

Compendium Notebook

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Module 1: Legal Framework

1. State statutes that cover education.

Part 1: General Provisions. The General Provisions section of the statutes explains the general policy of public education, describes the appointment and function of the State School Board, the development of the Department of Education, appointment, and duties of the Commissioner of Education. This section also includes the chapter behind public broadcasting for the state of Maine.

Part 2: School Organization. The School Organization statutes explain the structure of educational systems. It describes how school districts are organized, fiscal responsibility, and the Maine-New Hampshire interstate compact. The Fund for the effective delivery of educational services defines that grants awarded by the department shall be used to assist initiatives to improve educational services.

Part 3: Elementary and Secondary Education. This statute explains curriculum, instruction, transportation, private and charter schools, standards, and assessments of performance, health, nutrition, at-risk students, and jobs for graduates. The Elementary and Secondary Education Part chapter the requirements for attendance and the number of school days. For the state of Maine, a school calendar must meet 180 days, and that 175 days are for instruction. In-service professional days cannot exceed five days of the 180-day calendar. It further explains the process that a school board may request a waiver for the required number of instructional days. Part 3 continues to describe the requirements for dual enrollment and career and technical schools.

Part 4: Specific Educational Programs. Part 4 of the Education Statutes contains various chapters that explain the regulations of Special Education, Transitions for Special Education,

defines Special Education, and Gifted and Talented Students. This section addresses other educational programs such as driver's education, applied technologies, adult education, summer school guidelines, and correspondence schools.

Part 5: Post-Secondary Education. These chapters address the definition of Post-Secondary Education, guidelines to Maine Higher Education, and regulations with degree-granting institutions. It contains many chapters besides the University of Maine System and specialty schools (i.e., Dental Schools). Many of the chapters address the financial responsibilities and scholarship abilities.

Part 6: Teachers. Part 6 of the statutes contains chapters that address teacher certification, highly qualified standards, salaries, health insurance, grants, and employment for teachers and principals. The teacher certification chapter includes the regulations behind provisional teacher, professional teacher, and master teacher certificates and renewal processes.

Part 7: School Finance. This statute regulates the financial responsibilities of education, including the essential programs and services. The Essential Programs and Services chapter addresses the regulation for property tax contributions to public education and explains the share expectations for funding based on the mill rates.

Part 8: Rehabilitation Services. Part 8 of the statutes address rehabilitation service and mainly focus on the visually impaired, hearing impaired, and personal assistance for adults.

Part 9: Learning Technology. Part 9 includes the Statutes behind the Maine Learning Technology Fund. It consists of the chapter on the Maine Online Learning Program. This program is designed to provide all Maine students with access to a K-12 online educational program.

Maine Education Statues: <http://www.mainelegislature.org/legis/statutes/20-A/title20-Ach0sec0.html>

2. State School Board.

In the state of Maine, the Commissioner is the head of the Department of Education. The Governor appoints the Commissioner, and the State School Board has the opportunity to review the candidate. The State School Board members are appointed to office and include nine members and two nonvoting student members.

State School Board: <http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec401.html>

3. State Court System.

Maine's court system is divided into four areas, District court, Superior court, Supreme Judicial Court, and Probate court. The Probate Court makes decisions over estate issues. The District Court is responsible for lesser crimes, and civil offenses are tried and family law. Most civil and criminal offenses are tried at the Superior Court. The Supreme Judicial Court oversees all appeals.

Maine Court System: <http://www.courts.maine.gov/index.shtml>

4. U.S. Circuit Court of Appeals.

The State of Maine is part of the First Circuit of Court of Appeals and New Hampshire, Massachusetts, Rhode Island, and the U.S. Territory of Puerto Rico.

U.S. Court of Appeals for the First Circuit: <http://www.ca1.uscourts.gov/>

5. Major Court Case.

In the case of School Administrative District No. 1, et al. versus the Commissioner, Department of Education for the State of Maine, a group of administrative districts and students appealed the

decision made of the Superior Court of Kennebec County over the plaintiff's concerns about the funding formula for the cost of education. The state provides a funding formula that districts use to determine the funding cost per pupil. The funding formula is based on the average spending of all elementary and secondary students in the state. The formula is then used to determine the amount of state subsidy and local funding. The plaintiffs were challenging that the standard percentage of reduction in subsidy for 1991-1994 by the Commissioner of education wasn't equitable. They were basing their defense on a violation of equal protection under the Maine Constitution. The Judgment was affirmed on the basis that school funding and support is the responsibility of the Legislature.

