



129th MAINE LEGISLATURE

FIRST REGULAR SESSION-2019

Legislative Document

No. 729

H.P. 534

House of Representatives, February 11, 2019

An Act Regarding the Probationary Period for Teachers

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 DODGE of Belfast.
Cosponsored by Senator BELLOWS of Kennebec and
Representatives: COLLINGS of Portland, FARNSWORTH of Portland, HARNETT of
Gardiner, INGWERSEN of Arundel, McCREA of Fort Fairfield, SYLVESTER of Portland,
TALBOT ROSS of Portland.

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, their 2nd year of employment, except that the superintendent
9 shall evaluate teachers who completed 3 years of a probationary period in another school
10 administrative unit during their first year of employment. The method of evaluation must
11 be determined by the school board, be in compliance with the requirements of chapter
12 508 and be implemented by the superintendent.

13 **Sec. 2. 20-A MRSA §13201**, as amended by PL 2017, c. 235, §36 and affected by
14 §41, is further amended to read:

15 **§13201. Nomination and election of teachers; teacher contracts**

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

36 After a probationary period of 3 years or one year for teachers who completed 3 years
37 of a probationary period in a school administrative unit and are later employed by another
38 school administrative unit, subsequent contracts of duly certified teachers must be for not
39 less than 2 years. Unless a duly certified teacher receives written notice to the contrary at
40 least 6 months before the terminal date of the contract, the contract must be extended
41 automatically for one year and similarly in subsequent years, except for duly certified
42 teachers who received a summative effectiveness rating indicating ineffectiveness

1 pursuant to chapter 508 for the preceding school year. The right to an extension for a
2 longer period of time through a new contract is specifically reserved to the contracting
3 parties. Unless a duly certified teacher who received a summative effectiveness rating
4 indicating ineffectiveness pursuant to chapter 508 for the preceding school year receives
5 written notice to the contrary from the superintendent not later than May 15th, the
6 contract must be extended automatically for one year.

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

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

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

24 SUMMARY

25 This bill provides that if a teacher completed a 3-year probationary period in a school
26 administrative unit and later teaches in another school administrative unit, that teacher
27 will only have a one-year probationary period in the new school administrative unit.