



125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1322

H.P. 968

House of Representatives, March 28, 2011

An Act To Extend 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 "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative NELSON of Falmouth.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: CASAVANT of Biddeford, CHAPMAN of Brooksville, LONGSTAFF of
Waterville, LOVEJOY of Portland, MAKER of Calais, RICHARDSON of Carmel, WAGNER
of Lewiston, Senator: KATZ of Kennebec.

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

22 After a probationary period not to exceed 2 years for teachers hired before 2012, not
23 to exceed 3 years for teachers hired in 2012 and not to exceed 4 years for teachers hired
24 in 2013 or subsequent years, subsequent contracts of duly certified teachers ~~shall~~ may not
25 be for ~~not~~ less than 2 years. Unless a duly certified teacher receives written notice to the
26 contrary at least 6 months before the terminal date of the contract, the contract ~~shall~~ must
27 be extended automatically for one year and similarly in subsequent years. The right to an
28 extension for a longer period of time through a new contract is specifically reserved to the
29 contracting parties.

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

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

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

1 in any negotiated agreement, the criteria negotiated by the school board and the
2 bargaining agent to establish the order of layoff and recall may include, but ~~shall~~ is not ~~be~~
3 limited to, seniority.

4 **SUMMARY**

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