

MAINE STATE LEGISLATURE

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1 §3603. Requirement of congressional approval

2 This compact shall not become effective until approved
3 by the United States Congress.

4 §3604. Definitions

5 The terms used in this compact shall be construed as
6 follows, unless a different meaning is clearly apparent from
7 the language or context:

8 1. Commissioner. "Commissioner" shall refer to Com-
9 missioner of Educational and Cultural Services.

10 2. Elementary school. "Elementary school" shall mean
11 a school which includes all grades from kindergarten or
12 grade one through not less than grade 6 nor more than grade
13 8.

14 3. Interstate board. "Interstate board" shall refer
15 to the board serving an interstate school district.

16 4. Interstate school district. "Interstate school
17 district" and "interstate district" shall mean a school dis-
18 trict composed of one or more school districts located in
19 the State of Maine associated under this compact with one or
20 more school districts located in the state of New Hampshire
21 and may include either the elementary schools, the secondary
22 schools, or both.

23 5. Joint action. "Joint action" where joint action by
24 both state boards is required, each state board shall deliber-
25 ate and vote by its own majority, but shall separately
26 reach the same result or take the same action as the other
27 state board.

28 6. Maine board. "Maine board" shall refer to the
29 Maine State Board of Education.

30 7. Member school district. "Member school district"
31 and "member district" shall mean a school administrative
32 unit located either in Maine or New Hampshire which is
33 included within the boundaries of a proposed or established
34 interstate school district.

35 8. New Hampshire board. "New Hampshire board" shall
36 refer to the New Hampshire state board of education.

1 §3606. Operating procedures of planning committee

2 Each interstate school district planning committee
3 shall meet in the first instance at the call of any member,
4 and shall organize by the election of a chairman and clerk-
5 treasurer, each of whom shall be a resident of a different
6 state. Subsequent meetings may be called by either officer
7 of the committee. The members of the committee shall serve
8 without pay. The member districts shall appropriate money
9 on an equal basis at each annual meeting to meet the
10 expenses of the committee, including the cost of publication
11 and distribution of reports and advertising. From time to
12 time the commissioners may add additional members and addi-
13 tional member districts to the committee, and may remove
14 members and member districts from the committee. An inter-
15 state school district planning committee shall act by majori-
16 ty vote of its membership present and voting.

17 §3607. Duties of interstate school district planning com-
18 mittee

19 It shall be the duty of an interstate school district
20 planning committee, in consultation with the commissioners
21 and the state departments of education: To study the advisa-
22 bility of establishing an interstate school district in ac-
23 cordance with the standards set forth in section 3602, its
24 organization, operation and control, and the advisability of
25 constructing, maintaining and operating a school or schools
26 to serve the needs of such interstate district; to estimate
27 the construction and operating costs thereof; to investigate
28 the methods of financing such school or schools, and any
29 other matters pertaining to the organization and operation
30 of an interstate school district; and to submit a report or
31 reports of its findings and recommendations to the several
32 member districts.

33 §3608. Recommendations and preparation of articles of
34 agreement

35 An interstate school district planning committee may
36 recommend that an interstate school district composed of all
37 the member districts represented by its membership, or any
38 specified combination of such member districts, be estab-
39 lished. If the planning committee does recommend the estab-
40 lishment of an interstate school district, it shall include
41 in its report such recommendation, and shall prepare and
42 include in its report proposed articles of agreement for the
43 proposed interstate school district, which shall be signed
44 by at least a majority of the membership of the planning
45 committee, which set forth the following:

1 1. Name. The name of the interstate school district.

2 2. Districts. The member districts which shall be
3 combined to form the proposed interstate school district.

4 3. Board. The number, composition, method of selec-
5 tion and terms of office of the interstate school board,
6 provided that:

7 A. The interstate school board shall consist of an odd
8 number of members, not less than 5 nor more than 15;

9 B. The terms of office shall not exceed 3 years;

10 C. Each member district shall be entitled to elect at
11 least one member of the interstate school board. Each
12 member district shall either vote separately at the
13 interstate school district meeting by the use of a dis-
14 tinctive ballot, or shall choose its member or members
15 at any other election at which school officials may be
16 chosen;

17 D. The method of election shall provide for the filing
18 of candidacies in advance of election and for the use
19 of a printed nonpartisan ballot;

20 E. Subject to the foregoing, provision may be made for
21 the election of one or more members at large.

22 4. Grades. The grades for which the interstate school
23 district shall be responsible.

24 5. Properties and schools. The specific properties of
25 member districts to be acquired initially by the interstate
26 school district and the general location of any proposed new
27 schools to be initially established or constructed by the
28 interstate school district.

29 6. Operating expenses. The method of apportioning the
30 operating expenses of the interstate school district among
31 the several member districts, and the time and manner of
32 payments of such shares.

33 7. Debts. The indebtedness of any member district
34 which the interstate district is to assume.

35 8. Capital expenses. The method of apportioning the
36 capital expenses of the interstate school district among the
37 several member districts, which need not be the same as the

1 method of apportioning operating expenses, and the time and
2 manner of payment of such shares. Capital expenses shall
3 include the cost of acquiring land and buildings for school
4 purposes; the construction, furnishing and equipping of
5 school buildings and facilities; and the payment of the
6 principal and interest of any indebtedness which is incurred
7 to pay for the same.

8 9. State aid. The manner in which state aid, avail-
9 able under the laws of either Maine or New Hampshire, shall
10 be allocated, unless otherwise expressly provided in this
11 compact or by the laws making such aid available.

12 10. Amendments. The method by which the articles of
13 agreement may be amended, which amendments may include the
14 annexation of territory, or an increase or decrease in the
15 number of grades for which the interstate district shall be
16 responsible, provided that no amendment shall be effective
17 until approved by both state boards in the same manner as
18 required for approval of the original articles of agreement.

19 11. Operating responsibilities. The date of operating
20 responsibility of the proposed interstate school district
21 and a proposed program for the assumption of operating
22 responsibility for education by the proposed interstate
23 school district, and any school construction; which the
24 interstate school district shall have the power to vary by
25 vote as circumstances may require.

26 12. Other matters. Any other matters, not incom-
27 patible with law, which the interstate school district plan-
28 ning committee may consider appropriate to include in the
29 articles of agreement, including, without limitation:

30 A. The method of allocating the cost of transportation
31 between the interstate district and member districts:

32 B. The nomination of individual school directors to
33 serve until the first annual meeting of the interstate
34 school district.

35 §3609. Hearings

36 If the planning committee recommends the formation of
37 an interstate school district, it shall hold at least one
38 public hearing on its report and the proposed articles of
39 agreement within the proposed interstate school district in
40 Maine, and at least one public hearing thereon within the
41 proposed interstate school district in New Hampshire. The

1 planning committee shall give such notice thereof as it may
2 determine to be reasonable, provided that such notice shall
3 include at least one publication in a newspaper of general
4 circulation within the proposed interstate school district
5 not less than 15 days, not counting the date of publication
6 and not counting the date of the hearing, before the date of
7 the first hearing. Such hearings may be adjourned from time
8 to time and from place to place. The planning committee may
9 revise the proposed articles of agreement after the date of
10 the hearings. It shall not be required to hold further
11 hearings on the revised articles of agreement but may hold
12 one or more further hearings after notice similar to that
13 required for the first hearings if the planning committee in
14 its sole discretion determines that the revisions are so
15 substantial in nature as to require further presentation to
16 the public before submission to the state boards of educa-
17 tion.

18 §3610. Approval by state boards

19 After the hearings a copy of the proposed articles of
20 agreement, as revised, signed by a majority of the planning
21 committee, shall be submitted by it to each state board.
22 The state boards may if they find that the articles of
23 agreement are in accord with the standards set forth in this
24 compact and in accordance with sound educational policy,
25 approve the same as submitted, or refer them back to the
26 planning committee for further study. The planning commit-
27 tee may make additional revisions to the proposed articles
28 of agreement to conform to the recommendations of the state
29 boards. Further hearings on the proposed articles of agree-
30 ment shall not be required unless ordered by the state
31 boards in their discretion. In exercising such discretion,
32 the state boards shall take into account whether or not the
33 additional revisions are so substantial in nature as to re-
34 quire further presentation to the public. If both state
35 boards find that the articles of agreement as further
36 revised are in accord with the standards set forth in this
37 compact and in accordance with sound educational policy,
38 they shall approve the same. After approval by both state
39 boards, each state board shall cause the articles of agree-
40 ment to be submitted to the school boards of the several
41 member districts in each state for acceptance by the member
42 districts as provided in section 3611. At the same time,
43 each state board shall designate the form of warrant, date,
44 time, place, and period of voting for the special meeting of
45 the member district to be held in accordance with the
46 section 3611.

1 §3611. Adoption by member districts

2 Upon receipt of written notice from the state board in
3 its state of the approval of the articles of agreement by
4 both state boards, the school board of each member district
5 shall cause the articles of agreement to be filed with the
6 member district clerk. Within 10 days after receipt of such
7 notice, the school board shall issue its warrant for a spe-
8 cial meeting of the member district, the warrant to be in
9 the form, and the meeting to be held at the time and place
10 and in the manner prescribed by the state board. No
11 approval of the Superior Court shall be required for such
12 special school district meeting in New Hampshire. Voting
13 shall be with the use of the checklist by a ballot substan-
14 tially in the following form:

15 "Shall the school district accept the provisions of the
16 Maine and New Hampshire Interstate School Compact providing
17 for the establishment of an interstate school district,
18 together with the school districts of.....
19 and....., etc., in accordance with
20 the proposed articles of agreement filed with the school
21 district (town, city or incorporated school district)
22 clerk?"

23 Yes () No ()

24 If the articles of agreement included the nomination of
25 individual school directors, those nominated from each
26 member district shall be included in the ballot and voted
27 upon, such election to become effective upon the formation
28 of an interstate school district.

29 If a majority of the voters present and voting in a
30 member district vote in the affirmative, the clerk for such
31 member district shall forthwith send to the state board in
32 its state a certified copy of the warrant, certificate of
33 posting, and minutes of the meeting of the district. If the
34 state boards of both states find that a majority of the
35 voters present and voting in each member district have voted
36 in favor of the establishment of the interstate school dis-
37 trict, they shall issue a joint certificate to that effect;
38 and such certificate shall be conclusive evidence of the
39 lawful organization and formation of the interstate school
40 district as of its date of issuance.

41 §3612. Resubmission

1 If the proposed articles of agreement are adopted by
2 one or more of the member districts but rejected by one or
3 more of the member districts, the state boards may resubmit
4 them, in the same form as previously submitted, to the
5 rejecting member districts, in which case the school boards
6 thereof shall resubmit them to the voters in accordance with
7 section 3611. An affirmative vote in accordance therewith
8 shall have the same effect as though the articles of agree-
9 ment had been adopted in the first instance. In the alter-
10 native, the state boards may either discharge the planning
11 committee, or refer the articles of agreement back for fur-
12 ther consideration to the same or a reconstituted planning
13 committee, which shall have all of the powers and duties as
14 the planning committee as originally constituted.

