COMMITTEE AMENDMENT

EDUCATION AND CULTURAL AFFAIRS

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE

SENATE

125TH LEGISLATURE

FIRST REGULAR SESSION

COMMITTEE AMENDMENT “ ” 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:
A. Involve 2 or more school administrative units, municipalities, counties or a combination of these entities;

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Amend the bill by inserting after section 1 the following:

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

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

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

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

(3) The Maine Turnpike Authority;

(5) Any county or subdivision of a county;

(6) The Maine Public Employees Retirement System; or

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

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

Sec. 3. Appropriations and allocations. The following appropriations and allocations are made.

EDUCATION, DEPARTMENT OF

Fund for the Efficient Delivery of Educational Services Z005

Initiative: Provides a base allocation for grants to improve educational opportunities and student achievement through more efficient delivery of educational services.
Amend the bill by relettering or renumbering any nonconsecutive Part letter or section number to read consecutively.

SUMMARY

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

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

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

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

It also adds an appropriations and allocations section.

FISCAL NOTE REQUIRED

(See attached)