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Date: 4-17-08

(Filing No. H-641)

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST SPECIAL SESSION

HOUSE AMENDMENT "G" to S.P. 931, L.D. 2323, Bill, "An Act To Remove Barriers to the Reorganization of School Administrative Units"

Amend the bill by striking out all of the emergency preamble (page 1, lines 1 to 16 in L.D.)

Amend the bill by inserting after section 3 the following:

'Sec. 4. 20-A MRSA §1461, sub-§5, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

5. Referendum on reorganization plan. The municipal officers of each municipality in a proposed reorganized school administrative unit or alternative organizational structure shall place a warrant article substantially as follows on the ballot of a municipal referendum conducted in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school administrative reorganization plan prepared by the (insert name) Reorganization Planning Committee to reorganize (insert names of affected school administrative units) into a regional school unit or alternative organizational structure, with an effective date of (insert date)?"

Yes No"

The following statement must accompany the article:

"Explanation:

~~A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school unit. The financial penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing school administrative units will no longer apply to the proposed regional school unit."~~

Amend the bill by inserting after section 4 the following:

'Sec. 5. 20-A MRSA §1464, sub-§4 is enacted to read:

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1 4. Application of collective bargaining agreements. On or after the operational
2 date of a regional school unit established pursuant to section 1463, subsection 1 but
3 before the completion of negotiations for a single regional school unit-wide collective
4 bargaining agreement for the regional school unit-wide bargaining unit as described in
5 subsection 3, the wages, hours and working conditions of an employee of the regional
6 school unit who is in a bargaining unit and who is reassigned to a different position that is
7 or, upon the completion of the merger of bargaining units, will be included in the same
8 regional school unit-wide bargaining unit are determined by the terms of the existing
9 collective bargaining agreement that applies to the position to which the employee is
10 reassigned, except as provided in this subsection.

11 A. If the application of the existing collective bargaining agreement would cause a
12 reduction in the employee's wage or salary rate, the employee's wage or salary rate
13 must be maintained at the rate the employee was paid immediately prior to the
14 reassignment until the completion of negotiations for a single regional school unit-
15 wide collective bargaining agreement for the regional school unit-wide bargaining
16 unit as described in subsection 3 or the applicable collective bargaining agreement or
17 any interim successor agreement requires a higher wage or salary rate for the
18 employee, whichever occurs sooner.

19 B. If the application of the existing collective bargaining agreement would cause a
20 reduction in the amount that is paid by the regional school unit for premiums for
21 health insurance for the employee and the employee's dependents, the regional school
22 unit's payment must be maintained at the amount that was paid immediately prior to
23 the reassignment until the completion of negotiations for a single regional school
24 unit-wide collective bargaining agreement for the regional school unit-wide
25 bargaining unit as described in subsection 3 or the applicable collective bargaining
26 agreement or any interim successor agreement requires a higher payment, whichever
27 occurs sooner.

28 C. If the application of the existing collective bargaining agreement provides for
29 coverage under a different health insurance plan, the employee may elect to retain
30 coverage under the health insurance plan in which the employee was enrolled
31 immediately prior to reassignment if the eligibility provisions of the plan permit until
32 the completion of negotiations for a single regional school unit-wide collective
33 bargaining agreement for the regional school unit-wide bargaining unit as described
34 in subsection 3.'

35 Amend the bill by inserting after section 8 the following:

36 'Sec. 9. 20-A MRSA §1479, sub-§3, ¶B, as enacted by PL 2007, c. 240, Pt.
37 XXXX, §13, is amended to read:

38 B. The regional school unit may negotiate the a new contract pursuant to chapter
39 115.

40 Sec. 10. 20-A MRSA §1479, sub-§4, as enacted by PL 2007, c. 240, Pt. XXXX,
41 §13, is amended to read:

42 4. Absence of contract; maintenance of school choice opportunities. A student
43 who resides in a school administrative unit that does not maintain that student's grade

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1 from kindergarten to grade 12, and that does not enter into a contract for the education of
2 its students pursuant to this chapter, has the option of attending a public school in another
3 school administrative unit or private school approved for tuition purposes subject to the
4 provisions of chapter 219 if that option was available from the previous school unit for
5 the area in which that student resides. A school administrative unit that neither maintains
6 a school nor contracts for school privileges pursuant to chapter 115 shall continue to pay
7 tuition, in accordance with chapter 219, for a student who resides in the school
8 administrative unit at the public school or the private school approved for tuition
9 purposes of the parent's choice at which the student is accepted, calculated in accordance
10 with subsection 5.