15 ARTICLE III

16 POWERS OF INTERSTATE SCHOOL DISTRICTS

17 §3613. Powers

18 1. Powers. Each interstate school district shall be a
19 body corporate and politic, with power to:

20 A. Acquire, construct, extend, improve, staff, oper-
21 ate, manage and govern public schools within its bound-
22 aries;

23 B. Sue and be sued, subject to the limitations of lia-
24 bility hereinafter set forth;

25 C. Have a seal and alter the same at pleasure;

26 D. Adopt, maintain and amend bylaws not inconsistent
27 with this compact, and the laws of the 2 states;

28 E. Acquire by purchase, condemnation, lease or other-
29 wise, real and personal property for the use of its
30 schools;

31 F. Enter into contracts and incur debts;

32 G. Borrow money for the purposes set forth, and to
33 issue its bonds or notes therefor;

34 H. Make contracts with and accept grants and aid from
35 the United States, the State of Maine, the State of New
36 Hampshire, any agency or municipality thereof, and pri-
37 vate corporations and individuals for the construction,

1 maintenance, reconstruction, operation and financing of
2 its schools; and to do any and all things necessary in
3 order to avail itself of such aid and cooperation;

4 I. Employ such assistants, agents, servants and inde-
5 pendent contractors as it shall deem necessary or
6 desirable for its purposes; and

7 J. Take any other action which is necessary or appro-
8 priate in order to exercise any of the foregoing
9 powers.

10 ARTICLE IV

11 DISTRICT MEETINGS

12 §3614. General

13 Votes of the district shall be taken at a duly warned
14 meeting held at any place in the district, at which all of
15 the eligible legal voters of the member districts shall be
16 entitled to vote, except as otherwise provided with respect
17 to the election of directors.

18 §3615. Eligibility of voters

19 Any resident who would be eligible to vote at a meeting
20 of a member district being held at the same time shall be
21 eligible to vote at a meeting of the interstate district.
22 The town clerks in each Maine member district and the super-
23 visors of the checklist of each New Hampshire district shall
24 respectively prepare a checklist of eligible voters for each
25 meeting of the interstate district in the same manner, and
26 they shall have all the same powers and duties with respect
27 to eligibility of voters in their districts as for a meeting
28 of a member district.

29 §3616. Warning of meetings

30 A meeting shall be warned by a warrant addressed to the
31 residents of the interstate school district qualified to
32 vote in district affairs, stating the time and place of the
33 meeting and the subject matter of the business to be acted
34 upon. The warrant shall be signed by the clerk and by a
35 majority of the directors. Upon written application of 10
36 or more voters in the district, presented to the directors
37 or to one of them, at least 25 days before the day pre-
38 scribed for an annual meeting, the directors shall insert in
39 their warrant for such meeting any subject matter specified
40 in such application.

1 §3617. Posting and publication of warrant

2 The directors shall cause an attested copy of the
3 warrant to be posted at the place of meeting, and a like
4 copy at a public place in each member district at least 20
5 days, not counting the date of posting and the date of meet-
6 ing, before the date of the meeting. In addition, the
7 directors shall cause the warrant to be advertised in a
8 newspaper of general circulation on at least one occasion,
9 such publication to occur at least 10 days, not counting the
10 date of publication and not counting the date of the meet-
11 ing, before the date of the meeting. Although no further
12 notice shall be required, the directors may give such fur-
13 ther notice of the meeting as they in their discretion deem
14 appropriate under the circumstances.

15 §3618. Return of warrant

16 The warrant with a certificate thereon, verified by
17 oath, stating the time and place when and where copies of
18 the warrant were posted and published, shall be given to the
19 clerk of the interstate school district at or before the
20 time of the meeting, and shall be recorded by him in the
21 records of the interstate school district.

22 §3619. Organization meeting

23 The commissioners, acting jointly, shall fix a time and
24 place for a special meeting of the qualified voters within
25 the interstate school district for the purpose of organiza-
26 tion, and shall prepare and issue the warrant for the meet-
27 ing after consultation with the interstate school district
28 planning board and the members-elect, if any, of the inter-
29 state school board of directors. Such meeting shall be held
30 within 60 days after the date of issuance of the certificate
31 of formation, unless the time is further extended by the
32 joint action of the state boards. At the organization meet-
33 ing the commissioner of education of the state where the
34 meeting is held, or his designate, shall preside in the
35 first instance, and the following business shall be trans-
36 acted:

37 1. Temporary moderator and clerk. A temporary moder-
38 ator and a temporary clerk shall be elected from among the
39 qualified voters who shall serve until a moderator and clerk
40 respectively have been elected and qualified.

41 2. Officers. A moderator, a clerk, a treasurer and 3
42 auditors shall be elected to serve until the next annual

1 meeting and thereafter until their successors are elected
2 and qualified. Unless previously elected, a board of school
3 directors shall be elected to serve until their successors
4 are elected and qualified.

5 3. Date of annual meeting. The date for the annual
6 meeting shall be established.

7 4. Expenses. Provision shall be made for the payment
8 of any organizational or other expense incurred on behalf of
9 the district before the organization meeting, including the
10 cost of architects, surveyors, contractors, attorneys and
11 educational or other consultants or experts.

12 5. Other business. Any other business, the subject
13 matter of which has been included in the warrant, and which
14 the voters would have had power to transact at an annual
15 meeting.

16 §3620. Annual meetings

17 An annual meeting of the district shall be held between
18 January 15th and June 1st of each year at such time as the
19 interstate district may by vote determine. Once determined,
20 the date of the annual meeting shall remain fixed until
21 changed by vote of the interstate district at a subsequent
22 annual or special meeting. At each annual meeting the fol-
23 lowing business shall be transacted:

24 1. Officers. Necessary officers shall be elected.

25 2. Appropriation. Money shall be appropriated for the
26 support of the interstate district schools for the fiscal
27 year beginning the following July 1st.

28 3. Other business. Such other business as may prop-
29 erly come before the meeting.

30 §3621. Special meetings

31 A special meeting of the district shall be held when-
32 ever, in the opinion of the directors, there is occasion
33 therefor, or whenever written application shall have been
34 made by 5% or more of the voters based on the checklists as
35 prepared for the last preceding meeting, setting forth the
36 subject matter upon which such action is desired. A special
37 meeting may appropriate money without compliance with RSA
38 338 or RSA 197.3 which would otherwise require the approval
39 of the New Hampshire Superior Court.

1 §3622. Certification of records

2 The clerk of an interstate school district shall have
3 the power to certify the record of the votes adopted at an
4 interstate school district meeting to the respective commis-
5 sioners and state boards and, where required, for filing
6 with a secretary of state.

7 §3623. Method of voting at school district meetings

8 Voting at meetings of interstate school districts shall
9 take place as follows:

10 1. School directors. A separate ballot shall be pre-
11 pared for each member district, listing the candidates for
12 interstate school director to represent such member dis-
13 trict; and any candidates for interstate school director at
14 large; and the voters of each member district shall register
15 on a separate ballot their choice for the office of school
16 director or directors. In the alternative, the articles of
17 agreement may provide for the election of school directors
18 by one or more of the member districts at an election other-
19 wise held for the choice of school or other municipal offi-
20 cers.

21 2. Other votes. Except as otherwise provided in the
22 articles of agreement or this compact, with respect to all
23 other votes, the voters of the interstate school district
24 shall vote as one body irrespective of the member districts
25 in which they are resident, and a simple majority of those
26 present and voting at any duly warned meeting shall carry
27 the vote. Voting for officers to be elected at any meeting,
28 other than school directors, shall be by ballot or voice, as
29 the interstate district may determine, either in its arti-
30 cles of agreement or by a vote of the meeting.

31 ARTICLE V

32 OFFICERS

33 §3624. Officers; general

34 The officers of an interstate school district shall be
35 a board of school directors, a chairman of the board, a
36 vice-chairman of the board, a secretary of the board, a
37 moderator, a clerk, a treasurer and 3 auditors. Except as
38 otherwise specifically provided, they shall be eligible to
39 take office immediately following their election; they shall
40 serve until the next annual meeting of the interstate dis-

1 trict and until their successors are elected and qualified.
2 Each shall take oath for the faithful performance of his
3 duties before the moderator, or a notary public or a justice
4 of the peace of the state in which the oath is administered.
5 Their compensation shall be fixed by vote of the district.
6 No person shall be eligible to any district office unless he
7 is a voter in the district. A custodian, school teacher,
8 principal, superintendent or other employee of an interstate
9 district acting as such shall not be eligible to hold office
10 as a school director.

11 §3625. Board of directors

12 1. How chosen. Each member district shall be repre-
13 ented by at least one resident on the board of school
14 directors of an interstate school district. A member dis-
15 trict shall be entitled to such further representation on
16 the interstate board of school directors as provided in the
17 articles of agreement as amended from time to time. The
18 articles of agreement as amended from time to time may pro-
19 vide for school directors at large, as set forth. No person
20 shall be disqualified to serve as a member of an interstate
21 board because he is at the same time a member of the school
22 board of a member district.

23 2. Term. Interstate school directors shall be elected
24 for terms in accordance with the articles of agreement.

25 3. Duties of board of directors. The board of school
26 directors of an interstate school district shall have and
27 exercise all of the powers of the district not reserved
28 herein to the voters of the district.

29 4. Organization. The clerk of the district shall warn
30 a meeting of the board of school directors to be held within
31 10 days following the date of the annual meeting, for the
32 purpose of organizing the board, including the election of
33 its officers.

34 §3626. Chairman of the board

35 The chairman of the board of interstate school direc-
36 tors shall be elected by the interstate board from among its
37 members at its first meeting following the annual meeting.
38 The chairman shall preside at the meetings of the board and
39 shall perform such other duties as the board may assign to
40 him.

41 §3627. Vice-chairman of the board of directors

1 The vice-chairman of the interstate board shall be
2 elected in the same manner as the chairman. He shall repre-
3 sent a member district in a state other than that repre-
4 sent by the chairman. He shall preside in the absence of
5 the chairman and shall perform such other duties as may be
6 assigned to him by the interstate board.

7 §3628. Secretary of the board

8 The secretary of the interstate board shall be elected
9 in the same manner as the chairman. Instead of electing one
10 of its members, the interstate board may appoint the inter-
11 state district clerk to serve as secretary of the board in
12 addition to his other duties. The secretary of the inter-
13 state board, or the interstate district clerk, if so
14 appointed, shall keep the minutes of its meetings, shall
15 certify its records, and perform such other duties as may be
16 assigned to him by the board.

17 §3629. Moderator

18 The moderator shall preside at the district meetings,
19 regulate the business thereof, decide questions of order,
20 and make a public declaration of every vote passed. He may
21 prescribe rules of procedure; but such rules may be altered
22 by the district. He may administer oaths to district offi-
23 cers in either state.

24 §3630. Clerk

25 The clerk shall keep a true record of all proceedings
26 at each district meeting, shall certify its records, shall
27 make an attested copy of any records of the district for any
28 person upon request and tender of reasonable fees therefor,
29 if so appointed, shall serve as secretary of the board of
30 school directors, and shall perform such other duties as may
31 be required by custom or law.

32 §3631. Treasurer

33 The treasurer shall have custody of all of the moneys
34 belonging to the district and shall pay out the same only
35 upon the order of the interstate board. He shall keep a
36 fair and accurate account of all sums received into and paid
37 from the interstate district treasury, and at the close of
38 each fiscal year he shall make a report to the interstate
39 district, giving a particular account of all receipts and
40 payments during the year. He shall furnish to the inter-
41 state directors, statements from his books and submit his

1 books and vouchers to them and to the district auditors for
2 examination whenever so requested. He shall make all returns
3 called for by laws relating to school districts. Before
4 entering on his duties, the treasurer shall give a bond with
5 sufficient sureties and in such sum as the directors may re-
6 quire. The treasurer's term of office is from July 1st to
7 the following June 30th.