SCHOOL ADMINISTRATIVE DISTRICT NO. 1, et al., v. COMMISSIONER,

DEPARTMENT OF EDUCATION: <http://law.justia.com/cases/maine/supreme-court/1995/659-a-2d-854-0.html>

MODULE 1, LEGAL FRAMEWORK

COMPONENT	SUMMARY IS CLEAR AND ADEQUATE; LINK WORKS	PROBLEM IS PRESENT
State statute/s that cover education—web address and listing major categories	X	
What position is the head of education in your state (Commissioner or Superintendent of Public Instruction)? Is he/her elected or appointed? Is the State Board of Education elected or appointed? Add web address of State Board and State Dept. of Education.	X	
State Court System—summarize overall structure & include web home address	X	
U.S. Circuit Court of Appeals in which you reside, the states/territories that fall with this Circuit, and the web home page	X	
Any major state court cases or cases settled within your Circuit Court that contested federal, state, or local control of education. ¹	x	

Module 2: Tort Liability

1. Statues concerning corporal punishment, seclusion, and restraint.

Chapter 33 addresses the policies regarding Restraint and Seclusion. Physical restraint and seclusion can only be used as an emergency response if the student poses a risk of injury or harm to the student or others. The use of restraint and seclusion is used as a punitive measure against a student. Seclusion cannot be used as a form of therapy or intervention and cannot occur in a locked room. A secluded student must be monitored at all times and released from seclusion once they do not pose harm to themselves or others. Staff certified in a state-approved program are the only staff who can restrain a student unless the emergency requires an untrained person to restrain the student. Still, a certified person must be called can only implement physical restraint. A second person must be observing the physical restraint at all times for the safety of all parties. The exclusion of physical restraint of a student is law enforcement officers or resources officers employed by the police department. The district's policy on physical restraint and seclusion must include training of all staff and notification of the parents/guardians that the physical restraint or seclusion occurred. Physical restraint and seclusion must be the last resort for a student. A behavioral intervention plan should be in place to help protect students.

Cannot find the specific link to Chapter 33: <http://www.maine.gov/sos/cec/rules/05/chaps05.htm>

2. Statues relating to concussions

Starting January first of 2013, all school boards were required to adopt a policy to manage concussions and other head injuries. Before starting the school year, select staff identified by the school district will be trained in concussion awareness. Coaches are required to undergo the training and to be retrained every two years. All students and parents/guardians who intend to participate in school athletics will be provided with information about the risks associated with a head injury, signs, symptoms, and the district's protocol for removing the student from play, evaluation, and their return to play.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>

http://www.mainelegislature.org/legis/bills/bills_125th/billtexts/SP065401.asp

<http://www.maine.gov/education/sh/concussion/model-policy.html>

3. Statues relating to bullying.

All students have the right to a safe, secure, and peaceful environment while attending public school. The Maine statute addressing bullying and includes the language of "cyberbullying" has negative impacts on education. Bullying is defined as physically harming a student or their property, causing reasonable fear of physical harm or damage to their property, interfering with the student's rights by causing an intimidating or hostile environment, or interfering with their academic performance or ability to participate in services, activities, or privileges provided by the school. Bullying is prohibited on school grounds, and this includes school-sponsored events or school-provided transportation to an event. A district's policy about bullying includes when bullying takes place off school grounds or through the use of technology if the bullying infringes on the rights of the school at school. A district will adopt a policy and inform the students and parents/guardians of the policy.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec6554.html>

4. Does your state have comparative or contributory negligence as a defense, immunity safeguards for school personnel.

The State of Maine has a comparative negligence defense under Title 14, Part 1, Chapter 7. Comparative negligence is defined as such when a person suffers death or damages are partly the faults of their actions and due partly to the actions of another. Fault is defined in such to include the breach of duty that leads to liability in tort.

<http://www.mainelegislature.org/legis/statutes/14/title14sec156.html>

Maine State Law Title 14, Chapter 741 and section 8103 (Immunity from suit) explains that all governmental entities are immune from suit on all tort claims seeking recovery of damages.