11 **Sec. 11. 20-A MRSA §1479, sub-§5**, as enacted by PL 2007, c. 240, Pt. XXXX,
12 §13, is amended to read:

13 **5. Additional expense.** ~~If, pursuant to subsection 4, a student attends a public~~
14 ~~school in another school administrative unit or private school approved for tuition~~
15 ~~purposes subject to the provisions of chapter 219, and the number of secondary school~~
16 ~~students from one or more municipalities in a regional school unit that attend a public~~
17 ~~school in a different school administrative unit or an approved private school is less than~~
18 ~~all the secondary school students in the regional school unit, the sending municipality of~~
19 ~~the regional school unit is responsible for the additional expense calculated under this~~
20 ~~subsection. In a regional school unit where some but not all of the students are attending~~
21 ~~school pursuant to this section, the sending municipality is responsible for the additional~~
22 ~~expense as calculated in accordance with this subsection.~~

23 A. For each secondary school student who attends a public school in another school
24 administrative unit, the sending municipality in a regional school unit is responsible
25 for an amount equal to the ~~number of secondary school students from that regional~~
26 ~~school unit multiplied by the amount that the receiving regional school unit's tuition~~
27 ~~rate pursuant to section 5805 difference in tuition in cases when it exceeds the~~
28 ~~amount of the sending regional school unit's tuition rate pursuant to calculated in~~
29 ~~accordance with section 5805.~~

30 B. For each secondary school student who attends a private school approved for
31 tuition purposes subject to the provisions of chapter 219, the sending municipality in
32 a regional school unit is responsible for an amount equal to ~~the number of secondary~~
33 ~~school students from the regional school unit attending the private school multiplied~~
34 ~~by the amount that the private school's tuition rate pursuant to section 5806, or the~~
35 ~~tuition rate per the contract, if less, the difference in tuition in cases when it exceeds~~
36 ~~the amount of the sending regional school unit's tuition rate pursuant to calculated in~~
37 ~~accordance with section 5805.~~

38 Any Municipalities exercising school choice pursuant to this section are responsible for a
39 local contribution in accordance with section 15688 and the additional expense may not
40 be included in the regional school unit budget when determining each member
41 municipality's local contribution calculated in accordance with this subsection.

42 ~~Any additional expense must be paid by the responsible municipality in equal monthly~~
43 ~~amounts unless the regional school unit and the member municipality agree to another~~
44 ~~payment schedule.~~

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1 Amend the bill by inserting after section 10 the following:

2 'Sec. 11. 20-A MRSA §1481-B is enacted to read:

3 **§1481-B. Application**

4 For the purposes of this subchapter, the term "regional school unit" means a school
5 administrative unit as defined in section 1, subsection 26.

6 This section is repealed July 1, 2009.'

7 Amend the bill by inserting after section 12 the following:

8 'Sec. 13. 20-A MRSA §1486, sub-§2, as enacted by PL 2007, c. 240, Pt. XXXX,
9 §13, is amended to read:

10 **2. Validation referendum procedures.** The budget validation referendum must be
11 held on or before the ~~10th~~ 14th calendar day, other than Saturday, Sunday or a legal
12 holiday, following the scheduled date of the regional school unit budget meeting. The
13 referendum may not be held on a Saturday, Sunday or legal holiday. The vote at
14 referendum is for the purpose of approving or rejecting the total regional school unit
15 budget approved at the regional school unit budget meeting. The regional school unit
16 board shall provide printed information to be displayed at polling places to assist voters in
17 voting. That information is limited to the total amounts proposed by the regional school
18 unit board for each cost center summary budget category article, the amount approved at
19 the regional school unit budget meeting, a summary of the total authorized expenditures
20 and, if applicable because of action on an article under section 15690, subsection 3,
21 paragraph A, a statement that the amount approved at the regional school unit budget
22 meeting includes locally raised funds ~~over and above the regional school unit's local~~
23 ~~contribution to the total cost of funding public education from kindergarten to grade 12 as~~
24 ~~described in the Essential Programs and Services Funding Act that exceed the maximum~~
25 state and local spending target pursuant to section 15671-A, subsection 5.

26 **Sec. 14. 20-A MRSA §1486, sub-§3,** as enacted by PL 2007, c. 240, Pt. XXXX,
27 §13, is amended to read:

28 **3. Budget validation referendum voting.** The method of calling and voting at a
29 budget validation referendum is as provided in sections 1503 and 1504, except as
30 otherwise provided in this subsection or as is inconsistent with other requirements of this
31 section.

32 A. A public hearing is not required before the vote.

33 ~~B. The warrant for a regional school unit budget meeting to be followed by a budget~~
34 ~~validation referendum may be a consolidated warrant covering both.~~

35 C. The warrant and absentee ballots must be delivered to the municipal clerk ~~at least~~
36 7 days before no later than the day after the date of the regional school unit budget
37 meeting.

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1 D. Absentee ballots received by the municipal clerk may not be processed or counted
2 unless received on the day after the conclusion of the regional school unit budget
3 meeting and before the close of the polls.

4 E. All envelopes containing absentee ballots received before the day after the
5 conclusion of the regional school unit budget meeting or after the close of the polls
6 must be marked "rejected" by the municipal clerk.

