



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 976

H.P. 720

House of Representatives, March 8, 2011

**An Act To Require 3 Years of Experience in a School  
Administrative Unit before a Teacher May Receive a Continuing  
Contract Offer**

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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 JOHNSON of Greenville.  
Cosponsored by Representatives: LONGSTAFF of Waterville, VOLK of Scarborough,  
Senators: LANGLEY of Hancock, SAVIELLO of Franklin, Senator THOMAS of Somerset  
and Representatives: GUERIN of Glenburn, KUMIEGA of Deer Isle.

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 determine proper, subject to the approval of the school board. Prior to May 15th before  
10 the expiration of a first or 2nd or 3rd year probationary teacher's contract and before the  
11 expiration of the 5th year of a duly certified teacher's contract, the superintendent shall  
12 notify the teacher in writing of the superintendent's decision to nominate or not nominate  
13 that teacher for another teaching contract. If, after receiving a complaint from a teacher,  
14 the commissioner finds that the superintendent has failed to notify a teacher of a decision  
15 not to nominate that teacher, the school administrative unit shall pay a forfeiture to the  
16 teacher. The amount of that forfeiture ~~shall~~ must be equal to the teacher's per diem salary  
17 rate times the number of days between the notification deadline and the date on which  
18 notification is made or on which the complaint is filed, whichever occurs first. In case  
19 the superintendent of schools and the school board fail to legally elect a teacher, the  
20 commissioner ~~shall have~~ has the authority to appoint a substitute teacher who ~~shall serve~~  
21 serves until such election is made.

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

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

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

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

1 bargaining agent to establish the order of layoff and recall may include, but ~~shall~~ may not  
2 be limited to, seniority.

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### **SUMMARY**

4 This bill extends the probationary teacher contract to 3 years and provides that a duly  
5 certified teacher is not eligible for a continuing contract in the employing school  
6 administrative unit until after the 3rd year of a probationary teacher contract. This bill  
7 also extends the period of a duly certified teacher's contract to 5 years and requires the  
8 superintendent to notify the teacher in writing, prior to May 15th before the expiration of  
9 the 5th year of a duly certified teacher's contract, of the superintendent's decision to  
10 nominate or not nominate the teacher for another 5-year contract.