

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

An Act To Extend the Probationary Period for Teachers

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

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

§ 13201. Nomination and election of teachers; teacher contracts

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~~determines proper, subject to the approval of the school board. The superintendent shall implement a program to evaluate and support probationary teachers. Prior to May 15th before the expiration of a ~~first or 2nd~~-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~~is 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 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~~serves until such election is made.

After a probationary period not to exceed 2 years for teachers hired before 2012, not to exceed 3 years for teachers hired in 2012 and not to exceed 4 years for teachers hired in 2013 or subsequent years, subsequent contracts of duly certified teachers ~~shall~~may not 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~~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.

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.

After ~~at~~the probationary period of 2 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 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.

The right to terminate a contract, after due notice of 90 days, is reserved to the school board when changes in local conditions warrant the elimination of the teaching position for which the contract was made. The order of layoff and recall ~~shall be~~is a negotiable item in accordance with the procedures set

forth in Title 26, chapter 9-A, ~~provided that~~if, in any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall may include, but ~~shall~~is not ~~be~~ limited to, seniority.

SUMMARY

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