7 ~~F. If the school budget does not exceed the maximum state and local spending target~~
8 ~~pursuant to section 15671-A, subsection 5, the~~ The article to be voted on must be in
9 the following form:

10 (1) "Do you favor approving the (name of regional school unit) budget for the
11 upcoming school year that was adopted at the latest regional school unit budget
12 meeting?"

13 Yes No"

14 ~~G. If the school budget exceeds the maximum state and local spending target~~
15 ~~pursuant to section 15671-A, subsection 5, the article to be voted on for a budget that~~
16 ~~includes locally raised funds over and above the regional school unit's local~~
17 ~~contribution to the total cost of funding public education from kindergarten to grade~~
18 ~~12 as described in the Essential Programs and Services Funding Act must be in the~~
19 ~~following form:~~

20 ~~(1) "Do you favor approving the (name of regional school unit) budget for the~~
21 ~~upcoming school year that was adopted at the latest regional school unit budget~~
22 ~~meeting and that includes locally raised funds that exceed the required local~~
23 ~~contribution as described in the Essential Programs and Services Funding Act?"~~

24 Yes No

25 ~~A YES vote allows additional funds to be raised for K-12 public education.~~

26 ~~A NO vote means additional funds cannot be raised for K-12 public education."~~

27 **Sec. 15. 20-A MRSA §1487**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
28 amended to read:

29 **§1487. Failure to pass budget**

30 If a budget for the operation of a regional school unit is not approved prior to July
31 1st, the latest budget ~~as submitted by the regional school unit board~~ approved at a
32 regional school unit budget meeting and submitted to the voters for validation at a
33 referendum in accordance with section 1486 is automatically considered the budget for
34 operational expenses for the ensuing year until a final budget is approved, except that,
35 when the regional school unit board delays the regional school unit budget meeting, the
36 operating budget must be approved within 30 days of the date the commissioner notifies
37 the regional school unit board of the amount allocated to the regional school unit under
38 section 15689-B, or the latest budget submitted by the regional school unit board
39 becomes the operating budget for the next school year until a budget is approved at a
40 regional school unit budget meeting and validated at a referendum. If the budget of a
41 regional school unit is not approved and validated before July 1st and the officers of any
42 affected municipality determine that the property taxes must be committed in a timely

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1 manner to the collector pursuant to Title 36, section 709, the municipal assessor or
 2 assessors may commit the property taxes on the basis of the latest budget approved at a
 3 regional school unit budget meeting and submitted to the voters for validation at a
 4 referendum in accordance with section 1486.'

5 Amend the bill by striking out all of section 13 and inserting the following:

6 'Sec. 13. 20-A MRSA §1506, sub-§1, ¶A, as enacted by PL 2007, c. 240, Pt.
 7 XXXX, §13, is amended to read:

8 A. "Existing debt" means any bond, note, loan agreement, lease-purchase agreement
 9 or other debt instrument issued prior to July 1, 2008 1st of the first operational year of
 10 the new unit for the purposes of funding public schools and career and technical
 11 education regions, or for refinancing such debt, that remains outstanding at the time
 12 of a reorganization pursuant to this chapter. "Existing debt" does not include routine
 13 payables or commercial contract obligations.

14 Sec. 14. 20-A MRSA §1506, sub-§1, ¶B, as enacted by PL 2007, c. 240, Pt.
 15 XXXX, §13, is amended to read:

16 B. "Original education unit" means:

17 (1) A previous education unit that has existing debt; ~~or~~

18 (2) A municipality that has existing debt incurred on behalf of a previous
 19 education unit; or

20 (3) A previous education unit within a career and technical education region as
 21 defined by section 8301-A that has existing debt.'

22 Amend the bill by inserting after section 23 the following:

23 'Sec. 24. 20-A MRSA §15671-A, sub-§2, ¶B, as amended by PL 2007, c. 539,
 24 Pt. C, §5, is further amended to read:

25 B. For property tax years beginning on or after April 1, 2005, the commissioner shall
 26 calculate the full-value education mill rate that is required to raise the statewide total
 27 local share. The full-value education mill rate is calculated for each fiscal year by
 28 dividing the applicable statewide total local share by the applicable statewide
 29 valuation. The full-value education mill rate must decline over the period from fiscal
 30 year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-
 31 06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill
 32 rate must be applied according to section 15688, subsection 3-A, paragraph A to
 33 determine a municipality's local cost share expectation. Full-value education mill
 34 rates must be derived according to the following schedule.

35 (1) For the 2005 property tax year, the full-value education mill rate is the
 36 amount necessary to result in a 47.4% statewide total local share in fiscal year
 37 2005-06.

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1 (2) For the 2006 property tax year, the full-value education mill rate is the
2 amount necessary to result in a 46.14% statewide total local share in fiscal year
3 2006-07.

4 (3) For the 2007 property tax year, the full-value education mill rate is the
5 amount necessary to result in a 45.56% statewide total local share in fiscal year
6 2007-08.

