

**§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).

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