8 §3632. Auditors

9 At the organization meeting of the district, 3 auditors
10 shall be chosen, one to serve for a term of one year, one to
11 serve for a term of 2 years and one to serve for a term of 3
12 years. After the expiration of each original term, the suc-
13 cessor shall be chosen for a 3-year term. At least one
14 auditor shall be a resident of Maine, and one auditor shall
15 be a resident of New Hampshire. An interstate district may
16 vote to employ a certified public accountant to assist the
17 auditors in the performance of their duties. The auditors
18 shall carefully examine the accounts of the treasurer and
19 the directors at the close of each fiscal year, and at such
20 other times whenever necessary, and report to the district
21 whether the same are correctly cast and properly vouched.

22 §3633. Superintendent

23 The superintendent of schools shall be selected by a
24 majority vote of the board of school directors of the inter-
25 state district with the approval of both commissioners.

26 §3634. Vacancies

27 Any vacancy among the elected officers of the district
28 shall be filled by the interstate board until the next
29 annual meeting of the district or other election, when a
30 successor shall be elected to serve out the remainder of the
31 unexpired term, if any. Until all vacancies on the inter-
32 state board are filled, the remaining members shall have
33 full power to act.

34 ARTICLE VI

35 APPROPRIATION AND APPORTIONMENT

36 §3635. Budget

37 Before each annual meeting, the interstate board shall
38 prepare a report of expenditures for the preceding fiscal
39 year, an estimate of expenditures for the current fiscal
40 year, and a budget for the succeeding fiscal year.

1 §3636. Appropriation

2 The interstate board of directors shall present the
3 budget report at the annual meeting. The interstate dis-
4 trict shall appropriate a sum of money for the support of
5 its schools and for the discharge of its obligations for the
6 ensuing fiscal year.

7 §3637. Apportionment of appropriation

8 Subject to the provisions of article VII, the inter-
9 state board shall first apply against such appropriation any
10 income to which the interstate district is entitled, and
11 shall then apportion the balance among the member districts
12 in accordance with one of the following formulas as deter-
13 mined by the articles of agreement as amended from time to
14 time:

15 1. Taxable property. All of such balance to be appor-
16 tioned on the basis of the ratio that the fair market value
17 of the taxable property in each member district bears to
18 that of the entire interstate district; or

19 2. Resident membership. All of such balance to be
20 apportioned on the basis that the average daily resident
21 membership for the preceding fiscal year of each member dis-
22 trict bears to that of the average daily resident membership
23 of the entire interstate school district; or

24 3. Combined formula. A formula based on any combina-
25 tion of the foregoing factors. The term "fair market value
26 of taxable property" shall mean the last locally assessed
27 valuation of a member district in New Hampshire, as last
28 equalized by the New Hampshire state tax commission.

29 The term "fair market value of taxable property" shall mean
30 the equalized grand list of a Maine member district, as
31 determined by the Maine Bureau of Taxation.

32 Such assessed valuation and grand list may be further ad-
33 justed, by elimination of certain types of taxable property
34 from one or the other or otherwise, in accordance with the
35 articles of agreement, in order that the fair market value
36 of taxable property in each state shall be comparable.

37 "Average daily resident membership" of the interstate dis-
38 trict in the first instance shall be the sum of the average
39 daily resident membership of the member districts in the
40 grades involved for the preceding fiscal year where no stu-

1 dents were enrolled in the interstate district schools for
2 such preceding fiscal year.

3 §3638. Share of Maine member district

4 The interstate board shall certify the share of a Maine
5 member district of the total appropriation to the school
6 board of each member district which shall add such sum to
7 the amount appropriated by the member district itself for
8 the ensuing year and raise such sum in the same manner as
9 though the appropriation had been voted at a school district
10 meeting of the member district.

11 §3639. Share of New Hampshire member district

12 The interstate board shall certify the share of a New
13 Hampshire member district of the total appropriation to the
14 school board of each member district which shall add such
15 sum to the amount appropriated by the member district itself
16 for the ensuing year and raise such sum in the same manner
17 as though the appropriation had been voted at a school dis-
18 trict meeting of the member district. The interstate dis-
19 trict shall not set up its own capital reserve funds; but a
20 New Hampshire member district may set up a capital reserve
21 fund in accordance with RSA 35, to be turned over to the
22 interstate district in payment of the New Hampshire member
23 district's share of any anticipated obligations.

24 ARTICLE VII

25 BORROWING

26 §3640. Interstate district indebtedness

27 Indebtedness of an interstate district shall be a gen-
28 eral obligation of the district and shall be a joint and
29 several general obligation of each member district, except
30 that such obligations of the district and its member dis-
31 tricts shall not be deemed indebtedness of any member dis-
32 trict for the purposes of determining its borrowing capacity
33 under Maine or New Hampshire law. A member district which
34 withdraws from an interstate district shall remain liable
35 for indebtedness of the interstate district which is out-
36 standing at the time of withdrawal and shall be responsible
37 for paying its share of such indebtedness to the same extent
38 as though it had not withdrawn.

39 §3641. Temporary borrowing

1 The interstate board may authorize the borrowing of
2 money by the interstate district (1) in anticipation of pay-
3 ments of operating and capital expenses by the member dis-
4 tricts to the interstate district and (2) in anticipation of
5 the issue of bonds or notes of the interstate district which
6 have been authorized for the purpose of financing capital
7 projects. Such temporary borrowing shall be evidence by
8 interest bearing or discounted notes of the interstate dis-
9 trict. The amount of notes issued in any fiscal year in
10 anticipation of expense payments shall not exceed the amount
11 of such payments received by the interstate district in the
12 preceding fiscal year. Notes issued under this section
13 shall be payable within one year in the case of notes under
14 clause (1) and 3 years in the case of notes under clause (2)
15 from their respective dates, but the principal of and inter-
16 est on notes issued for a shorter period may be renewed or
17 paid from time to time by the issue of other notes, provided
18 that the period from the date of an original note to the
19 maturity of any note issued to renew or pay the same debt
20 shall not exceed the maximum period permitted for the orig-
21 inal loan.

22 §3642. Borrowing for capital projects

23 An interstate district may incur debt and issue its
24 bonds or notes to finance capital projects. Such projects
25 may consist of the acquisition or improvement of land and
26 buildings for school purposes, the construction, reconstruc-
27 tion, alteration or enlargement of school buildings and
28 related school facilities, the acquisition of equipment of a
29 lasting character and the payment of judgments. No inter-
30 state district may authorize indebtedness in excess of 10%
31 of the total fair market value of taxable property in its
32 member districts as defined in article VI. The primary
33 obligation of the interstate district to pay indebtedness of
34 member districts shall not be considered indebtedness of the
35 interstate district for the purpose of determining its bor-
36 rowing capacity under this section. Bonds or notes issued
37 under this section shall mature in equal or diminishing
38 installments of principal payable at least annually commenc-
39 ing no later than 2 years and ending not later than 30 years
40 after their dates.

41 §3643. Authorization

42 An interstate district shall authorize the incurring of
43 debts to finance capital projects by a majority vote of the
44 district passed at an annual or special district meeting.
45 Such vote shall be taken by secret ballot after full oppor-

1 tunity for debate, and any such vote shall be subject to
2 reconsideration and further action by the district at the
3 same meeting or at an adjourned session thereof.

4 §3644. Sale of bonds and notes

5 Bonds and notes which have been authorized under this
6 article may be issued from time to time and shall be sold at
7 not less than par and accrued interest at public or private
8 sale by the chairman of the school board and by the treasurer.
9 Interstate district bonds and notes shall be signed by
10 the said officers, except that either one of the 2 required
11 signatures may be a facsimile. Subject to this compact and
12 the authorizing vote, they shall be in such form, bear such
13 rates of interest and mature at such times as the said offi-
14 cers may determine. Bonds shall, but notes need not, bear
15 the seal of the interstate district, or a facsimile of such
16 seal. Any bonds or notes of the interstate district which
17 are properly executed by the said officers shall be valid
18 and binding according to their terms notwithstanding that
19 before the delivery thereof such officers may have ceased to
20 be officers of the interstate district.

21 §3645. Proceeds of bonds

22 Any accrued interest received upon delivery of bonds or
23 notes of an interstate district shall be applied to the pay-
24 ment of the first interest which becomes due thereon. The
25 other proceeds of the sale of such bonds or notes, other
26 than temporary notes, including any premiums, may be tempo-
27 rarily invested by the interstate district pending their
28 expenditure; and such proceeds, including any income derived
29 from the temporary investment of such proceeds, shall be
30 used to pay the costs of issuing and marketing the bonds or
31 notes and to meet the operating expenses or capital expenses
32 in accordance with the purposes for which the bonds or notes
33 were issued or, by proceedings taken in the manner required
34 for the authorization of such debt, for other purposes for
35 which such debt could be incurred. No purchaser of any
36 bonds or notes of an interstate district shall be responsi-
37 ble in any way to see to the application of the proceeds
38 thereof.

39 §3646. State aid programs

40 As used in this section the term "initial aid" shall
41 include Maine and New Hampshire financial assistance with
42 respect to a capital project, or the means of financing a
43 capital project, which is available in connection with con-

1 struction costs of a capital project or which is available
2 at the time indebtedness is incurred to finance the project.
3 Without limiting the generality of the foregoing definition,
4 initial aid shall specifically include a New Hampshire state
5 guarantee under RSA 195-B with respect to bonds or notes and
6 Maine construction aid under Title 20, section 3457. As
7 used in this section, the term "long-term aid" shall include
8 Maine and New Hampshire financial assistance which is pay-
9 able periodically in relation to capital costs incurred by
10 an interstate district. Without limiting the generality of
11 the foregoing definition, long-term aid shall specifically
12 include New Hampshire school building aid under RSA 198 and
13 Maine school building aid under Title 20, section 3457. For
14 the purpose of applying for, receiving and expending initial
15 aid and long-term aid an interstate district shall be deemed
16 a native school district by each state, subject to the fol-
17 lowing provisions.

18 When an interstate district has appropriated money for
19 a capital project, the amount appropriated shall be divided
20 into a Maine share and a New Hampshire share in accordance
21 with the capital expense apportionment formula in the arti-
22 cles of agreement as though the total amount appropriated
23 for the project was a capital expense requiring apportion-
24 ment in the year the appropriation is made. New Hampshire
25 initial aid shall be available with respect to the amount of
26 the New Hampshire share as though it were authorized
27 indebtedness of a New Hampshire cooperative school district.
28 In the case of a state guarantee of interstate district
29 bonds or notes under RSA 195-B, the interstate district
30 shall be eligible to apply for and receive an unconditional
31 state guarantee with respect to an amount of its bonds or
32 notes which does not exceed 50% of the amount of the New
33 Hampshire share as determined above. Maine aid shall be
34 available with respect to the amount of the Maine share as
35 though it were funds voted by a Maine school district. Pay-
36 ments of Maine aid shall be made to the interstate district,
37 and the amount of any borrowing authorized to meet the
38 appropriation for the capital project shall be reduced ac-
39 cordingly. New Hampshire and Maine long-term aid shall be
40 payable to the interstate district. The amounts of long-
41 term aid in each year shall be based on the New Hampshire
42 and Maine shares of the amount of indebtedness of the inter-
43 state district which is payable in that year and which has
44 been apportioned in accordance with the capital expense
45 apportionment formula in the articles of agreement. The New
46 Hampshire aid shall be payable at the rate of 45% if there
47 are 3 or less New Hampshire members in the interstate dis-
48 trict, and otherwise it shall be payable as though the New

1 Hampshire members were a New Hampshire cooperative school
2 district. New Hampshire and Maine long-term aid shall be
3 deducted from the total capital expenses for the fiscal year
4 in which the long-term aid is payable, and the balance of
5 such expenses shall be apportioned among the member dis-
6 tricts. Notwithstanding the foregoing provisions, New Hamp-
7 shire and Maine may at any time change their state school
8 aid programs that are in existence when this compact takes
9 effect and may establish new programs, and any legislation
10 for these purposes may specify how such programs shall be
11 applied with respect to interstate districts.