7 (4) For the 2008 property tax year, the full-value education mill rate is the
8 amount necessary to result in a 45.99% statewide total local share in fiscal year
9 2008-09.

10 (4-A) ~~Except as provided in subparagraph (6), for~~ For the 2009 property tax year
11 and subsequent tax years, the full-value education mill rate is the amount
12 necessary to result in a 45.0% statewide total local share in fiscal year 2009-10
13 and after.

14 ~~(6) For school administrative units that do not conform to the requirements of~~
15 ~~chapter 103-A for the 2009 property tax year, the full-value education mill rate is~~
16 ~~the amount necessary to result in a 46.14% statewide total local share in fiscal~~
17 ~~year 2009-10 and after.'~~

18 Amend the bill by inserting after section 27 the following:

19 'Sec. 28. 20-A MRSA §15696, sub-§1, ¶C, as enacted by PL 2007, c. 240, Pt.
20 XXXX, §33, is amended to read:

21 C. The school administrative unit is not eligible for a transition adjustment under
22 section 15686 or any comparable year-over-year transition amount; ~~and~~

23 Sec. 29. 20-A MRSA §15696, sub-§1, ¶D, as enacted by PL 2007, c. 240, Pt.
24 XXXX, §33, is amended to read:

25 D. The school administrative unit receives less favorable consideration for approval
26 and funding for school construction pursuant to rules of the state board; and

27 Sec. 30. 20-A MRSA §15696, sub-§1, ¶E is enacted to read:

28 E. The school administrative unit's full-value education mill rate pursuant to section
29 15671-A is increased by 2% for the purpose of calculating the school administrative
30 unit's required contribution to meet the local share of education costs established
31 pursuant to section 15688, subsection 3-A.'

32 Amend the bill by inserting after section 31 the following:

33 'Sec. 32. PL 2007, c. 240, Pt. XXXX, §36, sub-§8 is amended to read:

34 8. **Referendum on reorganization plan.** The municipal officers of each
35 municipality in a proposed reorganized school administrative unit shall place a warrant
36 article substantially as follows on the ballot of a municipal referendum conducted in
37 accordance with the referendum procedures applicable to the school administrative unit
38 of which the municipality is a member. A referendum must be held on or before January

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1 15, 2008 for a reorganization plan that was submitted by December 15, 2007 and that the
2 Commissioner of Education found meets the requirements of this Part. A referendum
3 ~~must~~ may be held on June 10, 2008 or on or before January 30, 2009 for any plan
4 received or revised after December 15, 2007 and subsequently found by the
5 Commissioner of Education to meet the requirements of this Part.

6 "Article: Do you favor approving the school administrative reorganization plan
7 prepared by the (insert name) Reorganization Planning Committee to reorganize
8 (insert names of affected school administrative units) into a regional school unit, with
9 an effective date of _____?"

10 Yes/No"

11 The following statement must accompany the article:

12 "Explanation:

13 A ~~"YES"~~ vote means that you approve of the (municipality or school administrative
14 unit) joining the proposed regional school unit, which will be provided with the
15 following incentives:

16 ~~More favorable consideration in approval and funding of school construction~~
17 ~~projects; and~~

18 ~~Eligibility for additional financial support for reorganization costs.~~

19 A ~~"NO"~~ vote means that you do not approve of the (municipality or school
20 administrative unit) joining a regional school unit, which will result in the existing
21 (municipality or school administrative unit) receiving the following penalties:

22 ~~Less favorable consideration in approval and funding of school construction~~
23 ~~projects; and~~

24 ~~A reduction in state funding of education costs in an amount estimated to be~~
25 ~~\$ _____ for school year 200_ and \$ _____ for school year 200_, with the~~
26 ~~possibility of ongoing penalties for continued failure to join an approved regional~~
27 ~~school unit. Reductions in state education funding will likely result in an~~
28 ~~increased mill rate expectation to meet the local share of education costs."~~

29 The Department of Education shall pay the cost of a referendum conducted before or on
30 January ~~15, 2008~~ 30, 2009.

31 **Sec. 33. PL 2007, c. 240, Pt. XXXX, §36, sub-§11** is amended to read:

32 **11. Result of disapproval at January 2008 referendum.** A school administrative
33 unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a
34 subsequent referendum on or before ~~November 4, 2008~~ January 30, 2009 may restart the
35 process to form a regional school unit with the same or other school administrative units
36 and may seek assistance from the Department of Education to prepare another
37 reorganization plan.

38 A. Subsequent reorganization plans must meet the same requirements as for
39 reorganization plans filed prior to the January 2008 referendum, except that the
40 timelines are adjusted to reflect a July 1, 2009 reorganization date.

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1 B. The penalties set forth in Title 20-A, section 15696 apply to any school
2 administrative unit that fails to approve a reorganization plan on or before ~~November~~
3 ~~4, 2008~~ January 30, 2009 and to implement that plan by July 1, 2009.

