

MAINE STATE LEGISLATURE

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129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 345

H.P. 271

House of Representatives, January 24, 2019

An Act To Help New Teachers Succeed

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

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative McCREA of Fort Fairfield.
Cosponsored by Senator CARPENTER of Aroostook and
Representatives: BABBIDGE of Kennebunk, BRYANT of Windham, CAIAZZO of
Scarborough, DODGE of Belfast, FARNSWORTH of Portland, MARTIN of Sinclair,
McDONALD of Stonington, TUELL of East Machias.

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

2 **Sec. 1. 20-A MRSA §1055, sub-§10**, as amended by PL 2011, c. 635, Pt. A, §1,
3 is further amended to read:

4 **10. Supervise school employees.** The superintendent is responsible for
5 implementing a performance evaluation and professional growth system for all teachers
6 and principals pursuant to chapter 508 and an evaluation system for all other employees
7 of the school administrative unit. The superintendent shall evaluate probationary teachers
8 during, ~~but not limited to without limitation, their 2nd~~ each year of their employment as
9 probationary teachers. The method of evaluation must be determined by the school
10 board, be in compliance with the requirements of chapter 508 and be implemented by the
11 superintendent.

12 **Sec. 2. 20-A MRSA §13201**, as amended by PL 2017, c. 235, §36 and affected by
13 §41, is repealed and the following enacted in its place:

14 **§13201. Nomination and election of teachers; teacher contracts**

15 **1. Nomination; forfeiture.** The superintendent shall nominate all teachers, subject
16 to such regulations governing salaries and the qualifications of teachers as the school
17 board makes. Upon the approval of nominations by the school board, the superintendent
18 may employ teachers so nominated and approved for such terms as the superintendent
19 determines proper, subject to the approval of the school board. Prior to May 15th before
20 the expiration of a first, 2nd or 3rd year probationary teacher's contract, the
21 superintendent shall notify the teacher in writing of the superintendent's decision to
22 nominate or not nominate that teacher for another teaching contract. If, after receiving a
23 complaint from a teacher, the commissioner finds that the superintendent has failed to
24 notify a teacher of a decision not to nominate that teacher, the school administrative unit
25 shall pay a forfeiture to the teacher. The amount of that forfeiture must be equal to the
26 teacher's per diem salary rate times the number of days between the notification deadline
27 and the date on which notification is made or on which the complaint is filed, whichever
28 occurs first. In case the superintendent and the school board fail to legally elect a teacher,
29 the commissioner has the authority to appoint a substitute teacher who serves until such
30 election is made.

31 **2. Contracts.** This subsection applies to teacher contracts.

32 A. After a probationary period of 3 years, or if a probationary teacher has not
33 received a summative effectiveness rating indicating ineffectiveness pursuant to
34 chapter 508 during the first or 2nd year of the probationary teacher's contract after a
35 probationary period of 2 years, subsequent contracts of duly certified teachers must
36 be for not less than 2 years. Unless a duly certified teacher receives written notice to
37 the contrary at least 6 months before the terminal date of the contract, the contract
38 must be extended automatically for one year and similarly in subsequent years,
39 except for duly certified teachers who received a summative effectiveness rating
40 indicating ineffectiveness pursuant to chapter 508 for the preceding school year. The
41 right to an extension for a longer period of time through a new contract is specifically
42 reserved to the contracting parties. Unless a duly certified teacher who received a

1 summative effectiveness rating indicating ineffectiveness pursuant to chapter 508 for
2 the preceding school year receives written notice to the contrary from the
3 superintendent not later than May 15th, the contract must be extended automatically
4 for one year.

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

8 C. After a probationary period of 2 or 3 years, in accordance with paragraph A, any
9 teacher who receives notice in accordance with this section that the teacher's contract
10 is not going to be renewed may, during the 15 days following such notification,
11 request a hearing with the school board. The teacher may request reasons. The
12 hearing must be private except by mutual consent and except that either or both
13 parties may be represented by counsel. That hearing must be granted within 30 days
14 of the receipt of the teacher's request.

15 **3. Termination upon elimination of a teaching position.** The right to terminate a
16 contract, after due notice of 90 days, is reserved to the school board when changes in
17 local conditions warrant the elimination of the teaching position for which the contract
18 was made. The order of layoff and recall is a negotiable item in accordance with the
19 procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria
20 negotiated by the school board and the bargaining agent to establish the order of layoff
21 and recall must include the teacher's effectiveness rating pursuant to chapter 508 as a
22 factor and may also include, but may not be limited to, seniority.

23 **Sec. 3. 20-A MRSA §13704, sub-§5, ¶D,** as enacted by PL 2011, c. 635, Pt. A,
24 §3, is amended to read:

25 D. Formation of a steering committee composed of teachers, administrators and
26 other school administrative unit staff that regularly reviews and refines the
27 performance evaluation and professional growth system to ensure that it is aligned
28 with school administrative unit goals and priorities; ~~and~~

29 **Sec. 4. 20-A MRSA §13704, sub-§6,** as corrected by RR 2011, c. 2, §18, is
30 amended to read:

31 **6. Professional improvement plan.** The opportunity for an educator who receives a
32 summative effectiveness rating indicating ineffectiveness in any given year to implement
33 a professional improvement plan; and

34 **Sec. 5. 20-A MRSA §13704, sub-§7** is enacted to read:

35 **7. Special procedures for probationary teachers.** Special procedures for
36 probationary teachers that include the following:

37 A. A formal evaluation during, without limitation, each year of the probationary
38 teacher's employment as a probationary teacher;

39 B. Observations of professional practice and formative feedback throughout each
40 year of the probationary period; and

1 C. A written explanation of any deficiencies in effectiveness that are found pursuant
2 to an evaluation or during observations of professional practice, and a plan, including
3 professional development if warranted, to address the deficiency.

4 **SUMMARY**

5 This bill requires a probationary teacher to be evaluated during each year of
6 employment as a probationary teacher and provides that if a 3rd-year probationary
7 teacher does not receive a summative effectiveness rating indicating ineffectiveness
8 during the first or 2nd year of the probationary teacher's contract, the probationary
9 teacher's contract must be extended automatically. This bill also requires special
10 procedures for probationary teachers in a school administrative unit's performance
11 evaluation and professional growth system.