

MAINE STATE LEGISLATURE

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117th MAINE LEGISLATURE

FIRST REGULAR SESSION-1995

Legislative Document

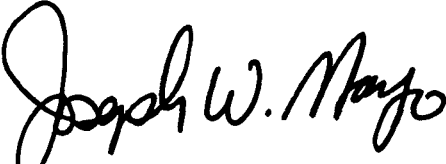
No. 194

H.P. 146

House of Representatives, January 20, 1995

**An Act to Extend the Probationary Period of New Teachers from 2 Years
to 3 Years.**

Reference to the Committee on Education and Cultural Affairs suggested and ordered
printed.


JOSEPH W. MAYO, Clerk

Presented by Representative GOULD of Greenville.

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

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

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

8 The superintendent shall nominate all teachers, subject to
10 such regulations governing salaries and the qualifications of
12 teachers as ~~that~~ the school board ~~shall-make~~ makes. Upon the
14 approval of nominations, by the school board, the superintendent
16 may employ teachers so nominated and approved for such terms as
18 the superintendent may ~~deem~~ determine proper, subject to the
20 approval of the school board. Prior to May 15th before the
22 expiration of a first ~~or~~, 2nd or 3rd year probationary teacher's
24 contract, the superintendent shall notify the teacher in writing
26 of the superintendent's decision to nominate or not nominate that
28 teacher for another teaching contract. If, after receiving a
30 complaint from a teacher, the commissioner finds that the
32 superintendent has failed to notify a teacher of a decision not
34 to nominate that teacher, the school administrative unit shall
36 pay a forfeiture to the teacher. The amount of that forfeiture
38 shall ~~be~~ is equal to the teacher's per diem salary rate times the
40 number of days between the notification deadline and the date on
42 which notification is made or on which the complaint is filed,
44 whichever occurs first. In case the superintendent of schools
46 and the school board fail to legally elect a teacher, the
48 commissioner ~~shall-have~~ has the authority to appoint a substitute
50 teacher who ~~shall-serve~~ serves until such election is made.

52 After a probationary period not to exceed 2 3 years,
34 subsequent contracts of duly certified teachers shall may be for
36 not less than 2 years. Unless a duly certified teacher receives
38 written notice to the contrary at least 6 months before the
40 terminal date of the contract, the contract shall ~~be~~ is extended
42 automatically for one year and similarly in subsequent years.
44 The right to an extension for a longer period of time through a
46 new contract is specifically reserved to the contracting parties.

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

54 After a probationary period of 2 3 years, any teacher, who
56 receives notice in accordance with this section that ~~his-or-her~~
58 the teacher's contract is not going to be renewed, may, during
60 the 15 days following such notification, request a hearing with
62 the school board. The teacher may request reasons. The hearing
shall must be private except by mutual consent and except that
either or both parties may be represented by counsel. That
hearing must be granted within 30 days of the receipt of the
teacher's request.

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

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STATEMENT OF FACT

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15 This bill extends the probationary period of a new teacher
16 from 2 years to 3 years.