12 §3647. Tax exemption

13 Bonds and notes of an interstate school district shall
14 be exempt from local property taxes in both states, and the
15 interest or discount thereon and any profit derived from the
16 disposition thereof shall be exempt from personal income
17 taxes in both states.

18 ARTICLE VIII

19 TAKING OVER OF EXISTING PROPERTY

20 §3648. Power to acquire property of member district

21 The articles of agreement, or an amendment thereof, may
22 provide for the acquisition by an interstate district from a
23 member district of all or a part of its existing plant and
24 equipment.

25 §3649. Valuation

26 The articles of agreement, or the amendment, shall pro-
27 vide for the determination of the value of the property to
28 be acquired in one or more of the following ways:

29 1. In articles of agreement. A valuation set forth in
30 the articles of agreement or the amendment.

31 2. Appraisal. By appraisal, in which case, one
32 appraiser shall be appointed by each commissioner, and a
33 third appraiser appointed by the first 2 appraisers.

34 §3650. Reimbursement to member district

35 The articles of agreement shall specify the method by
36 which the member district shall be reimbursed by the inter-
37 state district for the property taken over, in one or more
38 of the following ways:

1 school district shall continue in existence and shall have
2 all of the powers and be subject to all of the obligations
3 imposed by law on it and not herein delegated to the dis-
4 trict. However, if all of the schools in the member school
5 district are incorporated into the interstate school dis-
6 trict, then the member or members of the interstate board
7 representing the member district shall have all of the
8 powers and be subject to all of the obligations imposed by
9 law on the members of a school board for the member district
10 and not herein delegated to the interstate district. The
11 New Hampshire member school district shall remain liable on
12 its existing indebtedness; and the interstate school dis-
13 trict shall not become liable therefor, unless the indebted-
14 ness is specifically assumed in accordance with the articles
15 of agreement. Any trust funds or capital reserve funds and
16 any property not taken over by the interstate district shall
17 be retained by the New Hampshire member district and held or
18 disposed of according to law. If all of the schools in a
19 member district are incorporated into an interstate dis-
20 trict, then no annual meeting of the member district shall
21 be required unless the members of the interstate board from
22 the member district shall determine that there is occasion
23 for such an annual meeting.

24 §3655. Suit and service of process in New Hampshire

25 The courts of New Hampshire shall have the same juris-
26 isdiction over the district as though a New Hampshire member
27 district were a party instead of the interstate district.
28 The service necessary to institute suit in New Hampshire
29 shall be made on the district by leaving a copy of the writ
30 or other proceedings in hand or at the last and usual place
31 of abode of one of the directors who resides in New Hamp-
32 shire, and by mailing a like copy to the clerk and to one
33 other director by certified mail with return receipt
34 requested.

35 §3656. Employment

36 Each employee of an interstate district assigned to a
37 school located in New Hampshire shall be considered an
38 employee of a New Hampshire school district for the purpose
39 of the New Hampshire teachers retirement system, the New
40 Hampshire state employees retirement system, the New Hamp-
41 shire workmen's compensation law and any other law relating
42 to the regulation of employment or the provision of benefits
43 for employees of New Hampshire school districts except as
44 follows:

1 A Maine school district shall be entitled to receive
2 such amount of state aid for operating expenditures as
3 though its share of the interstate district's expenses were
4 the expense of the Maine member district, and as though the
5 Maine member district pupils attending the interstate
6 schools were attending a Maine unit. Such state aid shall
7 be paid to the Maine member school district to reduce the
8 sums which would otherwise be required to be raised by taxa-
9 tion within the member district.

10 §3659. Continued existence of Maine school districts

11 A Maine school district shall continue in existence,
12 and shall have all of the powers and be subject to all of
13 the obligations imposed by law and not herein delegated to
14 the interstate district. If the interstate district incorpo-
15 rates only a part of the schools in the member school dis-
16 trict, then the school board of the member school district
17 shall continue in existence and it shall have all of the
18 powers and be subject to all of the obligations imposed by
19 law on it and not herein delegated to the district. How-
20 ever, if all of the schools in the member school district
21 are incorporated into the interstate school district, then
22 the member or members of the interstate school board representing
23 the member district shall have all of the powers and be sub-
24 ject to all of the obligations imposed by law on the members
25 of a school board for the member district and not herein
26 delegated to the interstate district. The Maine member
27 school district shall remain liable on its existing
28 indebtedness; and the interstate school district shall not
29 become liable therefor. Any trust funds and any property
30 not taken over shall be retained by the Maine member school
31 district and held or disposed of according to law.

32 §3660. Suit and service of process in Maine

33 The courts of Maine shall have the same jurisdiction
34 over the districts as though a Maine member district were a
35 party instead of the interstate district. The service
36 necessary to institute suit in Maine shall be made on the
37 district by leaving a copy of the writ or other proceedings
38 in hand or at the last and usual place of abode of one of
39 the directors who resides in Maine, and by mailing a like
40 copy to the clerk and to one other director by certified
41 mail with return receipt requested.

42 §3661. Employment

1 §3663. Textbooks

2 Textbooks and scholar's supplies shall be provided at
3 the expense of the interstate district for pupils attending
4 its schools.

5 §3664. Transportation

6 The allocation of the cost of transportation in an
7 interstate school district, as between the interstate dis-
8 trict and the member districts, shall be determined by the
9 articles of agreement.

10 §3665. Location of schoolhouses

11 In any case where a new schoolhouse or other school
12 facility is to be constructed or acquired, the interstate
13 board shall first determine whether it shall be located in
14 New Hampshire or in Maine. If it is to be located in New
15 Hampshire, RSA 199, relating to schoolhouses, shall apply.
16 If it is to be located in Maine, the Maine law relating to
17 schoolhouses shall apply.

18 §3666. Fiscal year

19 The fiscal year of each interstate district shall begin
20 on July 1st of each year and end on June 30th of the follow-
21 ing year.

22 §3667. Immunity from tort liability

23 Notwithstanding the fact that an interstate district
24 may derive income from operating profit, fees, rentals, and
25 other services, it shall be immune from suit and from lia-
26 bility for injury to persons or property and for other torts
27 caused by it or its agents, servants or independent contrac-
28 tors, except insofar as it may have undertaken such liabil-
29 ity under RSA 221:7 relating to workmen's compensation, or
30 RSA 412:3 relating to the procurement of liability insurance
31 by a governmental agency and except insofar as it may have
32 undertaken such liability under Maine laws relating to
33 workmen's compensation or Maine laws relating to the pro-
34 urement of liability insurance by a governmental agency.

35 §3668. Administrative agreement between commissioners of
36 education

37 The commissioners of education of New Hampshire and
38 Maine may enter into one or more administrative agreements

1 prescribing the relationship between the interstate dis-
2 tricts, member districts, and each of the 2 state depart-
3 ments of education, in which any conflicts between the 2
4 states in procedure, regulations, and administrative prac-
5 tices may be resolved.

6 §3669. Amendments

7 Neither state shall amend its legislation or any agree-
8 ment authorized thereby without the consent of the other in
9 such manner as to substantially adversely affect the rights
10 of the other state or its people hereunder, or as to sub-
11 stantially impair the rights of the holders of any bonds or
12 notes or other evidences of indebtedness then outstanding or
13 the rights of an interstate school district to procure the
14 means for payment thereof. Subject to the foregoing, any
15 reference herein to other statutes of either state shall
16 refer to such statute as it may be amended or revised from
17 time to time.

18 §3670. Inconsistency of language

19 The validity of this compact shall not be affected by
20 any insubstantial differences in its form or language as
21 adopted by the 2 states.

22 §3671. Separability

23 If any of the provisions of this compact or legislation
24 enabling the same shall be held invalid or unconstitutional
25 in relation to any of the applications thereof, such inva-
26 lidity or unconstitutionality shall not affect other appli-
27 cations thereof or other provisions thereof, and to this end
28 the provisions of this compact are declared to be severable.

29 PART 3

30 ELEMENTARY AND SECONDARY EDUCATION

31 CHAPTER 201

32 GENERAL PROVISIONS

33 §4001. Facilities

34 The following provisions shall apply to school facili-
35 ties.

1 1. Maintenance and repairs. A school administrative
2 unit shall repair, improve and maintain its facilities with
3 funds from its own budget.

4 2. Erect buildings. A school administrative unit may
5 raise money to erect and equip school buildings.

6 3. Lease. A school administrative unit may lease
7 facilities and other property.

8 A. The term of a lease shall be at least equal to the
9 period during which similar property of the unit is
10 used. A lease may not exceed a term of 10 years.

11 B. A lease of classroom space shall provide for its
12 exclusive use by the unit. A lease may provide for the
13 nonexclusive use of other property, but that property
14 may be used for housing only in emergencies.

15 C. Leased property shall be considered property of the
16 unit in all respects.

17 D. A lease may not be eligible for the state school
18 subsidy unless it is approved by the commissioner
19 before it is signed.

20 4. Financing. School administrative units may, with
21 approval of the legislative body, arrange financing for
22 maintenance of plant and minor remodeling.

23 5. Capital reserve fund. School administrative units
24 may establish a capital reserve fund for maintenance of
25 plant and minor remodeling.

26 6. Insurance. School administrative units shall carry
27 fire insurance and allied coverage in the amount of the re-
28 placement cost of any school construction project. The com-
29 missioner may adjust the amount of coverage required if
30 insurance cannot be obtained at a reasonable cost.

31 §4002. Schoolbooks, apparatus and appliances

32 The following provisions shall apply to schoolbooks,
33 apparatus and appliances.

34 1. Free schoolbooks. A school administrative unit
35 shall provide its students with schoolbooks and necessary
36 apparatus and appliances at the expense of the school admin-
37 istrative unit.

1 2. Purchased textbooks. The parent of a student may
2 buy required textbooks for that student's exclusive use.

3 3. Rules. A school board may adopt rules for distrib-
4 uting and preserving schoolbooks, apparatus and appliances
5 provided by the unit.

6 §4003. Water supply

7 If a school building of a school administrative unit is
8 supplied by a water supply operated by the school adminis-
9 trative unit and which serves only the school buildings
10 under the control of the school board, the water supply
11 shall not be considered a public water supply under Title
12 22, sections 2651 and 2652. The school board shall ensure
13 that this water supply meets standards set by the Department
14 of Human Services for private water supplies of schools.

15 §4004. Fencing

16 Schoolhouse lots and playgrounds that require fencing
17 shall be fenced by the municipality or school administrative
18 unit.