<http://www.mainelegislature.org/legis/statutes/14/title14ch741.pdf>

5. Other items that were found.

MODULE 2, TORT LIABILITY

Component	Summary is clear and adequate; Link works	Problem is present
Statutes with respect to corporal punishment, seclusion, and restraint	X	
Statutes relating to concussions	X	
Statutes relating to bullying	X	
Does your state have comparative or contributory negligence as a defense; Immunity safeguards for school personnel	X	
Other items that were found ²	N/A	

Module 3: Church and State

1. State law that relate to a moment of prayer or mediation on the books or any other statute that addresses religion in schools.

Most of the pieces of law in Title 20, Part 2, Chapter 111 Religion and Morals have been repealed. The repealed laws include Scripture reading, Moral instruction, a survey of religious affiliation, credit for time spent at place of worship, period of silence, and others. The repealed laws do not provide descriptions of what the law used to read.

<http://www.mainelegislature.org/legis/statutes/20/title20ch111sec0.html>

The State of Maine in Title 20, Part 2, Chapter 111 addresses religion and morals that will be instilled in the youth in public or private institutions. The section continues on to describe various virtues, liberty, and to promote their future happiness for the youth.

<http://www.mainelegislature.org/legis/statutes/20/title20sec1221.html>

Religious holidays are addressed in Title 20-A, Part 3, Chapter 209, under other special observances. A public school can only address religious holidays “by conveying a message of pluralism and freedom of belief in some manner or form that does not endorse religion.”

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4805.html>

2. State law relating to tax vouchers being used at any school, including religious schools.

Private schools may receive public funds for tuition purposes only, and it must be nonsectarian.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec2951.html>

3. Identify if your state has a Blaine Amendment.

Private schools may receive public funds for tuition purposes only, and it must be nonsectarian.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec2951.html>

4. Any state court cases or cases settled within your Circuit Court that contested church/state issues.

The State of Maine “tuitioning” of students to a nearby public or private school when a school is not located within the school district was challenged in *Bagley v. Raymond School Department* and later by *Anderson v. Town of Durham*. In both cases, the courts ruled that the state's exclusion of religious private schools from the “tuitioning” program was within the limits of the Establishment Clause. The plaintiffs argued that the state was violating their First Amendment rights.

http://www.courts.maine.gov/opinions_orders/opinions/documents/99me60ba.htm

http://www2.ed.gov/parents/schools/choice/educationoptions/report_pg15.html

5. Other items found

A teacher is protected from civil liability for a reasonable degree of force used against a student who created a disturbance if the teacher finds it necessary to control the disturbance or remove the student from the scene. It also includes a section stating that an employee of a school or private school that uses first aid or other emergency treatment or rescues a student can not be held liable for injury or death that may have occurred during such actions.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4009.html>

Module 3, Church-State

Component	Summary is clear and adequate; Link works	Problem is present
State law that relates to a moment of prayer OR meditation on the books or any other statute that addresses religion in the schools	X	
State law relating to tax vouchers being used at any school including religious schools	X	
Identify if your state has a Blaine Amendment	X / ?	
Any state court cases or cases settled within your Circuit Court that contested church/state issues ¹	X	
Other items that were found	X	

Module 4: Student Classification

1. State statutes or the part of the state constitution that looks at equality of opportunity in education, which includes school financing.

All school administrative units are to provide every person within the age limits an opportunity to receive a free public education. The control and management of the public schools are left to the charge of local school administrative units.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec2.html>

2. State statutes provide guidelines for working with ESL children, illegal immigrants, homeless children, gender, or any other designated group (not including children with disabilities).

The State of Maine has identified that English is the basic language of instruction. Still, a school may provide a secondary language of instruction if the language is transitional instruction using a bilingual technique or establish a bilingual program.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4701.html>

A school unit is responsible for developing a plan to continue a student's educational progress during a period of disruption. A disruption may include a period the student has been placed in a correctional facility, become homeless, transferred school at least three times within a school year, or foster care placement. The school's plan will involve academic programming that appropriates for the student.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec5163.html>

3. State court cases or cases settled within your Circuit Court that have involved desegregation issues or other student classification issues?

A student in Maine was requested to use the staff bathroom after a complaint about the student using the girl's bathroom. The student is transgender, and the parents and student are filing a claim that the student was being discriminated against for her transgender status. The court decided that the school was within their rights to assign the student a special bathroom.

<https://genderidentitywatch.files.wordpress.com/2012/11/2012-11-20-doe-v-clenchy-dismissal-ruling.pdf>

4. Does your state protect for sexual orientation?

Under the Human Rights of the state statutes, sexual orientation is defined as a person's actual or perceived heterosexuality, bisexuality, homosexuality or gender identity or expression.

