

# MAINE STATE LEGISLATURE

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# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 1322

H.P. 968

House of Representatives, March 28, 2011

### An Act To Extend the Probationary Period for Teachers

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative NELSON of Falmouth.  
Cosponsored by Senator ALFOND of Cumberland and  
Representatives: CASAVANT of Biddeford, CHAPMAN of Brooksville, LONGSTAFF of  
Waterville, LOVEJOY of Portland, MAKER of Calais, RICHARDSON of Carmel, WAGNER  
of Lewiston, Senator: KATZ of Kennebec.

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

22 After a probationary period not to exceed 2 years for teachers hired before 2012, not  
23 to exceed 3 years for teachers hired in 2012 and not to exceed 4 years for teachers hired  
24 in 2013 or subsequent years, subsequent contracts of duly certified teachers ~~shall~~ may not  
25 be for ~~not~~ less than 2 years. Unless a duly certified teacher receives written notice to the  
26 contrary at least 6 months before the terminal date of the contract, the contract ~~shall~~ must  
27 be extended automatically for one year and similarly in subsequent years. The right to an  
28 extension for a longer period of time through a new contract is specifically reserved to the  
29 contracting parties.

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

33 After a the probationary period ~~of 2 years~~, any 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 may be represented by counsel.  
38 That hearing must be granted within 30 days of the receipt of the teacher's request.

39 The right to terminate a contract, after due notice of 90 days, is reserved to the school  
40 board when changes in local conditions warrant the elimination of the teaching position  
41 for which the contract was made. The order of layoff and recall ~~shall be~~ is a negotiable  
42 item in accordance with the procedures set forth in Title 26, chapter 9-A, ~~provided that if~~

1 in any negotiated agreement, the criteria negotiated by the school board and the  
2 bargaining agent to establish the order of layoff and recall may include, but ~~shall~~ is not be  
3 limited to, seniority.

4 **SUMMARY**

5 This bill requires school superintendents to implement programs to evaluate and  
6 support probationary teachers and extends the probationary period for teachers from 2  
7 years presently to 3 years for teachers hired in 2012 and 4 years for teachers hired in 2013  
8 or subsequent years.