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Amend the amendment by inserting after the first paragraph after the title the following:

‘Amend the bill by inserting after the enacting clause the following:

PART A

Sec. .

Amend the amendment in section 14 in the first line (page 10, line 26 in amendment) by striking out the following: "Act" and inserting the following: 'Part'

Amend the amendment by inserting after section 14 the following:

PART B

Sec. B-1. 20-A MRSA §1, sub-§26, as amended by PL 2007, c. 240, Pt. XXXX, §5, is further amended to read:

26. School administrative unit. "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only a municipal school unit and a regional school unit formed pursuant to chapter 103-A or a union school association formed under chapter 103-B.

Sec. B-2. 20-A MRSA §1, sub-§41-A is enacted to read:

41-A. Union school association. "Union school association" means a state-approved unit of school administration established for the purpose of providing joint administrative services, including a joint superintendent, pursuant to chapter 103-B.

Sec. B-3. 20-A MRSA §1461, sub-§3, ¶B, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

B. In order for the plan to be approved by the commissioner, the governing bodies of school administrative units shall work within the following parameters.

(1) TheUnless the proposed regional school unit is a union school association established under chapter 103-B, the proposed regional school unit must serve not fewer than 2,500 students, except where circumstances relating to the following factors justify an exception:

- (a) Geography, including physical proximity and the size of the current school administrative unit;
- (b) Demographics, including student enrollment trends and the composition and nature of communities in the regional school unit;
- (c) Economics, including existing collaborations to be preserved or enhanced and opportunities to deliver commodities and services to be maximized;
- (d) Transportation;
- (e) Population density; or
- (f) Other unique circumstances including the need to preserve existing or developing relationships, meet the needs of students, maximize educational opportunities for students and ensure equitable access to rigorous programs for all students.

When circumstances justify an exception to the size requirement of 2,500 students, the unit must serve as close to 2,500 students as possible and in no case, except for coastal islands and schools operated by tribal school committees, may it serve fewer than 1,200 students.

A union school association may not serve fewer than 1,000 students.

(2) The plan must provide comprehensive programming for all students from kindergarten to grade 12 and must include at least one publicly supported secondary school.

(3) The plan must be consistent with the policies set forth in section 1451.

(4) The plan may not displace teachers or students or close any schools existing and operating during the school year immediately preceding reorganization, except as permitted under section 1512.

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

4. Review and approval of plans. If the commissioner finds that a plan for reorganization meets the requirements of this chapter, the commissioner shall notify the municipalities and school administrative units, and they shall proceed with referendum. If the commissioner finds that a proposed union school association meets the requirements of chapter 103-B, the commissioner shall notify the governing bodies of the school administrative units included in the proposed reorganization plan, and each governing body shall proceed with a vote to approve the reorganization plan prepared by the reorganization planning committee. Each governing body of the school administrative units included in the proposed reorganization plan shall report the results of the vote to the department following the governing body vote. If a reorganization plan is approved by the governing bodies of all of the affected school administrative units, or by the governing bodies of all of the school administrative units considered sufficient under the proposed union school association's reorganization plan, the commissioner shall file notice of approval of the union school association with the state board.

Sec. B-5. 20-A MRSA c. 103-B is enacted to read:

CHAPTER 103-B

UNION SCHOOL ASSOCIATIONS

§ 1521. Formation

1. Commissioner's authority. The commissioner shall adjust the organization of school administrative units and school unions within the State in accordance with this chapter to form union school associations that meet the policies set forth in section 1451.

2. Size. A union school association must serve not fewer than 1,000 students.

3. Reorganization of existing school administrative units and school unions. On submission of a reorganization plan that has been approved by the governing bodies of the involved school administrative units and school unions, the commissioner may combine 2 or more school administrative units and school unions, or their parts, into a union school association.

4. Collective bargaining. Collective bargaining agreements existing on the date of formation remain in effect. The governing boards of the participating school administrative units and school unions continue to be the bargaining agents.

5. Transfer of school property. Property belonging to any participating school administrative unit or school union is not transferred to the union school association upon its formation.