<http://www.mainelegislature.org/legis/statutes/5/title5sec4553.html>

Module 4, Student Classification

Component	Summary is clear and adequate; Link works	Problem is present
State statutes or the part of the state constitution that looks at the equity of opportunity in education which includes school financing	X	
State statutes that provide guidelines for working with ESL children, illegal immigrants, homeless children, gender, or any other designated group (not including children with disabilities—this will be covered in Module 5)	X	
State court cases or cases settled within your Circuit Court that have involved desegregation issues or other student classification issues? ¹	X	
Does your state protect for sexual orientation?	X	
Other items that were found	NA	

Module 5: Children with Exceptionalities

1. State statutes that provide guidelines for working with children of exceptionality, including all disabilities as identified in state law and gifted and talented, if addressed.

Title 20-A, Chapter 303 addressed children with disabilities for the State of Maine. A school unit is responsible for identifying, keeping accurate records, advocating for the developmentally disabled student, completing evaluations of the student, and awarding the student a diploma if they successfully meet the content standards and other graduation requirements. School units are required to establish appropriate special education programs.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Ach303sec0.html>

A school unit that is receiving tuition funds for a special education student may compute the actual funding cost of that student's tuition for the operation of their program. The

Commissioner shall adopt or admin the tuition rates and can oversee the tuition rates. The Commissioner will establish tuition rates for special education with private schools.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec7302.html>

Schools are required to establish a gifted and talented education program, and the cost is subsidizable, but a school may ask for a waiver of the cost of the program causes an undue burden.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec8101-A.html>

2. Any state court cases or cases settled within your Circuit Court that impact the structure of special education and its delivery in your state.

Timothy W. v. Rochester, New Hampshire, School District upheld the zero reject requirement of IDEA. The student had no academic potential, but it was a requirement of the school to provide the student with an education, even if that education is training in basic life skills.

https://scholar.google.com/scholar_case?case=8008724850481744266&q=Timothy+W&hl=en&as_sdt=2,20

3. HOUSSE standards for special education teachers

The HOUSSE rubric is no longer accepted in the State of Maine except for specific exceptions. Teachers must demonstrate highly qualified status by taking the Praxis exam, holding an academic major or coursework equivalent to an academic major in the subject area or area of interest, holding an advanced degree in the subject area, or holding a National Board certification within the content area.

<http://www.maine.gov/education/hqtp/forms/faq0809.pdf>

Module 5: Children with Exceptionalities

Component	Summary is clear and adequate; Link works	Problem is present
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State statutes that provide guidelines for working with children of exceptionality, including all disabilities as identified in state law and gifted and talented, if addressed.	X	
Any state court cases or cases settled within your Circuit Court that impact the structure of special education and its delivery in your state (there could be a plethora of cases so focus only on those that seem to have a big impact) ¹	X	
HOUSSE standards for special education teachers	X	
Other items that were found	NA	

Module 6: Students' Right

1. Students' rights involving school attendance, online K-12 education, oversight of homeschooling, charter schools, user fees, the confidentiality of HIV, health concerns with attendance, student records, school curriculum requirements, etc.

In Maine, a student will attend school from age 7 to 17 unless they had graduated from high school before their 17th birthday or graduated at an early age and are attending a post-secondary school. After a student completes the 9th grade and is at least 15 years old, they may leave school if they have permission from their parents. A student may also attend an online learning program instead of a public school.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec5001-A.html>

In Title 20-A, Part 3, Chapter 211 discusses attendance in regards to a student's education. A homeschooled student may participate in specific day school classes, co-curricular and extracurricular activities at the appropriate public school. The parents are to provide transportation, and the student needs to comply with the school unit's behavior and discipline policies and follow the academic achievement expected by the school unit. A homeschooled student is eligible to receive special education services.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec5021.html>

2. Any state statutes relating students' rights involving free speech, the confidentiality of records, dress code.

The school board is responsible for the school unit to adopt a code of conduct that includes student responsibility for behavior, consequences, how a student is removed for disruptive or violent behavior, bullying, harassment, and sexual harassment. The school board is also responsible for establishing the school discipline policies and including that a parent is provided in writing a notice of a school's suspension, whether in-school or out-of-school.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>