19 §4005. Gifts

20 School administrative units may receive and expend
21 gifts for educational purposes.

22 §4006. Closing schools

23 Schools may be closed or relocated as follows.

24 1. Closing or moving. The legislative body of a
25 school administrative unit may, at a regular or special
26 meeting, discontinue or change the location of a school:

27 A. On the written recommendation of the school board;
28 and

29 B. With appropriate conditions to preserve the rights
30 and privileges of the residents for whose benefit the
31 school had been established.

32 2. Temporary closing. A school board may, for a com-
33 bined period of not more than one year, close a school if
34 there are not enough students for profitable maintenance.

35 3. Small enrollment. A school with less than an aver-
36 age attendance of 8 students shall close, unless:

1 A. The school board recommends the school stay open;
2 and

3 B. The legislative body at a regular or special meet-
4 ing approved that recommendation.

5 4. School administrative districts and community
6 school districts. Closing of an elementary school must con-
7 form:

8 A. In a school administrative district, to section
9 1407; and

10 B. In a community school district, to section 1751,
11 subsection 5.

12 §4007. Secret societies prohibited

13 Secret societies shall be prohibited as follows.

14 1. Prohibition. Secret fraternities or societies in
15 or associated with public schools shall be prohibited.

16 2. Enforcement. School boards shall enforce this
17 section.

18 3. Penalty. School boards may expel or otherwise dis-
19 cipline any student for failure or refusal to comply with
20 this section.

21 §4008. Privileged communications

22 1. Definitions. As used in this section, unless the
23 context indicates otherwise, the following terms have the
24 following meanings.

25 A. "Client" means a person who has actively sought or
26 is in the process of seeking professional help from a
27 school counselor.

28 B. "School counselor" means a person who is employed as
29 a school counselor in a school setting and who:

30 (1) Is certified as a school counselor by the
31 department; or

32 (2) Possesses a minimum of a master's degree in
33 an approved program in guidance and counseling.

1 2. Privileged communication. A school counselor may
2 not be required, except as provided by this section, to
3 divulge or release information gathered during a counseling
4 relation with a client or with the parent or guardian of a
5 minor client. A counseling relation and the information
6 resulting from it shall be kept confidential consistent with
7 the professional obligations of the counselor.

8 3. Exceptions. This section shall not apply to the
9 extent that disclosure of information is necessary:

10 A. To comply with Title 22, section 4011; and

11 B. To report to an appropriate authority or to take
12 appropriate emergency measure when:

13 (1) The client's condition requires others to
14 assume responsibility for him; or

15 (2) There is clear and imminent danger to the
16 client or others.

17 §4009. Civil liability

18 The following provisions apply to civil liability.

19 1. Reasonable force. A teacher or other person
20 entrusted with the care or supervision of a person for spe-
21 cial or limited purposes may not be held civilly liable for
22 the use of a reasonable degree of force against the person
23 who creates a disturbance if the teacher or other person
24 reasonably believes it is necessary to:

25 A. Control the disturbing behavior; or

26 B. Remove the person from the scene of the disturb-
27 ance.

28 2. Exceptions. Subsection 1 shall not apply to the
29 intentional or reckless use of force that creates a substan-
30 tial risk of death, serious bodily injury or extraordinary
31 pain.

32 3. Effect on civil liability. This section may not be
33 construed to increase the scope of potential civil liability
34 of a teacher or other person entrusted with the care or
35 supervision of a person for special or limited purposes.

1 4. Pupil-teacher ratio. It has a pupil-teacher ratio
2 of not more than 30 to 1.

3 5. Hygienic facilities and equipment. It has safe and
4 hygienic facilities and adequate equipment and supplies
5 which comply with rules established by the Department of
6 Human Services and the state board.

7 6. Consecutive grades. It is organized to include not
8 less than 2 consecutive grades from 9 to 12.

9 7. Records. It has adequate, safely protected
10 records.

11 8. Size. It meets the following size requirements.

12 A. If it enrolls fewer than 100 pupils, it may be
13 approved on an emergency or continuing basis only after
14 the school board has presented in detail reasons for
15 the emergency or continuing approval.

16 B. If the commissioner determines that a school is
17 geographically isolated and if it otherwise meets all
18 the other requirements of this section, it shall
19 receive approval for a 6-year period. The commissioner
20 may terminate that approval because of the school's
21 size only if the school receives at least 5 years'
22 notice of that termination.

23 §4402. Removal of basic approval

24 1. Commissioner may remove basic approval. Notwith-
25 standing any other provisions of law, the commissioner may
26 remove basic approval from any private school for failure to
27 meet applicable approval requirements.

28 2. Procedural requirements. Whenever a school fails
29 to meet these requirements, the commissioner shall:

30 A. Give due notice; and

31 B. Hold a hearing.

32 3. Hearing. The hearing on removal of basic approval
33 shall be in accordance with the applicable provisions of the
34 Maine Administrative Procedure Act, Title 5, chapter 375,
35 and rules of the State Board of Education adopted pursuant
36 to section 405, subsection 3, paragraph E.

1 §4403. Nonrenewal of basic approval

2 The decision of the commissioner on nonrenewal of basic
3 approval of any school applying for renewal shall be in ac-
4 cordance with the Maine Administrative Procedure Act, Title
5 5, chapter 375, and rules adopted by the State Board of Edu-
6 cation under section 405, subsection 3, paragraph E.

7 §4404. Accreditation

8 For accreditation the following shall be required.

9 1. Application for accreditation. An approved school
10 may apply to the commissioner for recognition as an accred-
11 ited school.

12 2. Requirements. The commissioner, with the approval
13 of the state board, shall establish requirements for accred-
14 itation, which shall include nationally recognized stan-
15 dards, including:

16 A. Quality of instruction;

17 B. School facilities; and

18 C. Curriculum content.

19 3. Advisory committee. The commissioner shall appoint
20 an advisory committee consisting of professional and lay
21 persons to assist in the development of these standards. A
22 school may not be accredited until it has been evaluated by
23 an advisory committee qualified to appraise its functions
24 and program success.

25 4. Procedure for adoption of accreditation stan-
26 dards. The commissioner shall adopt or amend rules on the
27 requirements and standards for accreditation.

28 §4405. Private schools

29 Approval of private schools is governed by chapter 117.

30 §4406. Junior high school defined

31 A junior high school means a school which maintains a
32 diversified program of studies approved by the commissioner,
33 for grades or years as he prescribes, throughout the school
34 year. A combination of 2 or more consecutive grades 6 to 9
35 may be included in a junior high school. A junior high

1 school may be maintained in connection with or as a part of
2 an approved or accredited secondary school.

3 CHAPTER 207

4 CURRICULUM

5 §4601. Basic curriculum

6 1. Required courses in American and Maine his-
7 tory. The following courses shall be required.

8 A. American history and civil government, including
9 the Constitution of the United States, the Declaration
10 of Independence, the importance of voting and the
11 privileges and responsibilities of citizenship, shall
12 be taught in and required for graduation from all ele-
13 mentary and secondary schools.

14 B. A course in the history, including the Constitution
15 of Maine, Maine geography and the natural and indus-
16 trial resources of Maine shall be taught in at least
17 one grade from grade 7 to grade 12, in all schools,
18 both public and private.

19 2. English. Four years of English shall be required
20 for graduation from a secondary school.

21 3. Required programs in physical education, safety and
22 health. Programs in physical education, safety and health
23 shall be provided and required for all students in public
24 elementary and secondary schools. The commissioner:

25 A. Shall adopt or amend rules to carry out the pro-
26 grams;

27 B. May periodically require reports from superintend-
28 ents; and

29 C. Shall prescribe courses of studies and plans of
30 lessons and instruction.

31 4. Courses prescribed by the commissioner. The com-
32 missioner shall prescribe by rule the basic curriculum to be
33 taught in public schools.

34 5. Courses prescribed by school boards or boards of
35 trustees. A school board or board of trustees subject to
36 approval by the commissioner, may prescribe additional

1 studies to be taught in its school administrative unit or
2 school.

3 6. Exception. A student who has satisfactorily com-
4 pleted the freshman year in a degree-granting institution
5 may receive a secondary school diploma from the school he
6 last attended, even if he did not meet these graduation re-
7 quirements in subsection 1, paragraph A and subsection 2.

8 §4602. Languages of instruction

9 Languages of instruction to be used in all schools
10 shall be as follows.

11 1. Basic language. The basic language of instruction
12 in all schools, public and private, shall be the English
13 language, except as provided in this section.

14 2. Foreign language instruction. A school may provide
15 courses in foreign languages that are taught in those lan-
16 guages.

17 3. Bilingual education. Subject to the annual
18 approval of the commissioner, the school board of an admin-
19 istrative unit having students from non-English-speaking
20 families may provide programs involving bilingual education
21 techniques. These techniques shall be designed to provide
22 students with educational experiences to enhance their
23 learning. Bilingual instructors shall be subject to certi-
24 fication by the state board in both course content and lan-
25 guage of instruction.

26 4. Transitional instruction. A school board may pro-
27 vide transitional instruction programs.

28 A. "Transitional instruction" means instruction given
29 to a limited English speaking student for the purpose
30 of enabling the student to be instructed in English
31 within a reasonable length of time. Transitional
32 instruction shall not include bilingual education pro-
33 grams, as defined in (Public Law 90-247, Title VII,
34 United States Code Annotated, Title 20, Section
35 880b-1,) that is, programs which do not include stu-
36 dents of limited English speaking ability.

37 B. Certified bilingual instructors shall not be re-
38 quired for the provisions of transitional instruction
39 at any grade level.

1 §4603. Industrial education

2 Schools may provide courses in industrial arts. The
3 commissioner shall provide technical assistance.

4 §4604. Driver education

5 Schools may offer courses in driver education either
6 during regular school hours or outside of regular school
7 hours.

8 1. School administrative unit fee. A school adminis-
9 trative unit may charge a fee, based on the per student
10 cost, for driver education courses conducted after regular
11 school hours during the school year.

12 2. Contract authority. A school administrative unit
13 or private school may contract for driver education with any
14 certified person or any commercial driver education school,
15 provided that the instructor for the school shall be certi-
16 fied.

17 3. Temporary certification. If a certified instructor
18 is not available within a school administrative unit, and if
19 that unit requests it, the commissioner shall grant tempo-
20 rary driver education teacher certification to a person li-
21 icensed by the Secretary of State to teach driver education.
22 Requests for temporary certification shall be initiated by
23 the administrative unit. A certificate may not be for more
24 than one year.

25 4. Rules. The commissioner shall adopt or amend rules
26 to carry out this section.

27 CHAPTER 209

28 SCHOOL DAYS, HOLIDAYS, SPECIAL OBSERVANCES

29 §4801. School days

30 The following provisions shall apply to school days.

31 1. Number. A school administrative unit shall make
32 provision for the maintenance of all of its schools for at
33 least 180 days a year. At least 175 days shall be used for
34 instruction. In meeting the requirement of a 180-day school
35 year, no more than 5 days may be used for in-service educa-
36 tion of teachers, administrative meetings, parent-teacher
37 conferences, records' days and similar activities.

1 A. The commissioner may reduce or waive the minimum
2 number of days required on application from a school
3 board. The application must be supported in writing
4 with a statement of the reasons for the request.

5 B. Notwithstanding any other section of the statutes,
6 school committees, with the approval of the commis-
7 sioner, may adopt or amend rules necessary to implement
8 an extended school year at the local level. The com-
9 missioner may make appropriate adjustments, not to
10 exceed the allowable subsidy, to insure fair and equi-
11 table treatment in the distribution of state aid.