4 **Sec. 34. PL 2007, c. 240, Pt. XXXX, §36, sub-§12** is amended to read:

5 **12. Reformulation of SAD as RSU.** Not later than ~~December 1, 2008~~ February 27,
6 2009, the Commissioner of Education shall notify any school administrative district that
7 has not voted to form a regional school unit on or before ~~November 4, 2008~~ January 30,
8 2009 that the school administrative district must be recreated as a regional school unit
9 under Title 20-A, chapter 103-A, effective July 1, 2009. Notwithstanding any other
10 provision of law, a school administrative district ~~may~~ must be changed to a regional
11 school unit upon notice to the State Board of Education and may accomplish this without
12 dissolving the school administrative district. A school administrative district that is
13 changed to a regional school unit without dissolving the school administrative district is
14 subject to Title 20-A, chapter 103-A and any other provision of law relating to regional
15 school units but for all other legal purposes:

16 A. Remains the same legal entity, including but not limited to with respect to all
17 contracts, duties, liabilities, rights and privileges of the school administrative district
18 and any debt, whether bond, note or other evidence of indebtedness, issued by or for
19 the school administrative district; and

20 B. In order to avoid any costs associated with changing its name, may keep and
21 continue to use the same name, including the term "school administrative district," for
22 official purposes, including, but not limited to, in all its contracts and debt
23 instruments. Keeping its name for official purposes does not in any manner affect its
24 status as a regional school unit for purposes of Title 20-A, chapter 103-A and any
25 other provision of law relating to regional school units.

26 **Sec. 35. PL 2007, c. 240, Pt. XXXX, §42, first ¶** is amended to read:

27 **Sec. 42. Transfer of property and assets; regional school units approved**
28 **after January 15, 2008.** This section applies to a regional school unit that is approved
29 after January 15, 2008 and before ~~November 5, 2008~~ January 31, 2009.

30 **Sec. 36. PL 2007, c. 240, Pt. XXXX, §43, sub-§3** is amended to read:

31 **3. Transfer of governing authority; regional school units approved after**
32 **January 15, 2008.** This subsection applies to regional school units approved after
33 January 15, 2008 and before ~~November 5, 2008~~ January 31, 2009. The regional school
34 unit board of directors, on the date established in subsection 1, shall assume responsibility
35 for the management and control of the public schools and programs within the school
36 administrative units in existence prior to July 1, 2009 that are within the regional school
37 unit. Those school administrative units in existence prior to July 1, 2009, on the date
38 established in subsection 1, have no further responsibility for the operation or control of
39 the public schools and programs within the school administrative unit except those
40 pursuant to section 1481.

41 **Sec. 37. PL 2007, c. 240, Pt. XXXX, §43, sub-§5** is amended to read:

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1 **5. Transfer of teachers and employees.** Except as limited by paragraph A, for
2 regional school units approved prior to January 16, 2008, all teachers and school
3 employees who are employed by a participating school administrative unit on June 30,
4 2008 must be transferred to and employed by the regional school unit as of July 1, 2008.
5 Except as limited by paragraph A, for regional school units approved after January 15,
6 2008 and before ~~November 5, 2008~~ January 31, 2009, all teachers and school employees
7 who are employed by participating school administrative units on June 30, 2009 must be
8 transferred and employed by the regional school unit as of July 1, 2009. Except as
9 limited by paragraph B, the regional school unit shall assume all of the legal obligations
10 and duties that the participating school administrative units owed to their employees,
11 including but not limited to those obligations and duties arising under federal law, state
12 law, collective bargaining agreements and individual employment contracts. It is the
13 intent of this Part to neither decrease nor increase the rights and benefits of transferred
14 employees or the employer. The regional school unit shall also maintain and honor any
15 agreements, contracts or policies regarding the rights and benefits of retirees and former
16 employees created by a participating school administrative unit that is dissolved as a
17 result of its inclusion within a regional school unit.

18 A. For regional school units approved prior to January 16, 2008, teachers or other
19 employees whose employment terminates by application of law or contract or by
20 action of a participating school administrative unit before July 1, 2008 may not be
21 transferred. For regional school units approved after January 15, 2008 and before
22 ~~November 5, 2008~~ January 31, 2009, teachers or other employees whose employment
23 terminates by application of law or contract or by action of a participating school
24 administrative unit before July 1, 2009 may not be transferred.

25 B. Teachers and other employees who are transferred to the regional school unit
26 prior to the completion of the applicable probationary period for their position have
27 the length of their probationary period calculated from the date of their most recent
28 date of employment by the participating school administrative unit.

