



129th MAINE LEGISLATURE

SECOND REGULAR SESSION-2020

Legislative Document

No. 1879

H.P. 1345

House of Representatives, December 24, 2019

An Act Regarding the Adoption of Education Policies by School Boards

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 203.

Received by the Clerk of the House on December 20, 2019. Referred to the Committee on Education and Cultural Affairs pursuant to Joint Rule 308.2 and ordered printed pursuant to Joint Rule 401.

A handwritten signature in cursive script that reads "R B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative BRENNAN of Portland.
Cosponsored by Representative: HUBBELL of Bar Harbor.

1 **Be it enacted by the People of the State of Maine as follows:**

2 **Sec. 1. 20-A MRSA §1005** is enacted to read:

3 **§1005. Education policy**

4 In order to be considered an education policy that may not be negotiated during
5 collective bargaining pursuant to Title 26, section 965, the education policy must be
6 adopted or revised by the school board in accordance with the following minimum
7 requirements:

8 **1. Prohibition on delegation.** The school board may not delegate the authority to
9 develop the substance of an education policy;

10 **2. Procedure for adoption or revision.** In the adoption or revision of an education
11 policy, the school board must:

12 A. Hold a public hearing on the proposed education policy at the school board
13 meeting in which the first reading of the proposed education policy is held and at
14 least 7 days prior:

15 (1) Provide public notice; and

16 (2) Publish the proposed education policy, including but not limited to posting
17 the proposed education policy on any publicly accessible website that the school
18 administrative unit operates and providing copies to any member of the public at
19 the superintendent's office;

20 B. At least 2 weeks but no more than 8 weeks after the first reading of the proposed
21 education policy under paragraph A, hold a 2nd reading of the proposed education
22 policy at a public meeting. Public notice of the meeting must be provided at least 7
23 days prior to the meeting; and

24 C. Provide that if the proposed education policy does not gain support of a majority
25 of school board members, the proposed education policy is not adopted or revised;

26 **3. Wages, hours, working conditions and contract grievance arbitration.** An
27 education policy may not include wages, hours, working conditions or contract grievance
28 arbitration; and

29 **4. Education policy adopted prior to the effective date of this section.** An
30 education policy adopted in written form prior to the effective date of this section is
31 deemed to be an education policy that may not be negotiated during collective bargaining
32 pursuant to Title 26, section 965. A school board may not revise an education policy
33 under this subsection unless the school board uses the procedure required in subsection 2.

34 A school board may not repeal an education policy adopted pursuant to this section
35 unless the school board uses the procedure required in subsection 2.

SUMMARY

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This bill provides that in order to be considered an education policy that may not be negotiated during collective bargaining, the policy must be adopted by the school board pursuant to the procedure established in the bill. The bill prohibits the school board from delegating the authority to develop such a policy.