12 2. Equal terms. A school administrative unit shall
13 operate all its schools so that their regular annual ses-
14 sions are as equal in length as practicable.

15 3. Noncompliance. A school administrative unit which
16 fails to comply with this section may not receive its state
17 school subsidy until it provides for future compliance.

18 §4802. Holidays

19 The following provisions shall apply to school holi-
20 days.

21 1. Unconditional holidays. Public schools shall close
22 on the following days:

23 A. Patriot's Day, the 3rd Monday in April;

24 B. Memorial Day, last Monday in May or May 30th if the
25 Federal Government designates that date;

26 C. Independence Day, July 4th;

27 D. Labor Day, the first Monday in September;

28 E. Columbus Day, the 2nd Monday in October;

29 F. Veteran's Day, November 11th;

30 G. Thanksgiving Day, as designated by the Governor;
31 and

32 H. Christmas Day, December 25th.

33 2. Conditional holidays. Public schools shall close
34 on the following days unless the school board votes to keep

1 its schools open and observe the day with special exercises
2 as defined in section 4803:

3 A. New Years Day, January 1st; and

4 B. Washington's Birthday, the 3rd Monday in February.

5 §4803. Special observance days

6 Days marked by special observances shall be established
7 as follows:

8 1. January 1st. January 1st, if the school board
9 votes to keep schools open;

10 2. Washington's Birthday. Washington's Birthday, the
11 3rd Monday in February, if the school board votes to keep
12 schools open. The day shall be observed with appropriate
13 exercises;

14 3. Lincoln's Birthday. Lincoln's Birthday shall be
15 observed by studying the life and character of Abraham Lin-
16 coln during part of the school day;

17 4. Arbor Day, as designated by the Governor. Arbor
18 Day shall be observed for the purpose designated by the Gov-
19 ernor;

20 5. Temperance Day. Temperance Day, March 1st, shall
21 be observed by studying the history and benefits of temper-
22 ance laws for at least 45 minutes. The commissioner shall
23 prepare appropriate materials for this observance;

24 6. John F. Kennedy Day. John F. Kennedy Day,
25 November 2nd, shall be observed by studying the life and
26 character of John F. Kennedy during part of the school day;

27 7. Martin Luther King Day. Martin Luther King Day,
28 January 15th, as specified in Title 1, section 115;

29 8. Statehood Day. Statehood Day, March 15th, as
30 specified in Title 1, section 116; and

31 9. Poetry Day. Poetry Day, October 15th, as specified
32 in Title 1, section 112.

33 §4804. Sunday holidays

1 When a holiday or special observance falls on a Sunday,
2 the following Monday shall be considered the holiday or day
3 of special observance.

4 §4805. Other special observances

5 Other special observances shall be as follows.

6 1. Flag. Teachers in public schools shall impress on
7 students by suitable references and observances the signifi-
8 cance of the flag. They shall teach them to love, honor and
9 respect the flag.

10 2. Period of silence. The school board of a school
11 administrative unit may require, at the commencement of the
12 first class of each day in all grades in all public schools
13 in their unit, that the teacher in charge of the room in
14 which each class is held shall announce that a period of
15 silence shall be observed for reflection or meditation and
16 during that period silence shall be maintained and no activ-
17 ities engaged in.

18 3. American History Month. American History Month is
19 the month of February, in accordance with Title 1, section
20 113.

21 4. Maine Cultural Heritage Week. Maine Cultural
22 Heritage Week is the week containing March 15th, in accor-
23 dance with Title 1, section 118.

24 5. Arbor Week. Arbor Week is the 3rd full week in
25 May, in accordance with Title 1, section 111-A.

26 CHAPTER 211

27 ATTENDANCE

28 SUBCHAPTER I

29 ATTENDANCE

30 §5001. Compulsory attendance

31 The following provisions apply to compulsory attend-
32 ance.

33 1. Requirement. Persons 7 years of age or older and
34 under 17 years shall attend a public school during its
35 regular annual session.

1 2. Exceptions. Compulsory attendance shall not apply
2 to the following:

3 A. Persons who graduate from high school before their
4 17th birthday;

5 B. Persons who have:

6 (1) Reached the age of 15 or completed the 9th
7 grade;

8 (2) Permission to leave school from their parent
9 or legal guardian;

10 (3) Permission to leave school from the school
11 board or its designee; and

12 (4) Agreed in writing with their parent or legal
13 guardian and the school board or its designee to
14 meet annually until their 17th birthday to review
15 their educational needs;

16 C. Students who obtain equivalent instruction in an
17 approved private school shall be credited with attend-
18 ance at a private school only if a certificate showing
19 their names, residence and attendance at the school,
20 signed by the person or persons in charge of the
21 school, has been filed with the school officials of the
22 administrative unit in which the students reside;

23 D. Persons who obtain equivalent instruction in any
24 other manner arranged for by the school board and
25 approved by the commissioner.

26 (1) If any request to be excused is denied by a
27 local school board an appeal may be filed with the
28 commissioner.

29 (2) The commissioner shall review the request to
30 be excused to determine whether the local school
31 board has been correct in its finding that no
32 equivalent instruction is available.

33 (3) The commissioner on finding that equivalent
34 instruction is available to the person shall
35 approve the request to be excused; or

36 E. A person whose absence is excused under section
37 5002 or 5051.

1 3. Appeal process. Persons who have complied with
2 subsection 2, paragraph B, subparagraphs (1) and (2) may
3 appeal to the commissioner if the school board or its desig-
4 nee denies them permission to leave school.

5 4. Excusable absence. A person's absence is excused
6 when the absence is for the following reasons:

7 A. Personal illness;

8 B. An appointment with a health professional that must
9 be made during the regular school day;

10 C. Observance of a recognized religious holiday when
11 the observance is required during the regular school
12 day;

13 D. A family emergency; or

14 E. A planned absence for a personal or educational
15 purpose which has been approved.

16 5. Adult responsibility. Any adult having a person
17 subject to subsection 1 under their control shall be respon-
18 sible for their compliance.

19 6. Noncompliance. An absence of 1/2 day or more shall
20 be considered noncompliance with subsection 1.

21 §5002. Alternate programs

22 The following provisions apply to suitable programs of
23 work, work study or training.

24 1. Approval. Students subject to section 5001, sub-
25 section 1, shall be excused if they:

26 A. Are 14 years of age or older;

27 B. Are participating in a suitable program of work,
28 work study or training;

29 C. Have their parent's or guardian's consent; and

30 D. The principal approves.

31 2. Appeal. A parent or guardian may appeal to the
32 school board if the principal refuses to approve under sub-
33 section 1.

1 3. Student involvement. A student requesting to be
2 excused under this section shall be consulted in the selec-
3 tion and formulation of work programs.

4 4. Special work permit. A student between the ages of
5 15 and 17 years who is unable to be issued a regular work
6 permit may receive a work permit for employment in
7 nonhazardous occupations. This special work permit shall be
8 issued jointly by the commissioner and the Director of the
9 Bureau of Labor.

10 §5003. Administration

11 1. School board's responsibility. School boards shall
12 administer this subchapter.

13 2. Rules. School boards shall adopt rules to carry
14 out this subchapter. They shall file a copy with the com-
15 missioner.

16 3. Commissioner's responsibility. The commissioner
17 shall guide school boards in adopting these rules.

18 SUBCHAPTER II

19 HABITUAL TRUANTS

20 §5051. Habitual truants

21 1. Definition. A student is a habitual truant if he
22 is:

23 A. Subject to sections 5001 or 5002; and

24 B. Absent from school without excuse for the equiva-
25 lent of 10 full days, or for at least 1/2 day on 7 con-
26 secutive school days, within any 6-month period.

27 2. Procedure. The following provisions apply to
28 procedure when a student is a habitual truant.

29 A. If a principal of a public school determines that a
30 student is a habitual truant, the principal shall
31 inform the superintendent. The superintendent shall
32 first try to correct the problem informally.

33 B. If unable to correct the problem informally, the
34 superintendent shall refer the matter to the school
35 board along with the principal's report and any other
36 useful information.

1 C. The school board shall call a hearing and shall
2 notify the parent or guardian of the following in writ-
3 ing at least 7 days in advance:

4 (1) Date and time of the hearing;

5 (2) Purpose of the hearing;

6 (3) Their right to inspect student's attendance
7 records and principal's reports; and

8 (4) The necessity of their and student's presence
9 at the hearing.

10 D. If the school board determines that the student is
11 a habitual truant, it shall either:

12 (1) Instruct the student to comply with section
13 5001, subsection 1, and advise the parent or
14 guardian of their responsibility under section
15 5001, subsection 3; or

16 (2) Waive the requirements of section 5001, sub-
17 section 1, if the student is 14 years of age or
18 older.

19 E. A parent or guardian may appeal the decision of the
20 school board to the commissioner.

21 (1) The commissioner shall appoint a fair hearing
22 officer to hear the appeal.

23 (2) The fair hearing officer shall report to the
24 commissioner on the testimony presented and shall
25 recommend a disposition to the commissioner.

26 (3) The commissioner shall review the report and
27 shall affirm, modify or reverse the school board's
28 decision.

29 3. Reports. The following provisions apply to
30 reports.

31 A. A superintendent shall submit an annual report to
32 the commissioner before October 1st. The report shall:

33 (1) Identify the number of habitual truants in
34 the unit in the preceding school year;

1 (2) Describe the unit's efforts to deal with
2 habitual truancy;

3 (3) Account for actions brought under this
4 section; and

5 (4) Include any other information on truancy
6 requested by the commissioner.

7 B. The commissioner shall submit an annual report to
8 the Governor and the Legislature before January 15th.
9 The report shall aggregate the information provided by
10 superintendents and shall evaluate the effect of state
11 laws on the incidence of truancy.

12 §5052. Attendance officers

13 The following provisions apply to attendance officers.

14 1. Election. The following provisions apply to the
15 election of attendance officers.

16 A. A school board shall annually elect an attendance
17 officer or officers.

18 B. The attendance officer shall be elected at the
19 first meeting of the school board after its election.

20 C. Vacancies shall be filled as they occur.

21 2. Duties. An attendance officer shall:

22 A. Investigate all cases of alleged habitual truancy
23 and report to the school board;

24 B. When directed in writing by the school board or the
25 superintendent, file a complaint under section 5053;

26 C. When notified by a teacher that a student's attend-
27 ance is irregular, arrest and take that student to
28 school if that student is truant;

29 D. When directed in writing by the school board or the
30 superintendent, visit places of employment in the unit
31 during regular school hours to determine whether any
32 individual under 14 years of age works there and report
33 to the superintendent or the school board; and

1 E. Upon completing an investigation under paragraph D,
2 report in writing to the Director of the Bureau of
3 Labor any finding that a minor is illegally employed
4 under Title 26, chapter 7.

5 3. Work permits. On request of an attendance officer
6 acting under subsection 2, paragraph D, the person in charge
7 of a place of employment shall produce all permits required
8 to be kept under Title 26, chapter 7.

9 4. Compensation. A school board may pay its attend-
10 ance officer out of funds appropriated for that purpose.

11 5. Penalties. The following provisions apply to pen-
12 alties.

13 A. An attendance officer who fails to perform the
14 duties assigned under this section shall be punished by
15 a fine of not less than \$10 nor more than \$50.

