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EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
129TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 966, L.D. 1338, Bill, “An Act To Protect Teachers from Unfair Evaluations”

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. 20-A MRSA §13201, sub-§3, as enacted by PL 2019, c. 132, §2, is amended to read:

3. Termination upon elimination of a teaching position. 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 is a negotiable item in accordance with the procedures set forth in Title 26, chapter 9-A. In any negotiated agreement, the criteria negotiated by the school board and the bargaining agent to establish the order of layoff and recall ~~must~~ may include the teacher's effectiveness rating pursuant to chapter 508 as a factor and may also include, but may not be limited to, seniority.

Sec. 2. 20-A MRSA §13703, as enacted by PL 2011, c. 635, Pt. A, §3, is repealed and the following enacted in its place:

§13703. Use of effectiveness rating; grievance

1. Use of effectiveness rating. A superintendent may use effectiveness ratings of educators to inform strategic human capital decision making, including, but not limited to, decision making regarding recruitment, selection, induction, mentoring, professional development, compensation, assignment and dismissal.

2. Just cause for nonrenewal. Subject to appeal or grievance under the terms of an applicable collective bargaining agreement, receipt of summative effectiveness ratings indicating that a teacher is ineffective for 2 consecutive years constitutes just cause for nonrenewal of a teacher's contract as long as there is a reasonable basis in fact for the effectiveness ratings, the evaluation process leading to the effectiveness ratings has been performed in a manner reasonably consistent with the approved system and department rules and the effectiveness ratings are not the result of bad faith.

COMMITTEE AMENDMENT

