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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 720, L.D. 976, Bill, “An Act To Require 3 Years of Experience in a School Administrative Unit before a Teacher May Receive a Continuing Contract Offer”

Amend the bill by striking out all of section 1 and inserting the following:

Sec. 1. 20-A MRSA §1055, sub-§10, as amended by PL 2001, c. 588, §17, is further amended to read:

10. Supervise school employees. The superintendent is responsible for the evaluation of all teachers and other employees of the school administrative unit. The superintendent shall evaluate probationary teachers during, but not limited to, their 2nd year of employment. The method of evaluation must be determined by the school board and implemented by the superintendent.

Sec. 2. 20-A MRSA §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, subject to the approval of the school board, shall implement a program to support probationary teachers pursuant to section 13015. Prior to May 15th before the expiration of a first ~~or~~, 2nd or 3rd 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~~ must be equal to the teacher's per diem salary rate times the number of days between the notification deadline and the date on which

COMMITTEE AMENDMENT

1 notification is made or on which the complaint is filed, whichever occurs first. In case
2 the superintendent of schools and the school board fail to legally elect a teacher, the
3 commissioner ~~shall have~~ has the authority to appoint a substitute teacher who ~~shall serve~~
4 serves until such election is made.

5 After a probationary period ~~not to exceed 2 of 3~~ years, subsequent contracts of duly
6 certified teachers ~~shall must~~ be for not less than 2 5 years. Unless a duly certified teacher
7 receives written notice to the contrary at least 6 months before the terminal date of the
8 contract, the contract ~~shall must~~ be extended automatically for one year and similarly in
9 subsequent years. The right to an extension for a longer period of time through a new
10 contract is specifically reserved to the contracting parties.

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

14 After a probationary period of 2 3 years, any teacher; who receives notice in
15 accordance with this section that ~~his or her~~ the teacher's contract is not going to be
16 renewed; may during the 15 days following such notification request a hearing with the
17 school board. The teacher may request reasons. The hearing ~~shall must~~ be private except
18 by mutual consent and except that either or both parties may be represented by counsel.
19 That hearing must be granted within 30 days of the receipt of the teacher's request.

20 The right to terminate a contract, after due notice of 90 days, is reserved to the school
21 board when changes in local conditions warrant the elimination of the teaching position
22 for which the contract was made. The order of layoff and recall ~~shall be~~ is a negotiable
23 item in accordance with the procedures set forth in Title 26, chapter 9-A, ~~provided that in,~~
24 In any negotiated agreement, the criteria negotiated by the school board and the
25 bargaining agent to establish the order of layoff and recall may include, but ~~shall may~~
26 be limited to, seniority.

27 **Sec. 3. Reports.** The Department of Education shall review how teacher
28 evaluation systems are used by various school administrative units, both in this State and
29 in other states, to aid hiring, retention and dismissal decisions, as well as how such
30 systems are used to aid professional development and support teachers. The Department
31 of Education shall report its findings to the Joint Standing Committee on Education and
32 Cultural Affairs by December 30, 2011.

33 **Sec. 4. Application.** That section of this Act that amends the Maine Revised
34 Statutes, Title 20-A, section 13201 applies to newly hired teachers beginning with the
35 2012-2013 school year.'

36 SUMMARY

37 This amendment specifies that superintendents must evaluate probationary teachers in
38 their 2nd year of employment as determined by school board policy. The amendment
39 increases the probationary period of teachers from its current 2-year period to a 3-year
40 period beginning with the 2012-2013 school year. The amendment directs
41 superintendents to support probationary teachers throughout their probationary periods.
42 The amendment also directs the Department of Education to review teacher evaluation
43 systems to determine how they are used to aid hiring, retention and dismissal decisions

1 and professional development. The Department of Education is directed to report its
2 findings to the Joint Standing Committee on Education and Cultural Affairs by December
3 30, 2011.