§ 1522. Union school association governance

1. Union school association joint committee; appointment; duties. A union school association is governed by a union school association joint committee. The union school association joint committee is composed of a representative from each of the school boards and school committees of

the participating school administrative units as set forth in chapter 107. The union school association joint committee has the duties described in chapter 107 and, following the formation of the union school association, shall establish policies regarding:

A. The assignment of the powers and duties of the union school association joint committee and the powers and duties of the school boards or school committees of the school administrative units consistent with the requirements as set forth in this chapter;

B. Union school association joint committee terms of office, compensation, chairmanship, record keeping, vacancies and any other policies that are included in the reorganization plan approved by the commissioner and by the school boards and school committees of the participating school administrative units; and

C. The adoption or amendment of policies or duties considered necessary or useful by the union school association joint committee to govern the union school association.

2. Voting. The method of voting for a union school association joint committee must be the weighted vote method under section 1902, subsection 2.

3. Meetings. A union school association joint committee shall meet no fewer than 4 times a year.

4. Superintendent. A union school association joint committee shall hire a superintendent and additional staff as necessary in accordance with the provisions of chapter 107. The union school association must be administered by a superintendent of schools, who may be employed by the union school association joint committee consistent with section 1051. The union school association joint committee shall designate the duties of the superintendent and any administrative staff certified under section 13011, subsection 5, who may act as designated agents of the superintendent, in accordance with the provisions of this Title.

§ 1523. System administration

1. Transition plan; implementation. Following the formation of a union school association joint committee and the hiring of the superintendent, the union school association shall implement the transition plan included in the reorganization plan approved by the commissioner for the centralization of the services to be provided by the system administration of the union school association.

2. Long-term sustainability. A union school association joint committee may adopt or amend policies that promote the long-term sustainability of system administration and program delivery of the union school association in accordance with the goals under section 1451, including but not limited to the following aspects of system administration:

A. The acceptance of gifts, federal funds and other donations by the union school association;

B. The ownership or leasing of real and personal school property; and

C. The assignment of school personnel contracts, school collective bargaining agreements and other school contractual obligations.

§ 1524. Budget procedures

1. Budget approval; participating units. Each participating school administrative unit and school union in a union school association may approve its individual portion of the union school association school budget.

2. Approval; joint committee. The union school association joint committee may approve the union school association budget by majority vote.

3. Distribution of funds. The commissioner shall ensure that state funds for the union school association are paid or credited to the appropriate municipalities within the participating school administrative units or school unions.

§ 1525. Rules

The commissioner may adopt routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A to implement this chapter.

Sec. B-6. Alternative plan for the formation of union school associations; legislative intent and policy. Notwithstanding Public Law 2007, chapter 240, Part XXXX, this Part establishes the process for increasing the efficiency and effectiveness of school administrative units and school unions by providing a process for reorganizing them into union school associations that meet the policies set forth in the Maine Revised Statutes, Title 20-A, section 1451. This Part furthers the intent of the Legislature to achieve sustainable, long-term administrative efficiencies by assisting school administrative units and school unions to develop an alternative plan for providing administrative services in more efficient structures that meet the requirements of Title 20-A, chapter 103-B.

1. Information to be presented to school officials and reorganization planning committees. Not later than February 15, 2008, the Commissioner of Education, or the commissioner's designee, shall present information to school officials and reorganization planning committees about the requirements of this Part regarding the option of developing an alternative plan for reorganizing existing school administrative units or school unions into union school associations. The policies set forth in Title 20-A, section 1451 for the reorganization of school administrative units must be included in the information presented to school officials and reorganization planning committees.

2. Notice of intent to develop an alternative plan. By April 1, 2008, each school administrative unit or school union may file with the Commissioner of Education a notice of intent to engage in planning and negotiations with other school administrative units or school unions for the purpose of developing an alternative plan to form a union school association under this Part and Title 20-A, chapter 103-B. The notice of intent to develop an alternative plan to form a union school association may be submitted only by a school administrative unit or school union where circumstances justify formation of a union school association and where expansion of the school administrative unit or school union would be inconsistent with the policies set forth in Title 20-A, section 1451.

