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Date: (Filing No. H-)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
128TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 613, L.D. 864, Bill, “An Act To Provide for a Statewide Contract for School Teachers”

Amend the bill by striking out the title and substituting the following:

'An Act To Allow the State To Act as the Representative in Contract Negotiations for School Administrative Units'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 20-A MRSA §1485, sub-§1-A is enacted to read:

1-A. Instructional expenditures transition; annual targets. Each regional school unit must meet the following annual targets for the percentage share of total expenditures for direct instruction expenditures:

- A. For fiscal year 2019-20, the target is 61%;
- B. For fiscal year 2020-21, the target is 63%;
- C. For fiscal year 2021-22, the target is 65%;
- D. For fiscal year 2022-23, the target is 67%; and
- E. For fiscal year 2023-24 and succeeding years, the target is 70%.

For purposes of this subsection, "direct instruction expenditures," as defined in the State's accounting handbook for local school systems, means those expenditures in subsection 1, paragraph A for regular instruction, special education instruction, career and technical education instruction and other instruction, including summer school and extracurricular instructions.

Sec. 2. 26 MRSA §965-A is enacted to read:

COMMITTEE AMENDMENT

1 **§965-A. Public education employees**

2 This section provides for the negotiation of standard salary and standard benefits for
3 affected public education employees. Disputes regarding the applicability of this section
4 must be resolved by the Maine Labor Relations Board.

5 **1. Definitions.** As used in this section, unless the context otherwise indicates, the
6 following terms have the following meanings.

7 A. "Affected public education employee" means an employee of an approved public
8 school who fills a position that is required to be filled by a person who holds a
9 certification or authorization for that position issued by the Department of Education
10 under Title 20-A, except an employee of an approved public school who fills a
11 position that is required to be filled by a person holding a certificate pursuant to Title
12 20-A, section 13011, subsection 5 or an approval pursuant to Title 20-A, section
13 13024.

14 B. "Approved public school" means a school administrative unit that has been
15 approved by the Department of Education in accordance with subsection 2.

16 C. "Collective bargaining" means the mutual obligation of the State and the
17 bargaining agent representing affected public education employees to:

18 (1) Confer and negotiate in good faith with respect to salary and benefits;

19 (2) Meet at reasonable times;

20 (3) Meet within 10 days after receipt of written notice from the other party
21 requesting a meeting for collective bargaining purposes, as long as the parties
22 have not otherwise agreed in a prior written contract;

23 (4) Execute in writing any agreements arrived at. The term of any such
24 agreement is subject to negotiation but may not exceed 2 years and may not
25 extend beyond the date of the repeal of this section pursuant to subsection 4; and

26 (5) Participate in good faith in the mediation, fact-finding and arbitration
27 procedures required by section 965.

28 D. "Cost item" means the agreed-upon salary and benefits resulting from collective
29 bargaining conducted pursuant to this section.

30 E. "School administrative unit" has the same meaning as in Title 20-A, section 1,
31 subsection 26.

32 F. "State" means the State of Maine represented by the Governor or the Governor's
33 authorized representative.

34 **2. Approved public schools.** A school administrative unit may request, in
35 accordance with this subsection, approval from the Commissioner of Education to have
36 the State act as the public employer of its affected public education employees for
37 purposes of collective bargaining in accordance with this section.

38 A. Upon the request of the school board of a school administrative unit, the
39 Commissioner of Education shall approve that request if the school administrative
40 unit meets the following criteria:

1 (1) The school administrative unit's percentage of economically disadvantaged
2 students, as determined pursuant to Title 20-A, section 15675, subsection 2, is
3 greater than the state average percentage of economically disadvantaged students;

4 (2) The school administrative unit's regional adjustment, as determined pursuant
5 to Title 20-A, section 15682, is less than 1.00;

6 (3) The school administrative unit's state share percentage, as determined in Title
7 20-A, section 15672, subsection 31, is greater than 60%; and

8 (4) The school administrative unit operates a school.

9 B. The Commissioner of Education may approve a school administrative unit that
10 does not meet the criteria in paragraph A upon the request of the school board of the
11 school administrative unit. The commissioner must respond to a request under this
12 paragraph within 30 days of receiving the request and either approve the request,
13 deny the request or request additional information from the school administrative unit
14 in order to make a decision.

15 **3. Negotiation.** This subsection governs the negotiation of standard salary and
16 standard benefits for affected public education employees.

17 A. Notwithstanding any other provision of this chapter, the State is deemed the
18 public employer and subject to all limitations and responsibilities of public employers
19 under this chapter solely with respect to the negotiation of standard salary and
20 standard benefits for affected public education employees.

21 (1) The State and the bargaining agent representing all affected public education
22 employees shall bargain collectively for standard salary and standard benefits for
23 affected public education employees in accordance with this subsection.

24 (2) For all other purposes and in all other respects other than the negotiation of
25 standard salary and standard benefits under this subsection, an affected public
26 education employee remains the employee of the employee's school
27 administrative unit. All other matters subject to collective bargaining must be
28 negotiated pursuant to section 965 by that school administrative unit and the
29 bargaining agent determined under section 966.

30 (3) An approved public school and the bargaining agent for the affected public
31 education employees of that approved public school are not subject to the
32 requirements of section 965, subsection 1 with regard to salary and benefits
33 negotiated pursuant to this section, except an approved public school retains the
34 duty to bargain until a contract that establishes standard salary and standard
35 benefits for affected public education employees takes effect. This subsection
36 does not prohibit negotiation between an approved public school and the
37 bargaining agent for the affected public education employees of that approved
38 public school with regard to salary and benefits in addition to what is negotiated
39 between the State and the bargaining agent under this section.

40 (4) Any collective bargaining agreement between a bargaining agent and an
41 approved public school that has been entered into prior to completion of a
42 contract entered into pursuant to this section continues in effect and remains the