16 B. A school administrative unit which fails to perform
17 its duties under this section shall be subject to
18 section 6801.

19 §5053. Enforcement

20 1. Offenses. Each of the following acts shall consti-
21 tute a civil violation under this subchapter and subchapter
22 III:

23 A. Having control of a student who is a habitual
24 truant and being primarily responsible for that tru-
25 ancy;

26 B. Inducing a student to violate section 5051, subsec-
27 tion 1; or

28 C. Harboring or concealing a student who is in viola-
29 tion of section 5001.

30 2. Jurisdiction. The District Court shall have juris-
31 isdiction of these offenses.

32 3. Process. Warrants and legal process issued by a
33 court to enforce this section may be directed to and exe-
34 cuted by the attendance officer of the school administrative
35 unit where the offense is alleged to have been committed.

36 4. Penalties. The following provisions apply to pen-
37 alties.

1 A. A person guilty of a civil violation under:

2 (1) Subsection 1, paragraph A shall be punished
3 by a forfeiture of not more than \$200; and

4 (2) Subsection 1, paragraphs B and C shall be
5 punished by a forfeiture of not less than \$500.

6 B. The court may require that the offender undergo
7 counseling by a professional selected by the offender,
8 with the court's approval, or by the court. The coun-
9 selor shall submit a written report to the court and to
10 the offender.

11 SUBCHAPTER III

12 DROPOUTS

13 §5101. Statement of purpose

14 School attendance shall be compulsory because education
15 is essential to the preservation of the rights and liberties
16 of the people. To safeguard these rights and liberties fur-
17 ther, and to ensure equal access to educational opportunity,
18 the public schools should help those students in need find
19 appropriate alternatives to regular school curricula and
20 should maintain contact with dropouts.

21 §5102. Definitions

22 As used in this subchapter, unless the context other-
23 wise indicates, a "dropout" means any person under the age
24 of 17 who has withdrawn or been expelled from school before
25 graduation or completion of a program of studies and who has
26 not enrolled in another educational institution or program.

27 §5103. Positive action committee

28 The following provisions apply to the positive action
29 committee.

30 1. Committee. A superintendent responsible for a
31 grade level from 9 to 12 shall establish a positive action
32 committee.

33 2. Membership. The positive action committee shall be
34 composed of the following members:

35 A. A member of the school board selected by that
36 board;

- 1 B. A school administrator selected by the superinten-
2 dent;
- 3 C. Two teachers or school guidance counselors selected
4 by the unit's teachers' organization;
- 5 D. Two parents of students enrolled in a grade level
6 from 9 to 12, selected by the organized parent group,
7 or, if no organized parent group exists, by the school
8 board;
- 9 E. Two students enrolled in a grade level from 9 to 12
10 selected by the positive action committee members se-
11 lected in paragraphs A to D;
- 12 F. Two recent dropouts selected by the positive action
13 committee members selected in paragraphs A to D; and
- 14 G. Two residents of the municipalities within the
15 school administrative unit selected by the positive ac-
16 tion committee members selected in paragraphs A to D.
- 17 A positive action committee may increase its membership by
18 majority vote.
- 19 3. Terms and vacancies. Members shall serve 2-year
20 terms. Members may be reappointed. A vacancy shall be
21 filled as if it were an original appointment.
- 22 4. Chairman. The positive action committee shall
23 select a chairman from among its members. A chairman may
24 not serve continuously for more than 2 years.
- 25 5. Responsibilities. The following provisions apply
26 to responsibilities of the positive action committee.
- 27 A. The positive action committee shall:
- 28 (1) Study the dropout problem;
- 29 (2) Develop a plan for dealing with it; and
- 30 (3) Submit the plan to the school board.
- 31 B. The school board shall:
- 32 (1) File its plan with the department; and
- 33 (2) Inform the department what parts of the plan
34 will become policy in the unit.

1 C. The positive action committee shall consider the
2 following when developing its plan:

3 (1) Reasons why students drop out of school;

4 (2) Maintenance of continuing contacts with
5 recent dropouts in order to extend opportunities
6 for alternate educational programs, counseling and
7 referral;

8 (3) Education of teachers and administrators
9 about the dropout problem;

10 (4) Use of human services' programs to help
11 dropouts;

12 (5) The school administrative unit's policies on
13 suspension, expulsion and other disciplinary ac-
14 tion; and

15 (6) Discriminatory practices and attitudes within
16 the school administrative unit.

17 6. Annual review. The positive action committee shall
18 meet at least annually to review its plan and to make recom-
19 mendations to the school board. The school board shall
20 inform the department of any changes it adopts.

21 7. Department assistance. The department shall pro-
22 vide reasonable technical assistance to a positive action
23 committee on request.

24 §5104. Programs

25 1. Student involvement. A student being considered
26 for participation in programs for dropouts and truants shall
27 be involved in the selection and formation of those pro-
28 grams.

29 2. Student count. For state school subsidy purposes,
30 a student enrolled in a program for dropouts and truants
31 shall be counted as 1/10th of a student if the student
32 enrolls in a semester credit course or its equivalent lead-
33 ing to high school graduation. A student may not be counted
34 as more than one student under this Title.

35 3. Programs outside the school administrative unit.
36 The following provisions apply to programs outside the
37 school administrative unit.

1 A. War veterans who have not completed high school
2 before their 18th birthday may enroll in the public
3 schools in the school administrative units where they
4 reside until they graduate or reach the age of 25.

5 B. A person who has enrolled in a public kindergarten
6 or grade one in another state may enroll in kindergar-
7 ten or grade one, as the case may be, in the school
8 administrative unit where the parent or guardian become
9 residents.

10 C. A person who was enrolled in kindergarten in this
11 State under paragraph B, may enroll in grade one upon
12 satisfactory completion of kindergarten.

13 D. A person who was enrolled in a public kindergarten
14 in another state and was promoted to grade one may
15 enroll in grade one in the school administrative unit
16 where the parent or guardian becomes a resident.

17 E. The eligibility for exceptional students is gov-
18 erned by section 7001, subsection 2.

19 4. Rules. A school board may adopt rules to carry out
20 this section.

21 §5202. Residence

22 1. Definitions. For the purposes of this section,
23 "parent" means the parent or guardian with legal custody.

24 2. General rule. A person shall be considered a resi-
25 dent of the school administrative unit where his parent
26 resides. A federal installation shall be considered part of
27 the school administrative unit in which it is located.

28 §5203. Elementary students right to attend school in
29 another administrative unit

30 The following provisions govern the right of elementary
31 students to attend school in another school administrative
32 unit other than the one in which they are resident.

33 1. Units with an elementary school. An elementary
34 student may attend an approved private school or a public
35 elementary school in any school administrative unit with the
36 consent of the receiving school's school board. The
37 student's parent or guardian shall pay the cost of tuition
38 and transportation. The receiving school shall notify the

1 superintendent of the school administrative unit where the
2 student's parents reside of the name and grade of the ac-
3 cepted student.

4 2. Living remote from public schools in a school
5 administrative unit. Elementary students whose parents live
6 remote from a public school in their school administrative
7 unit may, with the consent of the school board in their
8 unit, attend public school in an adjoining school adminis-
9 trative unit in Maine or a neighboring state if the adjoining
10 unit accepts tuition students. The school administra-
11 tive unit where the students' parents reside shall pay
12 tuition and transportation.

13 3. Contract school. Students whose parents reside in
14 a school administrative unit which contracts for school
15 privileges under section 2701 may attend the contract
16 school. The school administrative unit in which their par-
17 ents reside shall pay the costs of the contract and trans-
18 portation.

19 4. Exception; no elementary school. Elementary stu-
20 dents whose parents reside in a unit which neither maintains
21 an elementary school nor contracts for elementary school
22 privileges may attend a private school approved for tuition
23 purposes or a public school in an adjoining unit in Maine or
24 in a neighboring state which accepts tuition students. The
25 school administrative unit where the students' parents
26 reside shall pay tuition and transportation.

27 5. Units with 10 or fewer students. Elementary stu-
28 dents whose parents reside in a school administrative unit
29 with a total April 1st resident student count of 10 or less
30 may attend public school as tuition students in a nearby
31 school administrative unit. The school board of the nearby
32 school administrative unit shall accept the students if
33 requested by the school board of the unit in which the stu-
34 dents' parents reside. The school board where the students'
35 parents reside shall pay tuition and transportation.

36 §5204. Secondary students right to attend school in another
37 administrative unit

38 The following provisions govern the right of secondary
39 students to attend school in another school administrative
40 unit other than the one in which they are resident.

41 1. Units with a secondary school. A secondary student
42 may attend an approved private school or a public secondary

1 school in any school administrative unit with the consent of
2 the receiving school's school board. The student's parent
3 or guardian shall pay the cost of tuition and transporta-
4 tion. The receiving school shall notify the superintendent
5 of the school administrative unit where the student's par-
6 ents reside of the name and grade of the accepted student.

7 2. Living remote from public schools in a school
8 administrative unit. Secondary students whose parents live
9 remote from a public school in their school administrative
10 unit may, with the consent of the school board in their
11 unit, attend public school in an adjoining school adminis-
12 trative unit in Maine or a neighboring state if the adjoin-
13 ing unit accepts tuition students. The school administra-
14 tive unit where the students' parents reside shall pay
15 tuition.

16 3. Contract school. Students whose parents reside in
17 a school administrative unit which contracts for school
18 privileges under section 2701 may attend the contract
19 school. The school administrative unit in which their par-
20 ents reside shall pay the cost of the contract.

21 4. No secondary school. Secondary students whose par-
22 ents reside in a unit which neither maintains a secondary
23 school nor contracts for secondary school privileges may
24 attend a private school approved for tuition purposes, a
25 public school in an adjoining unit which accepts tuition
26 students, or a school approved for tuition purposes in
27 another state or country. The school administrative unit
28 where the students' parents reside shall pay tuition.

29 5. Units with 10 or fewer students. Secondary stu-
30 dents whose parents reside in a school administrative unit
31 with a total April 1st resident student count of 10 or less
32 may attend public school as tuition students in a nearby
33 school administrative unit. The school board of the nearby
34 school administrative unit shall accept the students if
35 requested by the school board of the unit in which the stu-
36 dents' parents reside. The school board where the students'
37 parents reside shall pay tuition.

38 6. Insufficient courses; time limitations. If the
39 secondary school does not offer 2 approved occupational
40 courses of study, a 2-year course in mathematics or science
41 or 2 approved foreign language courses, then its students
42 may attend another secondary school approved for tuition
43 purposes to take the missing courses of study, provided
44 that:

- 1 A. The receiving school accepts tuition students;
2 B. The students meet the qualifications for attending
3 their own secondary school; and
4 C. The students have notified their own school admin-
5 istrative unit by April 1st, before the start of each
6 academic year, that they wish to take the course not
7 being offered by their school administrative unit.
8 Their school administrative unit shall notify them on
9 or before July 15th of that year whether the course
10 will be offered in the next academic year.

11 §5205. Other exceptions to the general residency rules

12 The following exceptions apply in determining a
13 student's right to attend a school in a school administra-
14 tive unit other than the one in which the student has perma-
15 nent residence.

16 1. State wards. A state ward shall be considered a
17 resident of the unit where placed.