29 **Sec. 38. PL 2007, c. 240, Pt. XXXX, §43, sub-§6, ¶A** is amended to read:

30 A. On July 1, 2008 for regional school units approved prior to January 16, 2008 and
31 on July 1, 2009 for regional school units approved after January 15, 2008 and before
32 ~~November 5, 2008~~ January 31, 2009, the regional school unit board of directors shall
33 assume all of the obligations, duties, liabilities and rights of the participating school
34 administrative units for all purposes under Title 26, chapter 9-A. The regional school
35 unit is considered a single employer. Notwithstanding any other provision of law, the
36 responsibilities of the regional school unit include:

37 (1) Continued recognition of all bargaining agents that represented any
38 bargaining units of employees who were employed by a participating school
39 administrative unit, pending completion of merger proceedings described in this
40 section;

41 (2) Assumption and continued observance of all collective bargaining
42 agreements between such bargaining agents and a participating school
43 administrative unit, which agreements continue in effect for the remainder of
44 their unexpired term unless the bargaining agent and regional school unit
45 mutually agree otherwise; and

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1 (3) Collective bargaining for an initial or successor collective bargaining
2 agreement in any bargaining unit in which a collective bargaining agreement is
3 not in effect on the operational date and for any interim agreement that may be
4 required to align expiration dates in a regional school unit-wide bargaining unit,
5 as described in this subsection.

6 **Sec. 39. PL 2007, c. 240, Pt. XXXX, §43, sub-§6, ¶B,** as amended by PL
7 2007, c. 566, §4, is further amended to read:

8 B. As early as possible but no later than August 31, 2011 for regional school units
9 approved prior to January 15, 2008 and no later than August 31, 2012 for regional
10 school units approved after January 15, 2008 and before ~~November 2, 2008~~ January
11 31, 2009, all bargaining units must be structured on a regional school unit-wide basis.
12 Bargaining units that existed in the participating school administrative units shall
13 merge in accordance with the procedures and criteria in this section. Merger into
14 regional school unit-wide bargaining units is not subject to approval or disapproval of
15 employees.

16 (1) Merger into regional school unit-wide bargaining units must be completed
17 according to the schedule contained in this subsection, and, except as required by
18 subparagraph (8), no later than the latest expiration date of any collective
19 bargaining agreement that was in effect on the operational date, which covered
20 any employees in the merged unit.

21 (2) There must be one unit of teachers and, to the extent they are currently
22 included in bargaining units, other certified professional employees, excluding
23 principals and other administrators.

24 (3) Any additional bargaining units in a regional school unit must be structured
25 as follows.

26 (a) In the initial establishment of such units, units must be structured
27 primarily on the basis of the existing pattern of organization, maintaining the
28 grouping of employee classifications into bargaining units that existed prior
29 to the creation of the regional school unit and avoiding conflicts among
30 different bargaining agents to the extent possible.

31 (b) In the event of a dispute regarding the classifications to be included
32 within a regional school unit-wide bargaining unit, the current bargaining
33 agent or agents or the regional school unit may petition the Maine Labor
34 Relations Board to determine the appropriate unit in accordance with this
35 section and Title 26, section 966, subsections 1 and 2.

36 (4) When there is the same bargaining agent in all bargaining units that will be
37 merged into a regional school unit-wide bargaining unit, the units must be
38 merged as of the operational date, and the regional school unit shall recognize the
39 bargaining agent as the representative of the merged unit.

40 (5) When all bargaining units that will be merged into a regional school unit-
41 wide bargaining unit are represented by separate local affiliates of the same state
42 labor organization, the units must be merged as of the operational date. The
43 identity of the single affiliate that will be designated the bargaining agent for the
44 merged unit must be selected by the existing bargaining agents and the state labor

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- 1 organization. Upon completion of the merger and designation of the bargaining
2 agent and notification by the state organization to the regional school unit, the
3 regional school unit shall recognize the designated bargaining agent as the
4 representative of employees in the merged unit. If necessary, the parties will then
5 execute a written amendment to any collective bargaining agreement then in
6 effect to change the name of the bargaining agent to reflect the merger.
- 7 (6) Where there are bargaining units that will be merged into a regional school
8 unit-wide bargaining unit in which there are employees who are not represented
9 by any bargaining agent and other employees who are represented either by the
10 same bargaining agent or separate local affiliates of the same state labor
11 organization, the units must be merged as of the operational date as long as a
12 majority of employees who compose the merged unit were represented by the
13 bargaining agent prior to the merger. The procedures for merger of separate local
14 affiliates of the same state labor organization described in subparagraph (5) must
15 be followed if applicable. If prior to the merger a bargaining agent did not
16 represent a majority of employees who compose the merged unit, a bargaining
17 agent election must be conducted by the Maine Labor Relations Board pursuant
18 to subparagraph (8), except that the petition for an election must be filed not
19 more than 90 days prior to the expiration date of the agreement having the latest
20 expiration date among the bargaining units that will be merged into the regional
21 school unit-wide bargaining unit.
- 22 (7) When there are unexpired collective bargaining agreements with different
23 expiration dates in the merged bargaining units described in subparagraphs (4),
24 (5) and (6), all contracts must be honored to their expiration dates unless
25 mutually agreed to otherwise by the public employer and the bargaining agent.
26 Collective bargaining agreements must be bargained on an interim basis in any
27 merged bargaining unit so that all collective bargaining agreements expire on the
28 same date.
- 29 (8) When bargaining units with different bargaining agents must be merged into
30 a single regional school unit-wide bargaining unit pursuant to this subsection, the
31 bargaining agent of the merged bargaining unit must be selected in accordance
32 with Title 26, section 967, except as modified in this subparagraph.
- 33 (a) A petition for an election to determine the bargaining agent must be filed
34 with the Maine Labor Relations Board by any of the current bargaining
35 agents or the regional school unit.
- 36 (b) The petition must be filed not more than 90 days prior to August 31,
37 2012.
- 38 (c) The election ballot may contain only the names of the bargaining agents
39 of bargaining units that will be merged into the regional school unit-wide
40 bargaining unit and the choice of "no representative," but no other choices.
41 No showing of interest is required from any such bargaining agent other than
42 its current status as representative.
- 43 (d) The obligation to bargain with existing bargaining agents continues from
44 the operational date until the determination of the bargaining agent of the
45 regional school unit-wide bargaining unit under this subsection; but in no

