**§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.

[PL 2019, c. 297, §2 (NEW).]

**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.

[PL 2019, c. 297, §2 (NEW).]

**3. Appeal or grievance.**  Except as provided in subsection 2, a teacher does not have the right to an appeal or grievance of a summative effectiveness rating unless the summative effectiveness rating is used by the teacher's employer as a basis for disciplinary action. When a summative effectiveness rating is used as the sole basis for disciplinary action and there is an appeal or grievance under the terms of an applicable collective bargaining agreement of that disciplinary action, the standard applied to the summative effectiveness rating is the same as for nonrenewal under subsection 2.

[PL 2019, c. 297, §2 (NEW).]

**4. Opportunity to respond.**  A teacher may provide a written response to any summative effectiveness rating issued to the teacher. If a teacher provides a written response, the response must be attached to and made a part of that teacher's summative effectiveness rating.

[PL 2019, c. 297, §2 (NEW).]

SECTION HISTORY

PL 2011, c. 635, Pt. A, §3 (NEW). PL 2019, c. 297, §2 (RPR).

The State of Maine claims a copyright in its codified statutes. If you intend to republish this material, we require that you include the following disclaimer in your publication:

*All copyrights and other rights to statutory text are reserved by the State of Maine. The text included in this publication reflects changes made through the Second Regular Session of the 131st Legislature and is current through October 15, 2024
. The text is subject to change without notice. It is a version that has not been officially certified by the Secretary of State. Refer to the Maine Revised Statutes Annotated and supplements for certified text.*

The Office of the Revisor of Statutes also requests that you send us one copy of any statutory publication you may produce. Our goal is not to restrict publishing activity, but to keep track of who is publishing what, to identify any needless duplication and to preserve the State's copyright rights.

PLEASE NOTE: The Revisor's Office cannot perform research for or provide legal advice or interpretation of Maine law to the public. If you need legal assistance, please contact a qualified attorney.