School Board Freedom to Contract Act

Summary

This Act encourages the establishment of Public/Private partnerships between school boards and the private sector for outsourcing and delivery of ancillary services under the direction of school boards, when said services/programs can be executed more efficiently and more cost-effectively by the private sector.

Model Legislation

Section 1. (Short Title.) This Act shall be known as the School Board Freedom to Contract Act.

Section 2. (Legislative Declarations.) This legislation finds and declares that:

(A) Educators are spending an enormous amount of time and money on operating ancillary services in school districts. This distraction is taking valuable time and funds from the core competency of school districts which is ‘educating students.’ Educators focusing more on the core competency of school districts and less on ancillary services would improve and enhance the academic performance of students.

(B) Many of the functions currently under the direction of school districts should be considered for public/private partnerships to improve their operational efficiencies.

(C) School boards shall have the freedom and be encouraged to contract for ancillary services.

(D) Through partnering with the private sector and competitively bidding to perform ancillary functions, services may be performed more efficiently and cost effectively.

(E) Cost savings derived from these public/private partnerships shall be used to improve the instructional and technological services for the benefit of the students’ academic achievements.

(F) School Boards, baring any extenuating circumstances, shall ensure that affected school district employees be given first-option-of-employment when entering into partnerships with the private sector.

Section 3. (Definitions.)

(A) “Ancillary Service” means those support services, not directly related to educating students, (i.e. cafeteria, custodial, facilities maintenance and management, transportation, and technology) necessary for the operation of the school with the private sector.

(B) “Public/Private Partnerships” means an agreement between the school district and the private sector to perform ancillary services.

Section 4. (Board Authorized to Contract for Certain Services.)

(A) Notwithstanding other provisions of law, a school district may enter into a contract with a private person, firm, corporation, organization or association to provide ancillary services, in whole or in part. Direct instructional and administration is excluded.

Section 5. (Severability Clause.)

Section 6. (Repealer Clause.)

Section 7. (Effective Date.)


From CMD: This “model” legislation attempts to outsource public sector jobs in local school districts to for-profit companies. Specifically, it supports getting rid of secure public jobs of local residents and privatizing them to for-profit companies in the area of food services, technology, transportation, and the cleaning, maintenance, and management of school facilities, who could bring in workers or subcontractors from out of state that pay lower wages and no benefits.