3. Discipline, research your state's statute relating to suspension, expulsion, and any other disciplinary measure.

A student may be expelled from school by the school board if there has been a proper investigation and due process. The school board may expel a student for the remaining days of the school year or an undetermined amount of days. In 2011, the statute changed that the school must include a reentry plan for the expelled student.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>

The State of Maine has stated that a student is considered truant if they are above sixth grade and has missed seven consecutive school days of unexcused absences or ten full days of unexcused absences during the school year. If the student is at least the age of 7 and has not completed the sixth grade, a student is truant if they have seven full days of unexcused absences or five consecutive days of unexcused absences. When a student is determined to be truant, the principal is to notify the superintendent, and the school's student assistance team or equivalent is

to evaluate the situation and to begin conversations with the parent or guardians to address if the absences have a negative impact and how to help the student.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec5051-A.html>

4. Any state court cases or cases settled within your Circuit Court that involved student rights such as freedom of speech, dress code, discipline, including search and seizure?

Module 6, Students' Rights

Component	Summary is clear and adequate; Link works	Problem is present
Students' rights involving school attendance (compulsory age mandates), online K-12 education, oversight of homeschooling, charter schools, user fees, confidentiality of HIV, health concerns with attendance (e.g., vaccinations needed), student records, school curriculum requirements (testing, for instance), etc.	X	
Any state statutes relating to students' rights involving free speech (including a school's ability to censor), confidentiality of records, dress code	X	
Discipline, research your state's statute relating to suspension, expulsion and any other disciplinary measure (like truancy or search and seizure, zero tolerance)	X	
Any state court cases or cases settled within your Circuit Court that involved student rights such as freedom of speech, dress, discipline, including search and seizure? ¹		
Other items that were found		

Module 7: Teachers' Substantive Rights

1. Tenure-how is it defined in your state? Do your non-tenure teachers have any due process rights?

A teacher is probationary for three years, and the superintendent must notify the teacher by May fifteenth of each year if their contract is extended for another year. Suppose a certified teacher has completed the 3-year probationary period. In that case, the following contracts will be automatically extended for one year unless the teacher is notified in writing six months before the termination of the contract. A teacher must be removed based on "just cause."

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec13201.html>

A school board can dismiss a teacher after an investigation and a notice of hearing. The board must provide the teacher with a reason for dismissal.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec13202.html>

2. State law on whistle-blowing?

An employee is protected if the employee was acting in good faith of a violation, about a condition or practice that puts a person at risk, or if the employee refused to carry out an action that would be in violation or put that person at risk.

<http://www.maine.gov/audit/fraud/fraudwpa.htm>

3. State textbook selection guidelines?

A school board will adopt a course of study that meets the guidelines established by the state statute.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec1001.html>

4. Child abuse and neglect law.

Under Title 22, Part 3, Chapter 1071 of Child and Family Services and Child Protection Act, a teacher, guidance counselor, and school officials are mandate reporters. A mandate report must immediately report or cause a report to be made to the Department of Child and Family Services if they know or have reasonable suspicion of child abuse, neglect, or death.

<http://www.mainelegislature.org/legis/statutes/22/title22sec4011-A.html>

5. Are there any specific statutes that relate to protection against employee discrimination?

The law was repealed, and I can not access the repealed language.

<http://legislature.maine.gov/statutes/26/title26sec861.html>

6. Any court cases settled in the Circuit Court involving teacher's rights?

In the case of *Keefe v. Geanakos*, a high school English teacher was reprimanded for using an article from *Atlantic Monthly*. The court decided that the teacher's Academic Freedom was violated if he could not use the article again. The students were of appropriate age, the materials were connected to content and from a highly reputable publication, and it did not cause a disruption.

https://scholar.google.com/scholar_case?case=5276901002834337988&q=Keefe+v.+Geanakos&hl=en&as_sdt=2,20

7. Other items found.

A teacher may be granted a leave of absence by the school board to better qualify by education and culture for their position in the school. They may grant a leave of absence to any employee.