1 event may any collective bargaining agreement that is executed after the
2 operational date extend beyond August 31, 2012.

3 (e) The Maine Labor Relations Board shall expedite to the extent practicable
4 all petitions for determination of the bargaining agent in the regional school
5 unit-wide bargaining unit filed pursuant to this subsection.

6 (f) The bargaining units must be merged into a regional school unit-wide
7 bargaining unit as of the date of certification of the results of the election by
8 the Maine Labor Relations Board, or the expiration of the collective
9 bargaining agreements in the unit, whichever occurs later.

10 (g) Until August 31, 2012, existing bargaining agents shall continue to
11 represent the bargaining units that they represented on the day prior to the
12 operational date of the regional school unit. If necessary, each bargaining
13 agent and the regional school unit must negotiate an interim collective
14 bargaining agreement to expire on August 31, 2012.

15 **Sec. 40. Report; review of reorganization timelines.** The Department of
16 Education shall conduct a review of the results of referenda votes on proposed
17 reorganization plans and the status of the reorganization of school administrative units as
18 regional school units consistent with the July 1, 2009 implementation timeline established
19 in Public Law 2007, chapter 240. In conducting the review, the department shall:

20 A. Collect data and analyze the results of the referenda votes on proposed
21 reorganization plans;

22 B. Review the extent to which each school administrative unit that did not meet the
23 timelines for reorganization did not submit or did not receive approval for an alternative
24 plan that meets the requirements of Public Law 2007, chapter 240, Part XXXX, section
25 36, subsection 6, paragraph A due to the fact that the proposal would not meet the 1,200
26 minimum student enrollment requirement for an alternative plan;

27 C. Recommend appropriate criteria or flexibility for the granting of a waiver when
28 extenuating circumstances preclude a school administrative unit from meeting the
29 requirements of Public Law 2007, chapter 240, Part XXXX, section 36 by July 1, 2009,
30 including the authority necessary to extend timelines and waive penalties if an approved
31 plan of a reorganization planning committee cannot be implemented by July 1, 2009 and
32 the authority necessary to approve an alternative plan submitted by a reorganization
33 planning committee that meets the requirements of the law, except for the 1,200
34 minimum student number; and

35 D. Recommend clarifications to the law to specify the effect of the failure of voters in
36 an individual school administrative unit to approve a reorganization plan that results in
37 the school administrative unit not meeting the implementation timeline for
38 reorganization.

39 The Commissioner of Education shall report the findings and recommendations of
40 this review, including suggested legislation, to the joint standing committee of the
41 Legislature having jurisdiction over education matters by December 15, 2008. In its
42 recommendations, the department shall include proposals to extend or modify the current
43 implementation timelines and penalties. Following receipt and review of the report, the

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1 joint standing committee of the Legislature having jurisdiction over education matters
2 may submit a bill to the First Regular Session of the 124th Legislature that extends or
3 modifies the current implementation timelines and penalties.'

4 Amend the bill by striking out all of section 32 and inserting the following:

5 'Sec. 32. **Retroactivity.** Those sections of this Act that amend the Maine Revised
6 Statutes, Title 20-A, sections 1305-C, 1701-C and 2307 apply retroactively to January 1,
7 2008 as long as the retroactive application does not affect the validity of any budget
8 meeting or budget validation referendum called or conducted in accordance with prior
9 law before the effective date of this Act. '

10 Amend the bill by striking out all of the emergency clause.

11 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
12 section number to read consecutively.

13 **SUMMARY**

14 This amendment strikes the emergency preamble and emergency clause and
15 incorporates the following changes to clarify and improve the laws governing the
16 formation of regional school units or alternative organizational structures.