3. Reorganization planning committee. School administrative units and school unions that intend to engage in planning and negotiation to create an alternative plan to form a union school association shall form a reorganization planning committee.

A. For each proposed union school association, the Commissioner of Education shall provide guidelines for the formation of a reorganization planning committee, including representation from the school administrative units and school unions in existence on the effective date of this Part, member municipalities and members of the general public who are residents of the proposed union school association. The guidelines must include roles and responsibilities of the committee, timelines for submission of the plan, the format for reporting the reorganization plan and evaluation criteria for approval of the plan.

B. Reorganization planning committees shall hold one or more public meetings to gather input from community members and to determine the sentiment of the public.

4. Submission of alternative plan. By July 1, 2008, each school administrative unit and school union shall submit to the Commissioner of Education its proposed reorganization plan for consolidation into a union school association that meets the requirements of subsections 5 and 6. Each school administrative unit and school union shall exercise due diligence and act in good faith in developing an alternative plan that meets the requirements of this Part and furthers the intent of the Legislature to achieve sustainable, long-term administrative efficiencies. A school administrative unit and school union that submits an alternative plan to the commissioner in accordance with this Part may not be subject to the financial penalties set forth in Title 20-A, section 15696.

5. Content of alternative plan. An alternative plan for reorganization as a union school association must include:

- A. The units of school administration to be included in the proposed union school association;
- B. The size, composition and apportionment of the union school association joint committee, including terms of office, compensation, chairmanship, record keeping and method of filling a vacancy;
- C. The method of voting of the union school association joint committee consistent with the weighted vote method as set forth in Title 20-A, section 1902, subsection 2;
- D. The assignment of the powers and duties of the union school association joint committee and the powers and duties of the school boards and school committees of the school administrative units consistent with the requirements as set forth in Title 20-A, chapter 103-B;
- E. A transition plan that addresses the development of a budget for the first school year of the union school association and a 3-year timeline for the centralization of the services to be provided by the system administration of the union school association, including:
 - (1) Central office financial and human resources services, including but not limited to accounting, business management, payroll and benefits, human resources, teacher certification and substitute teacher services;

(2) Noninstructional support services, including but not limited to transportation and vehicle maintenance, facilities management, food services, information technology and communications services, fuel and energy services and bulk purchasing of supplies;

(3) Instructional support services, including but not limited to curriculum development, testing and assessment, data collection and reporting, professional development, instructional materials and resources and library and media services; and

(4) Instructional services, including but not limited to adult education, career and technical education, gifted and talented education, alternative education, transitional programming, special education including therapy services, guidance counseling and itinerant teacher services.

The transition plan submitted by July 1, 2008 must include, at a minimum, the development of the budget for the first school year of the union school association. By September 1, 2008, the 3-year timeline for the centralization of services to be provided by the system administration of the union school association must be submitted. The timeline does not need to describe how each of the services in subparagraphs (1) to (4) will be provided, but must describe how the union school association will centralize one or more of the services listed in each of these subparagraphs during the 3-year period;

F. Documentation of the public meeting or public meetings held to prepare or review the reorganization plan;

G. An explanation of how school administrative units or school unions that approve the reorganization plan will proceed if one or more of the proposed members of the union school association fail to approve the plan;

H. An estimate of the cost savings to be achieved through formation of a union school association and how costs will be reduced; and

I. Such other matters as the governing bodies of the school administrative units and school unions in existence on the effective date of this Part may determine to be necessary.

6. Parameters. In developing an alternative plan for the reorganization of school administrative units and school unions in existence on the effective date of this Part into a union school association, the governing bodies of the school administrative units and school unions shall work within the following parameters:

A. The proposed union school association must serve not fewer than 1,000 students;

B. The alternative plan must provide comprehensive programming for all students from kindergarten to grade 12 and must include at least one publicly supported secondary school;

C. The alternative plan must be consistent with the policies set forth in Title 20-A, section 1451;

D. The alternative plan may not displace teachers or students or close any schools existing and operating during the school year immediately preceding reorganization, except as permitted under Title 20-A, section 1512; and

E. The plan must address how the school administrative units and school unions will reorganize administrative functions, duties and noninstructional personnel so that the projected expenditures of the reorganized school unit in fiscal year 2009-10 for system administration, transportation, special education and facilities and maintenance will not have an adverse impact on the instructional program of the proposed union school association.

