

MAINE STATE LEGISLATURE

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L.D. 1488

Date: 6-8-11

MAJORITY

(Filing No. S-277)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
SENATE
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT "A" to S.P. 466, L.D. 1488, Bill, "An Act To Create Innovative Public School Zones and Innovative Public School Districts"

Amend the bill by inserting after the enacting clause and before section 1 the following:

Sec. 1. 20-A MRSA c. 114-A is enacted to read:

CHAPTER 114-A

FUND FOR THE EFFICIENT DELIVERY OF EDUCATIONAL SERVICES

§2651. Fund for the Efficient Delivery of Educational Services

1. Fund created. The Fund for the Efficient Delivery of Educational Services, referred to in this chapter as "the fund" is created to assist in financing the cost of local and regional initiatives to improve educational opportunity and student achievement through more efficient delivery of educational services. The fund is a dedicated, nonlapsing account within the department.

2. Use of fund. The department shall award grants from the fund to school administrative units, municipalities, counties and groups of 2 or more such entities to fund the costs of implementing changes in governance, administrative structures or policies that result in the creation of consolidated school administrative units; purchasing alliances; innovative, autonomous public schools, innovative public school districts or innovative public school zones; regional delivery of educational services; or collaborations of municipal-school service delivery or support systems, with the purpose of improving educational opportunity and student achievement. Grants must be used to implement changes that will be sustained by the school administrative unit, municipality or county without the need for additional grants from the fund or other sources.

3. Grant criteria. Grants must be awarded on a competitive basis, in accordance with procedures and criteria set forth in rules adopted by the department. The rules must give priority to projects that:

COMMITTEE AMENDMENT

R. 43.

1 A. Involve 2 or more school administrative units, municipalities, counties or a
2 combination of these entities;

3 B. Are sufficiently developed to be implemented in a short period of time after the
4 award of the grant;

5 C. Expand access to professional development, training and support for teachers and
6 school administrators; more fully integrate educational technology and expand access
7 to online and digital learning opportunities; improve management and use of data to
8 enhance instruction and increase student achievement; broaden access to
9 opportunities for career and technical education; expand access to early college
10 opportunities for high school students; or increase student choice; or

11 D. Implement projects that have demonstrated significant and sustainable savings in
12 the cost of delivering educational services and improving student achievement.

13 4. Sources of money. The fund consists of amounts appropriated or allocated by the
14 State and any gifts or grants made to the department for the purpose of deposit in the
15 fund.

16 5. Rules. Rules adopted by the department to implement this section are major
17 substantive rules as defined in Title 5, chapter 375, subchapter 2-A.'

18 Amend the bill in section 1 in §6213 in subsection 3 in the last 2 lines (page 2, lines 4
19 and 5 in L.D.) by striking out the following: "in the creation" and inserting the following:
20 'collaboratively in the creation and implementation'

21 Amend the bill in section 1 in §6213 in subsection 4 by striking out all of paragraphs
22 J and K (page 3, lines 1 to 8 in L.D.) and inserting the following:

23 'J. A provision for the continuation and assignment of collective bargaining
24 agreements as they apply to the school, zone or district for the duration of those
25 agreements and the continuation of representational rights;

26 K. A provision for the continuation of continuing contract rights under section
27 13201; and'

28 Amend the bill in section 1 in §6213 in subsection 6 by inserting after the first
29 paragraph a new blocked paragraph to read:

30 'A person may not directly or indirectly interfere with, intimidate, restrain, coerce or
31 discriminate against a public employee or a group of public employees in the free
32 exercise of their rights pursuant to Title 26, chapter 9-A to voluntarily join, form and
33 participate in the activities of organizations of their own choosing for the purposes of
34 representation and collective bargaining or in the free exercise of any other right under
35 Title 26.'

36 Amend the bill in section 1 in §6213 in subsection 8 by inserting after the first
37 sentence a new sentence to read: 'Any gift, grant or donation received pursuant to this
38 subsection must be approved by the school board prior to the receipt of the gift, grant or
39 donation.'

