered printed.

EDWIN H. PERT, Clerk

Presented by Representative NORTON of Winthrop.

Cosponsored by Senator LUDWIG of Aroostook, Representative MURPHY of Berwick and Representative MORRISON of Bangor.

STATE OF MAINE

IN THE YEAR OF OUR LORD
NINETEEN HUNDRED AND NINETY-ONE

An Act to Provide Due Process in Employment Decisions Affecting Public School Principals.



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

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

CHAPTER 504

ADMINISTRATOR EMPLOYMENT

§13301. Hiring principals

The superintendent shall nominate principals for employment, subject to requirements established by the school board governing salaries and qualifications. If the school board approves the nomination, the superintendent shall employ a principal for a term determined by the superintendent subject to the approval of the school board.

Prior to May 15th before the expiration of the first or 2nd year of a principal's first employment contract, the superintendent shall notify the principal in writing of the superintendent's decision to nominate or not to nominate that principal for another employment contract. If, after receiving a complaint from a principal, the commissioner finds that the superintendent has failed to notify a principal of a decision not to nominate that principal, the school administrative unit must pay a forfeiture to the principal. The amount of that forfeiture must be equal to the principal's per diem salary rate times the number of days between the notification deadline and the date on which notification is made or on which the complaint is filed, whichever occurs first. In case the superintendent of schools and the school board fail to elect legally a principal, the commissioner has the authority to appoint a substitute principal who shall serve until such election is made.

§13302. Continuing contract for principals

After a probationary period not to exceed 2 years, subsequent contracts of duly certified principals must be for not less than 2 years. Unless a duly certified principal receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract is extended automatically for one year and similarly in subsequent years. The right to an extension for a longer period of time through a new contract is specifically reserved to the contracting parties.

Just cause for dismissal or nonrenewal for principals who have served beyond the probationary period is a negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A.

After a probationary period of 2 years, any principal who receives notice in accordance with this section that the

principal's contract is not going to be renewed may, during the 15 days following that notification, request a hearing with the school board. The hearing must be private except by mutual consent and except that either or both parties may be represented by counsel. The board shall hold the hearing within 30 days of receipt of the principal's request. Upon request, the school board shall provide the principal a written statement of the reasons for nonrenewal.

§13303. Dismissal of principals

A school board, following investigation and after providing notice and an opportunity to request a hearing on the issue of dismissal, may dismiss any principal it finds unfit for the position of principal or whose services the board finds are unprofitable to the school. The dismissal may not deprive the principal of compensation for previous services.

Prior to dismissal, the school board shall provide the principal a written statement of dismissal, including the reasons for dismissal. Any principal who receives notice of dismissal in accordance with this section may, within 15 days following receipt of the notice, request a hearing with the school board. The hearing is private except by mutual consent and except that either or both parties may be represented by counsel. The board must hold the hearing within 30 days of receipt of the principal's request.

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 principal's 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, provided 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, but is not limited to, seniority.

STATEMENT OF FACT

This bill establishes a process to provide basic protection to public school principals faced with nonrenewal of an employment contract or dismissal during the term of a contract. The process established is similar to that provided in statute for teachers.

In the area of employment and continuing contracts for principals, the bill tracks closely the provisions of existing law governing employment of teachers. A superintendent must notify a principal who is in the 1st or 2nd year of employment by May 15th whether or not the superintendent intends to renew the principal's contract. After 2 years of employment, subsequent

2 contracts must be for at least 2 years. If a principal is not
3 notified of the school board's intent to continue or not to
4 continue the contract at least 6 months before the termination
5 date, the contract is automatically continued for one year. That
6 process may be repeated in succeeding years. If a principal is
7 notified of the intent not to renew the contract, the principal
8 may request a hearing on that decision.

9
10 In the area of dismissal during the term of a contract, the
11 bill provides that the school board must provide a principal it
12 intends to fire written notice of that intent, including the
13 reasons for the dismissal. The principal then would have 15 days
14 to request a hearing on the dismissal before the school board.
15 If a hearing is requested, it must be held within 30 days and is
16 closed unless the parties agree otherwise. Both sides may be
17 represented by legal counsel.

18 School boards are granted discretion to terminate a contract
19 of a principal without hearing upon 90 days' notice when local
20 conditions warrant elimination of the principal's position.

21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100

TERMINATION OF CONTRACT

101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200