

[Mark Gray; 01/09/2008]

MEA “Constructive Recommendations” Regarding the Implementation of LD 499

- **Expenditure reductions must be realized in non-instructional areas and they must be both transparent and verifiable.**

Throughout the debate over LD 499 and the corresponding \$36.5 million reduction to General Purpose Aid to Education, the Legislature identified specific percentage reductions in system administration, operation and maintenance of plant, transportation, and special education. Such reductions should be transparent to voters, verified by the Maine Department of Education, and reported back to the Legislature. Without such transparency and oversight, it will be impossible to assess whether such reductions occurred and whether other policy objectives addressed in this statute were realized.

- **The statutory requirement that the reorganization of administrative functions, duties and non-instructional personnel in 2008-2009 "not have an adverse impact on the instructional program" areas must be applicable to all school administrative units.**

Based upon guidance that is currently being provided by the Maine Department of Education, it appears that only school districts that have made decisions to begin operations as an RSU on July 1, 2008, and stand-alone SAUs that are not forming RSUs, are being held to the requirement that they show that expenditure reductions are planned in a manner that does not have an adverse impact on the instructional program. As a result, most school administrative units will not be subject to any state oversight regarding this essential element of LD 499. We believe this is a misinterpretation of the requirements of LD 499 and must be addressed by the Legislature immediately, even before the end of this session if possible.

- **The language of LD 499 regarding the assumption of obligations, duties, liabilities and rights; the structure of bargaining units; the identification of collective bargaining agents; and the negotiation of new collective bargaining agreements was developed with great thought, a high degree of collaboration among parties likely to be involved in these processes, and included review and assistance from the Maine Labor Relations Board. It should not be modified.**

The creation of a Regional School Unit creates a new legal employer. As a result, there is a specific sequence of events that must take place once each new RSU is in place in order to recognize and address representational and collective

bargaining rights and legal obligations. The language in the current statute recognizes, and is responsive to that sequence. In fact, it was specifically designed to help facilitate a smooth transition concerning each of these issues. This section of the current statute should not be changed.

- **The uniform budget format is positive and will lead to greater budget transparency. The budget validation process is excessive, costly, and burdensome to many communities and should be modified.**

While the uniform (cost center summary) budget format will help increase budget transparency, the current budget validation process was not clearly thought out and does not make sense for many communities, e.g., charter communities, those currently spending below EPS levels, etc. It also adds an administrative expense for local communities at a time when the goal appears to be to reduce unnecessary administrative costs and burden. As an alternative, we would suggest making this process a choice for any RSU that may choose to adopt it at the time of formation (on the front end) instead of mandating the process and only allowing an RSU to opt out after a fixed period of time.

- **Any employees who may be transferred during the transition period must continue to be covered under their existing collective bargaining agreements until new agreements have been negotiated.**

Once a new RSU is established, it is inevitable that during the transition period, employees who now have the same employer will be compensated differently and have different fringe benefit packages. We have accepted that outcome for the short-term transition period. On the other hand, if an employee who may be transferred from one work location to another work location will also be subject to a different compensation and benefits package as a result of such a transfer, tensions within each new RSU will be unnecessarily heightened and it will further distract from the quality of education being provided within each RSU.

- **The success or failure of the efforts to create regional school units must continue to be measured over the long term by the goals that were established in LD 499.**

As outlined in the general provisions of statute, the goals that were identified by the Legislature as the rationale for the establishment of Regional School Units must be held constant and measured over the coming years. Those public policy goals include:

- equitable educational opportunities for all students;
- rigorous academic programs;
- the uniform delivery of academic programs;
- greater uniformity in tax rates for the support of Maine's schools; and,
- the efficient use of our limited resources.

These are the measures that will ultimately determine whether the overhaul of our existing school districts was worth the anxiety that has currently been created.