A leave of absence can not exceed more than one year, and the employee must have at least 7 years of service.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec13604.html>

Module 7, Teachers' Substantive Rights

Component	Summary is clear and adequate; Link works	Problem is present
Tenure—how is it defined in your state? Do your non-tenure teachers have any due process rights?	X	
State law on whistle-blowing?	X	
State textbook selection guidelines?	X	
Child abuse and neglect law	X	

Are there specific statutes that relate to protections against employee discrimination (may be covered in Module 4, but this is employee not student)	X/?	
Any state court cases or cases settled within your Circuit Court involving teacher rights? ¹	X	
Other items that were found		

Module 8: Terms and Conditions of Employment

1. Licensure/certification requirements for teachers and administrators.

A teacher first enters the educational workforce as a provisional teacher. The teacher must have a 4-year bachelor's degree for an accredited college, university, liberal arts, science, or an approved teacher preparation program. A secondary teacher must have majored in the subject area to be taught. The certification will have an endorsement specific to the grades and subject areas that the teacher is deemed qualified to teach.

<http://legislature.maine.gov/statutes/20-A/title20-Asec13012.html>

Professional certification will be given to a teacher who has held a provisional certificate and taught in a classroom for two academic years. The certification will have an endorsement specific to the grades and subject areas that the teacher is deemed qualified to teach. A professional certificate will be issued for 5-years and then may be renewed following the provided guidelines.

<http://legislature.maine.gov/statutes/20-A/title20-Asec13013.html>

2. Hiring and appointment laws/regulations.

The school must have an affirmative action plan and demonstrate it is non-discriminatory hiring practices.

<http://www.mainelegislature.org/legis/statutes/20-A/title20-Asec4502.html>

The commission promotes equity in the hiring of public school administrative positions.

<http://www.mainelegislature.org/legis/statutes/5/title5sec4576.html>

3. What is cause for termination of a teacher?

A teacher shall be dismissed if they have been unfit to teach or whose service is unprofitable to the school. The school board must provide written notice for the reason of dismissal.

<http://legislature.maine.gov/statutes/20-A/title20-Asec13202.html>

4. Personnel evaluation and record-keeping.

The Department of Education will purpose a model for teacher and administration evaluation programs. A school may employ more than one model and are not limited to choosing a model chosen by the Department of Education.

<http://legislature.maine.gov/statutes/20-A/title20-Asec13802.html>

The state has made recent changes to the teacher evaluation system. The changes will include the school must use the Maine Educational Assessment for Mathematics and English Language Arts/Literacy statewide assessment, develop a Performance Evaluation and Professional Growth plan, and maintain records for a growth model for evaluations. The PEPG plan must include identifying content standards, selecting assessments, setting growth targets, size of instructional cohort, and intervals. If a teacher is deemed ineffective, then a Professional Growth Plan must be put into place.

<http://mainedoews.net/2015/03/19/maine-doe-overviews-updated-educator-effectiveness-expectations/>

5. Union and collective bargaining regulations that could include delineating the powers of teachers' unions, timeframe for the process, what can and cannot be negotiated.

In the case of *City of Biddeford Board of Education v. Biddeford Teachers Association*, it was decided that attendance of teachers at time students are not present, non-teaching duties, and sick leave bank were negotiable items, but the scheduling of school vacations, beginning/ending of the school year when students were involved, length of the workday, and class size were not negotiable.

<http://www.maine.gov/mlrb/decisions/ppc/304A2d387.htm>

In the case of *Lewiston Education Association v. Lewiston School Department*, it was found that the school department was accurate with the collective bargaining agreement concerning the number of preps for a teacher per day. The daily instructional time of a teacher is beyond the collective bargaining agreement, and these issues are those of educational policy, not employment conditions.

<http://maine.gov/mlrb/decisions/ppc/08-IR-01.htm>

The State of Maine is required to bargain collectively between a public employer and a bargaining agent.

<http://www.mainelegislature.org/legis/statutes/26/title26sec965.html>

6. Other items found.

Each administrative unit is required to provide a support system for incoming teachers. The purpose of the support system is to develop good teaching, classroom management skills, provide assistance and help review those trying to achieve a higher level of certification, and assist all teachers in becoming better teachers. The system will include Teach Action Plan; the support system will develop the Action Plan to help describe specific skills to help improve the teacher or other requirements.

<http://legislature.maine.gov/statutes/20-A/title20-Asec13015.html>

Module 8, Terms and Conditions of Employment

Component	Summary is clear and adequate; Link works	Problem is present
Licensure/certification requirements for teachers and administrators	X	
Hiring and appointment laws/regulations	X	
What is cause for termination of a teacher?	X	
Personnel evaluation and record-keeping	X	
Union and collective bargaining regulations that could include delineation of the powers of teachers' unions, timeframe for the process, what can and cannot be negotiated	X	
Other items that were found	X	