7. Review plans. If the Commissioner of Education finds that an alternative plan for reorganization meets the requirements of this Part, the commissioner shall notify the school administrative units and school unions and they shall proceed with ratification votes by the governing boards of the affected school administrative units and school unions.

A. If the commissioner finds that an alternative plan for reorganization is not consistent with subsection 6 and the purposes and goals of this Part or that it has not adequately addressed the matters set forth in subsection 6, the commissioner shall return the alternative plan to the governing bodies of those school administrative units and school unions by July 15, 2008 with specific suggestions for modification of the alternative plan and written findings providing the specific reasons why the alternative plan did not meet with the requirements in this Part.

B. Upon the return of an alternative plan for reorganization by the commissioner, the governing bodies of the school administrative units and school unions shall revise the proposed alternative plan for reorganization to address the commissioner's findings and submit a revised alternative plan for reorganization not more than 30 days after the commissioner returns the plan for revision.

C. The commissioner shall make a determination whether the revised alternative plan for reorganization meets the requirements of this Part not more than 14 days after it is refiled by the school administrative units and school unions.

D. The commissioner may not find that an alternative plan for reorganization does not meet the requirements of this Part solely on the ground that a finding that it meets the requirements would cause the number of regional school units in the State to exceed 80.

Sec. B-7. Adjustment for union school association start-up costs. The Commissioner of Education shall establish an adjustment for fiscal year 2008-09 to support the start-up costs associated with the reorganization of school administrative units and school unions to union school associations in accordance with the Maine Revised Statutes, Title 20-A, chapter 103-B and this Part.

Sec. B-8. Department of Education review of state education mandates. Notwithstanding Public Law 2007, chapter 240, Part XXXX, section 45, subsection 5, the deadline for the Department of Education report on the review conducted of state education mandates is July 1, 2008.

Sec. B-9. Reports; additional necessary implementing legislation. No later than January 31, 2009, the Commissioner of Education shall submit to the Joint Standing Committee on Education and Cultural Affairs a report that contains recommendations and any proposed legislation necessary to fully implement this Part including legislation to convert school administrative units and school unions to the union school association form of governance on July 1, 2009. Following receipt and review of the report, the Joint Standing Committee on Education and Cultural Affairs may submit legislation to the First Regular Session of the 124th Legislature.

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

SUMMARY

This amendment retains the changes made by Committee Amendment "A" and also accomplishes the following in Part B.

1. It provides existing school administrative units and school unions with the option of forming a union school association that serves a minimum of 1,000 students instead of a regional school unit that is organized pursuant to the school reorganization provisions of Public Law 2007, chapter 240, Part XXXX.

2. It provides that the Commissioner of Education may approve union school associations. The union school association is based on the school union model of governance, except that the central administrative office of the union school association must also meet the savings targets for administrative costs through collaboration with the school administrative units that comprise the union school association.

3. It provides that, by April 1, 2008, school administrative units and school unions may file with the Commissioner of Education a notice of intent to engage in planning and negotiation to develop an alternative plan to form a union school association. It also provides that each school administrative unit and school union shall submit to the Commissioner of Education, by July 1, 2008, the alternative reorganization plan to form a union school association.

4. It provides that an alternative plan to form a union school association must include, among other things: the participating school units; the composition and powers of the union school association joint committee; the weighted voting method for the joint committee; the development of the budget for the first school year; a 3-year transition plan for the centralization of joint administrative services; and an estimate of the cost savings to be achieved.

5. It provides that, upon approval by the Commissioner of Education, an alternative plan for the formation of a union school association must be ratified by the governing boards of the participating school administrative units and school unions.

6. It changes the reporting deadline, notwithstanding Public Law 2007, chapter 240, Part XXXX, section 45, for the Department of Education review of unfunded state mandates pertaining to school systems from December 15, 2008 to July 1, 2008.