

MAINE STATE LEGISLATURE

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116th MAINE LEGISLATURE

FIRST REGULAR SESSION-1993

Legislative Document

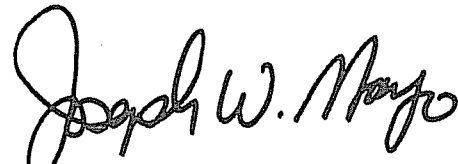
No. 497

H.P. 384

House of Representatives, February 16, 1993

An Act to Extend the Probationary Period for Teachers.

Reference to the Committee on Education suggested and ordered printed.


JOSEPH W. MAYO, Clerk

Presented by Representative ALIBERTI of Lewiston.
Cosponsored by Representatives: BEAM of Lewiston, CONSTANTINE of Bar Harbor,
DiPIETRO of South Portland, NORTON of Winthrop.

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

2
4 Sec. 1. 20-A MRSA §13201, as amended by PL 1989, c. 285, is further amended to read:

6 **§13201. Nomination and election of teachers; teacher contracts**

8 The superintendent shall nominate all teachers, subject to such regulations governing salaries and the qualifications of teachers as the school board shall ~~make~~ makes. Upon the approval of nominations, by the school board, the superintendent may employ teachers so nominated and approved for such terms as the superintendent ~~may deem~~ considers proper, subject to the approval of the school board. Prior to May 15th before the expiration of a ~~first or 2nd year~~ first-year, 2nd-year or 3rd-year probationary teacher's contract, the superintendent shall notify the teacher in writing of the superintendent's decision to nominate or not nominate that teacher for another teaching contract. If, after receiving a complaint from a teacher, the commissioner finds that the superintendent has failed to notify a teacher of a decision not to nominate that teacher, the school administrative unit shall pay a forfeiture to the teacher. The amount of that forfeiture shall ~~be~~ must be equal to the teacher'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~~ If the superintendent of schools and the school board fail to legally elect a teacher, the commissioner shall ~~have~~ has the authority to appoint a substitute teacher who shall ~~serve~~ will serve until such ~~that~~ election is made.

32 After a probationary period not to exceed ~~2~~ 3 years, subsequent contracts of duly certified teachers shall ~~be~~ must be for not less than 2 years. Unless a duly certified teacher receives written notice to the contrary at least 6 months before the terminal date of the contract, the contract shall ~~be~~ must be 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.

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

46 After a probationary period of ~~2~~ 3 years, any teacher, who receives notice in accordance with this section that ~~his or her~~ the teacher's contract is not going to be renewed, may, during the 15 days following such notification, request a hearing with

2 the school board. The teacher may request reasons. The hearing
3 shall must be private except by mutual consent and except that
4 either or both parties may be represented by counsel. That
5 hearing must be granted within 30 days of the receipt of the
6 teacher's request.

7 The right to terminate a contract, after due notice of 90
8 days, is reserved to the school board when changes in local
9 conditions warrant the elimination of the teaching position for
10 which the contract was made. The order of layoff and recall shall
11 be is a negotiable item in accordance with the procedures set
12 forth in Title 26, chapter 9-A, provided that in any negotiated
13 agreement, the criteria negotiated by the school board and the
14 bargaining agent to establish the order of layoff and recall may
15 include includes, but shall is not be limited to, seniority.
16

18 STATEMENT OF FACT

19 This bill extends the probationary period for public school
20 teachers from 2 years to 3 years.