17 1. It provides that a kindergarten-to-grade-12 school administrative district that is
18 reformulated as a regional school unit without dissolving the school administrative
19 district may continue to use the same name and operate as the same legal entity; and it
20 amends the definition of "school administrative unit" to clarify that community school
21 districts and kindergarten-to-grade-8 school administrative districts that do not join a
22 regional school unit may remain in operation after July 1, 2009. The current law
23 reformulates all kindergarten-to-grade-12 school administrative districts as regional
24 school units by July 1, 2009 but is silent on the ability of community school districts and
25 kindergarten-to-grade-8 school administrative districts to remain operational after that
26 date.

27 2. It changes the deadline by which a referendum must be held to January 30, 2009
28 and changes dates that are linked to the referendum date by the same amount of time.
29 The current law governing the reorganization of school administrative units requires that
30 a referendum must be held on a proposed reorganization on or before November 4, 2008.

31 3. It provides consistent language across the allocated and unallocated provisions in
32 the law to clarify the budget referendum ballot question to be placed before the voters at a
33 budget validation referendum vote.

34 4. It clarifies and amends the budget approval and validation process provisions to:

35 A. Increase the number of days from the legislative body meeting to the referendum
36 validation from 10 days to 14 days;

37 B. Provide that absentee ballots may not be distributed until the day after the
38 regional school unit budget meeting;

39 C. In the event that a regional school unit budget has not been approved and
40 validated prior to the start of the fiscal year, authorize municipalities to levy taxes

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1 based on the most recent school budget approved at the regional school unit budget
2 meeting until a budget is validated by voters; and

3 D. Eliminate the need for 2 separate ballot questions for the budget validation
4 referendum vote and combine information on 2 votes into one document provided
5 with the warrant for the referendum vote.

6 5. It clarifies the debt liability of the school administrative units that are members of
7 a career and technical education region, including the disposition of debt incurred for a
8 school construction or renovation project at a career and technical education region by the
9 school administrative units that are members of the career and technical education region.

10 6. It clarifies the financial responsibility for the preservation of school choice in a
11 new regional school unit when a member municipality continues to provide tuition for
12 students to attend a school outside of the new regional school unit. The provision
13 provides that the member municipality is responsible for providing appropriations for any
14 additional expense above the sending regional school unit tuition rate for students who
15 are educated outside of the regional school unit.

16 7. It clarifies the rights and obligations of regional school units concerning the
17 reassignment of teachers and other employees of the regional school unit in the
18 transitional period from the operational date of the regional school unit until the
19 completion of negotiations for a regional school unit-wide collective bargaining
20 agreement.

21 8. It replaces the so-called "53.86% penalty" for any school administrative unit that
22 fails to approve a reorganization plan on or before January 30, 2009 and to implement
23 that plan by July 1, 2009 with a penalty that provides that the school administrative unit's
24 full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section
25 15671-A is increased by 2% for the purpose of calculating the school administrative unit's
26 required contribution to meet the local share of education costs established pursuant to
27 Title 20-A, section 15688, subsection 3-A.

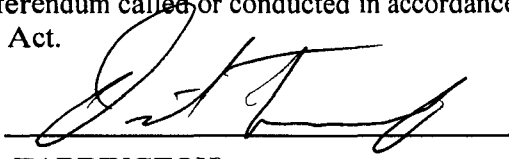
28 9. It directs the Department of Education to conduct a review of the results of
29 referenda votes on proposed reorganization plans and the status of the reorganization of
30 school administrative units as regional school units consistent with the July 1, 2009
31 implementation timeline. It also directs the department to develop recommendations
32 related to the circumstances and criteria under which the Commissioner of Education
33 could grant a waiver to a school administrative unit that has not complied with the
34 implementation timelines, including any necessary flexibility that would provide the
35 commissioner with the authority to adjust the timelines for complying with the law, to
36 waive penalties or to approve an alternative plan submitted by a reorganization planning
37 committee. It further directs the department to clarify what happens if voters of an
38 individual school administrative unit fail to approve a reorganization plan that results in
39 the school administrative unit's not meeting the implementation timeline for
40 reorganization.

41 10. It provides that the sections of the Act that amend the Maine Revised Statutes,
42 Title 20-A, sections 1305-C, 1701-C and 2307 apply retroactively to January 1, 2008 as
43 long as the retroactivity application does not affect the validity of a budget meeting or

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1 budget validation referendum called or conducted in accordance with prior law before the
2 effective date of this Act.

3 **SPONSORED BY:** 

4 (Representative FARRINGTON)

5 **TOWN: Gorham**

FISCAL NOTE REQUIRED
(See Attached)



123rd MAINE LEGISLATURE

LD 2323

LR 3653(10)

An Act To Remove Barriers to the Reorganization of School Administrative Units

Fiscal Note for House Amendment "G"

Sponsor: Rep. Farrington of Gorham

Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Removing the emergency preamble and emergency clause from this legislation will delay the provisions included in this bill to address certain barriers in implementing the reorganization of school administrative units pursuant to Public Law 2007, chapter 240, Part XXXX.

Any additional cost to the Department of Education associated with conducting the required review and developing the required recommendations can be absorbed within existing budgeted resources.