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Date: (Filing No. S- )

**EDUCATION AND CULTURAL AFFAIRS**

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**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:

**COMMITTEE AMENDMENT**

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"

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.

|   |  |                |                |
|---|--|----------------|----------------|
| 1 | <b>OTHER SPECIAL REVENUE FUNDS</b>       | <b>2011-12</b> | <b>2012-13</b> |
| 2 | All Other                                | \$500          | \$500          |
| 3 |  |                |                |
| 4 | <b>OTHER SPECIAL REVENUE FUNDS TOTAL</b> | <b>\$500</b>   | <b>\$500</b>   |
| 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)**