40 Amend the bill in section 1 in §6213 in subsection 10 in paragraph C in the last line
41 (page 5, line 10 in L.D.) by striking out the following: "and"

A. of 6.

1 Amend the bill in section 1 in §6213 in subsection 10 in paragraph D in the last line
2 (page 5, line 13 in L.D.) by striking out the following: " " and inserting the following: "
3 and'

4 Amend the bill in section 1 in §6213 in subsection 10 by inserting after paragraph D
5 the following:

6 'E. The legal obligations and duties that a school administrative unit implementing an
7 innovation plan owes to its employees prior to the formation of a district or zone,
8 including but not limited to those obligations and duties arising under federal or state
9 law, collective bargaining agreements and individual employment contracts,
10 including but not limited to:

11 (1) Continued recognition of all bargaining agents that represent any bargaining
12 units of employees who are employed by a school administrative unit
13 implementing an innovation plan; and

14 (2) Assumption and continued observance of all collective bargaining
15 agreements between such bargaining agents and a school administrative unit
16 implementing an innovation plan.'

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

18 **'Sec. 2. 26 MRSA §962, sub-§7, ¶A,** as amended by PL 2005, c. 662, Pt. A, §43
19 and PL 2007, c. 58, §3, is further amended to read:

20 A. Any officer, board, commission, council, committee or other persons or body
21 acting on behalf of:

22 (1) Any municipality or any subdivision of a municipality;

23 (2) Any school, water, sewer, fire or other district;

24 (3) The Maine Turnpike Authority;

25 (5) Any county or subdivision of a county;

26 (6) The Maine Public Employees Retirement System; or

27 (7) The Maine Educational Center for the Deaf and Hard of Hearing and the
28 Governor Baxter School for the Deaf; or

29 (8) Any innovative, autonomous public school, innovative public school district
30 or innovative public school zone created and operated under Title 20-A, section
31 6212 or 6213;

32 **Sec. 3. Appropriations and allocations.** The following appropriations and
33 allocations are made.

34 **EDUCATION, DEPARTMENT OF**

35 **Fund for the Efficient Delivery of Educational Services Z005**

36 Initiative: Provides a base allocation for grants to improve educational opportunities and
37 student achievement through more efficient delivery of educational services.

E.S.S.

1	OTHER SPECIAL REVENUE FUNDS	2011-12	2012-13
2	All Other	\$500	\$500
3			
4	OTHER SPECIAL REVENUE FUNDS TOTAL	<u>\$500</u>	<u>\$500</u>
5			

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

8 **SUMMARY**

9 This amendment removes the provisions in the bill that propose to require the consent
10 of a majority of administrators, teachers and school staff and students, their parents and
11 the community prior to the designation of a public school as an innovative school, zone or
12 district under an innovation plan.

13 It provides that a school board must approve the acceptance of private gifts, grants
14 and donations received to offset the costs of developing and implementing an innovation
15 plan.

16 It adds provisions to the bill pertaining to the collective bargaining rights of public
17 school employees when an innovative school, zone or district is established under an
18 innovation plan. The amendment provides for the continuation and assignment of
19 collective bargaining agreements, the continuation of continuing contract rights for
20 teachers and the continued recognition of bargaining agents that represent a collective
21 bargaining unit of public employees employed by a public school that establishes an
22 innovative school, zone or district.

23 It provides for the establishment of the Fund for the Efficient Delivery of Educational
24 Services within the Department of Education. The fund permits the department to
25 provide grants to school administrative units, municipalities and counties or a
26 combination of 2 or more of these entities to implement plans for local and regional
27 initiatives such as innovative public schools, zones or districts in order to improve
28 educational opportunity and student achievement through the efficient delivery of
29 educational services.

30 It also adds an appropriations and allocations section.

31 **FISCAL NOTE REQUIRED**

32 (See attached)



125th MAINE LEGISLATURE

LD 1488

LR 1870(02)

An Act To Create Innovative Public School Zones and Innovative Public School Districts

Fiscal Note for Bill as Amended by Committee Amendment "A" *S - 277*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

Potential current biennium cost increase - General Fund

	FY 2011-12	FY 2012-13	Projections FY 2013-14	Projections FY 2014-15
Appropriations/Allocations				
Other Special Revenue Funds	\$500	\$500	\$500	\$500

Fiscal Detail and Notes

This bill includes Other Special Revenue Funds base allocations of \$500 per year beginning in fiscal year 2011-12 for the Fund for the Efficient Delivery of Educational Services within the Department of Education in the event that funds are received for grants to support local initiatives to improve educational opportunities and student achievement through more efficient delivery of educational services.

This legislation may increase costs to the Maine Labor Relations Board for potential increased involvement in collective bargaining issues. The additional cost and the ability of the board to absorb these costs within existing resources can not be determined at this time and will depend on actual experience.

Additional costs to the Department of Education associated with approving innovation plans, issuing waivers and submitting the required report can be absorbed within existing budgeted resources.