

MAINE STATE LEGISLATURE

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123rd MAINE LEGISLATURE

FIRST REGULAR SESSION-2007

Legislative Document

No. 1367

H.P. 959

House of Representatives, March 13, 2007

An Act To Address the Inequities of the Probationary Teacher Laws

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative MAKAS of Lewiston.
Cosponsored by Senator SULLIVAN of York and
Representatives: BEAULIEU of Auburn, Speaker CUMMINGS of Portland, HARLOW of
Portland, MUSE of Fryeburg, NORTON of Bangor, SUTHERLAND of Chapman, WAGNER
of Lewiston, WALCOTT of Lewiston.

1 **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 further amended
3 to read:

4 **§13201. Nomination and election of teachers; teacher contracts**

5 The superintendent shall nominate all teachers, subject to such regulations governing
6 salaries and the qualifications of teachers as the school board shall make and an
7 evaluation process developed jointly by the school board with the bargaining agent.
8 Upon the approval of nominations; by the school board, the superintendent may employ
9 teachers so nominated and approved for such terms as the superintendent ~~may deem~~
10 determines proper, subject to the approval of the school board. Prior to May 15th before
11 the expiration of a first or 2nd year probationary teacher's contract, the superintendent
12 shall notify the teacher in writing of the superintendent's decision to nominate or not
13 nominate that teacher for another teaching contract. If, after receiving a complaint from a
14 teacher, the commissioner finds that the superintendent has failed to notify a teacher of a
15 decision not to nominate that teacher, the school administrative unit shall pay a forfeiture
16 to the teacher. The amount of that forfeiture ~~shall~~ must be equal to the teacher's per diem
17 salary rate times the number of days between the notification deadline and the date on
18 which notification is made or on which the complaint is filed, whichever occurs first. ~~In~~
19 ease If the superintendent of schools and the school board fail to legally elect a teacher,
20 the commissioner ~~shall have~~ has the authority to appoint a substitute teacher ~~who shall~~ to
21 serve until such election is made.

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

28 The nonrenewal of a teacher's contract must be based on just cause and documented
29 in a written notice to the teacher. Just cause for dismissal or nonrenewal ~~shall be~~ is a
30 negotiable item in accordance with the procedure set forth in Title 26, chapter 9-A; for
31 teachers who have served beyond the probationary period. A school board may override
32 a nonrenewal decision by a superintendent.

33 ~~After a probationary period of 2 years, any~~ A teacher, who receives notice in
34 accordance with this section that ~~his or her~~ the teacher's contract is not going to be
35 renewed; may during the 15 days following ~~such~~ notification request a hearing with the
36 school board. The teacher may request reasons. The hearing ~~shall~~ must be private except
37 by mutual consent and except that either ~~or both parties~~ party may be represented by
38 counsel. That hearing must be granted within 30 days of the receipt of the teacher's
39 request.

40 The right to terminate a contract, after due notice of 90 days, is reserved to the school
41 board when changes in local conditions warrant the elimination of the teaching position

1 for which the contract was made. The order of layoff and recall ~~shall be~~ is a negotiable
2 item in accordance with the procedures set forth in Title 26, chapter 9-A, ~~provided except~~
3 that in any negotiated agreement, the criteria negotiated by the school board and the
4 bargaining agent to establish the order of layoff and recall may include, but ~~shall~~ may not
5 be limited to, seniority.

6 For purposes of this section, "bargaining agent" has the same meaning as defined in
7 Title 26, section 962, subsection 2.

8 **SUMMARY**

9 This bill amends the laws pertaining to probationary teachers by:

- 10 1. Requiring an evaluation process jointly developed between the school board and
11 the collective bargaining agent to be used in the nomination of a teacher;
- 12 2. Requiring a right to hearing if a contract is not renewed;
- 13 3. Requiring a decision not to renew a teacher's contract to be based upon just cause
14 detailed in a written notice to the teacher; and
- 15 4. Allowing a school board to override a nonrenewal decision made by a
16 superintendent.