18 2. Other students not living at home. A student other
19 than a state ward, residing with another person who is not
20 the student's parent, shall be considered a resident of the
21 school administrative unit where the student resides if the
22 superintendent of the unit determines that it is in the best
23 interest of the student because of the following:

24 A. It is undesirable and impractical for that student
25 to reside with the student's parent, or that other
26 extenuating circumstances exist which justify residence
27 in the unit; and

28 B. That person is residing in the school administra-
29 tive unit for other than just education purposes.

30 The commissioner shall review the superintendent's findings
31 under paragraph B, on the request of that student's parent.
32 The commissioner's decision shall be final and binding.

33 3. Students placed by state agencies. A student who
34 is placed by a state agency, child placement agency or
35 parent in a nonfamily foster home shall be considered a res-
36 ident of the school administrative unit where the foster
37 home is located, if:

1 A. The state agency, child placement agency or parent
2 proves to the school administrative unit's satisfaction
3 that the costs of educating that student will be paid
4 to the school administrative unit in the year they are
5 incurred; and

6 B. The school administrative unit has agreed to accept
7 tuition students under this Title.

8 4. Students living at light, fog warning or life sta-
9 tions. A student living at any light, fog warning or
10 lifesaving station shall be considered a resident of the
11 school administrative unit where the student chooses to
12 enroll.

13 5. Temporary residents. A student who temporarily
14 resides in a school administrative unit shall be considered
15 a resident of that school unit if the student is living with
16 a parent who, because of employment, moves from place to
17 place. This subsection may not be construed to abridge that
18 student's rights in the school administrative unit where the
19 student permanently resides.

20 6. Transfer students. The following provisions apply
21 to transfers of students from one school administrative unit
22 to another.

23 A. Two superintendents may approve the transfer of a
24 student from one school administrative unit to another
25 if:

26 (1) They find that a transfer is in the student's
27 best interest; and

28 (2) The student's parent approves.

29 The superintendents shall notify the commissioner of
30 any transfer approved under this paragraph.

31 B. On the request of the parent of a student request-
32 ing transfer under paragraph A, the commissioner shall
33 review the transfer. The commissioner's decision shall
34 be final and binding.

35 C. The superintendents shall annually review any
36 transfer under this subsection.

37 D. For purposes of the state school subsidy, a student
38 transferred under this subsection shall be considered a

1 resident of the school administrative unit to which
2 transferred. For purposes of local leeway under
3 section 15511, subsection 3, a student transferred
4 under this subsection shall be considered a resident of
5 the largest municipality in the school administrative
6 unit to which transferred.

7 E. A school administrative unit may not charge tuition
8 for a transfer approved under this subsection.

9 CHAPTER 215

10 TRANSPORTATION

11 §5401. Transportation

12 The transportation of public school students shall be
13 governed as follows.

14 1. Municipal school units. The superintendent of
15 schools in a municipal school unit shall provide transporta-
16 tion for elementary school students a part of or the whole
17 distance to and from the nearest suitable elementary school.
18 The municipality may provide transportation for secondary
19 level students.

20 2. School administrative district. The superintendent
21 of schools in a school administrative district shall, with
22 the approval of the school board, provide transportation
23 for:

24 A. Elementary school students a part of or the whole
25 distance to and from the nearest suitable school; and

26 B. Secondary school students a part of or the whole
27 distance to the district's secondary school or to and
28 from the secondary school in the school administrative
29 unit or units with which the district has contracted
30 for secondary school privileges. The school board may
31 provide transportation for secondary school students
32 attending other secondary schools.

33 3. Community school district. The community school
34 district district school committee shall either:

35 A. Instruct the superintendent of schools to provide
36 transportation for elementary and secondary school stu-
37 dents to and from the nearest suitable school; or

1 B. Provide transportation in accordance with a written
2 agreement with the member school administrative unit.

3 4. Special education students. Special education stu-
4 dents shall be provided transportation:

5 A. As provided by chapter 301; or

6 B. To and from classes.

7 5. Secondary school students residing on islands. A
8 school administrative unit shall pay transportation charges
9 over regular transportation lines for secondary school stu-
10 dents who reside on islands if those islands are:

11 A. Within the school administrative unit;

12 B. Without a secondary school; and

13 C. Served by regular transportation lines.

14 The charges shall not exceed regular fares. The transporta-
15 tion line and the school board may by agreement establish
16 school fares for these students at less than the regular
17 fare.

18 6. Temporary residents and residents on state-owned
19 property. The commissioner shall reimburse a school admin-
20 istrative unit for approved transportation of students who
21 reside on state-owned property located in towns of less than
22 100 residents or who are temporary residents, if those stu-
23 dents reside more than 2 miles from the school.

24 A. A superintendent, with the approval of the school
25 board, shall report these students to the commissioner.
26 The report shall include any other information the com-
27 missioner requires.

28 B. The commissioner may direct the unit to provide
29 transportation or board if transportation is deemed
30 inadvisable.

31 C. On receiving a bill of expenses for transportation
32 or board from a school administrative unit, the commis-
33 sioner shall, in December, reimburse it for those
34 expenses from the department appropriation for that
35 purpose.

1 7. Remote location. If a student resides in a loca-
2 tion remote from and inaccessible to schools or public high-
3 ways, the student's parents shall be responsible for provid-
4 ing transportation to a public highway or paying board for
5 the student within walking distance of a school. Failure of
6 the parent to provide transportation or board shall be con-
7 sidered a violation of the truancy law.

8 8. Adult education. A school administrative unit may
9 provide transportation for adults to and from adult educa-
10 tion programs as authorized under section 8611.

11 9. Vocational education. The following provisions
12 shall apply to transportation for vocational education.

13 A. The sending school administrative unit shall pro-
14 vide transportation for its students to and from a
15 vocational center or vocational satellite program.

16 B. The cooperative board shall provide for the trans-
17 portation of students to and from vocational programs
18 operated by vocational regions, centers or satellites.

19 (1) Transportation may not be provided outside
20 the vocational region, unless approved by the com-
21 missioner.

22 (2) State aid for transportation shall be com-
23 puted and paid to the administrative units of the
24 region in the same proportion that the administra-
25 tive unit contributes to the vocational educa-
26 tional budget of the region.

27 10. Duration. Transportation shall be provided for
28 the number of weeks that the school is open for instruction.

29 11. Minimum distances. A school board may establish
30 the distance from a school that students must reside to
31 receive transportation.

32 12. Safety. Transportation provided shall conserve
33 the comfort, safety and welfare of the students conveyed. A
34 responsible driver shall be in charge of the vehicle and
35 shall have control over the conduct of the students while
36 they are transported.

37 13. Contract. A superintendent may contract for
38 transportation.

1 1. Elementary students. In place of transportation,
2 the school board may authorize the boarding of a student.
3 That board:

4 A. Shall not exceed \$40 per week; and

5 B. Shall be at a suitable place near an established
6 school.

7 2. Secondary school students in remote school adminis-
8 trative units. Any remote school administrative unit,
9 including a coastal island which has no highway connection
10 to the mainland, which does not maintain an approved second-
11 ary school shall pay for board for a student eligible to
12 attend a secondary school.

13 A. Board shall not exceed an amount determined by the
14 administrative unit or a prorated amount for a fraction
15 of a week. It shall be paid only if:

16 (1) The commissioner determines that it is neces-
17 sary that the student board away from home to
18 attend a secondary school;

19 (2) The boarding arrangement is approved by the
20 school board; and

21 (3) The commissioner approves the boarding
22 arrangement in advance on a form provided for the
23 purpose.

24 B. The Town of Cumberland may pay the tuition, trans-
25 portation or board of a student whose parent resides on
26 Chebeague Island for attendance at an approved second-
27 ary school.

28 C. Payment for board shall be made on receipt of a
29 satisfactory attendance record at the end of a period
30 no longer than one month. The payment shall be charged
31 to the secondary school transportation account.

32 D. The superintendent shall, before September 1st
33 annually, make a return for the preceding school year,
34 under oath, to the commissioner on a form provided to
35 him showing:

36 (1) The name and residence of each student for
37 which board was paid;

1 Tuition charged for elementary school students shall be
2 as follows:

3 1. Public schools. The maximum tuition payments shall
4 not exceed the receiving school administrative units per
5 student cost for the preceding year as approved by the com-
6 missioner. The school board of the sending unit may vote to
7 pay a higher tuition rate.

8 2. Private schools. The tuition payment to a private
9 school shall not exceed the average per student cost in all
10 public elementary schools in the State for the previous year
11 as computed by the commissioner.

12 §5805. Secondary school students; public schools

13 Tuition charges for secondary school students in public
14 schools shall be governed by the following.

15 1. Computation of tuition rate. The tuition rate at a
16 public secondary school shall be the sum of all expenditures
17 divided by the number of students. These figures shall be
18 determined as follows.

19 A. Expenditures shall be all expenditures for public
20 secondary education for the period July 1st to June 30th
21 of the year immediately before the school year for
22 which the tuition charge is computed, except expendi-
23 tures for:

24 (1) Special education;

25 (2) Vocational education;

26 (3) Community services;

27 (4) Major capital outlay;

28 (5) Debt retirement; and

29 (6) Tuition and transportation.

30 B. The number of students shall be the average number
31 of public secondary pupils enrolled on October 1st and
32 April 1st of the same year.

33 C. The figure obtained by using the figures estab-
34 lished in paragraphs A and B shall be divided by the
35 average number of secondary students on October 1st and

1 April 1st of the year immediately prior to the year for
2 which the tuition charge is computed.

3 D. The tuition rate thus determined shall be adjusted
4 by the average change in public secondary education
5 costs for the 2 years immediately before the school
6 year for which the tuition charge is computed. This
7 adjustment shall be limited to a 6% increase.

8 2. Maximum allowable tuition. The maximum allowable
9 tuition charge by a public secondary school shall be the
10 rate computed under subsection 1 or the state average per
11 secondary student cost as adjusted, whichever is lower.

12 §5806. Secondary school students; private schools

13 Tuition charges for secondary school students in pri-
14 vate schools shall be governed by the following.

15 1. Private schools. Tuition rates for a private
16 school shall be computed as provided under section 5805,
17 subsection 1, except that expenditures and number of stu-
18 dents shall be based on the expenditures and students of
19 that school.

20 2. Maximum allowable tuition. The maximum allowable
21 tuition charged to a school administrative unit by a private
22 school shall be the rate established under subsection 1 or
23 the state average secondary school cost as adjusted, whic-
24 ever is lower, plus an insured value factor. The insured
25 value factor shall be computed by dividing 5% of the insured
26 value of that school's buildings and equipment by the aver-
27 age number of pupils enrolled in the school on October 1st
28 and April 1st of the year immediately before the school year
29 for which the tuition charge is computed. It may not exceed
30 7.5% of a school's legal tuition rate per student in any one
31 year.

32 3. Tuition charge above allowable maximum. A private
33 school may charge tuition above the allowable maximum estab-
34 lished in subsection 2 in those cases where the student has
35 an alternative choice for attending secondary school at the
36 allowable maximum tuition rate. The amount above the allow-
37 able maximum may be paid in whole or in part by the school
38 administrative unit if the legislative body of the adminis-
39 trative unit votes to authorize its school board to pay a
40 higher tuition rate.

41 §5807. Cost of removing architectural barriers

1 Notwithstanding the maximum tuition rate established
2 under sections 5805 and 5806, public and private schools may
3 adjust their tuition rate for the express purpose of comply-
4 ing with the requirements of the United States Vocational
5 Rehabilitation Act of 1973, Section 504, Public Law 93-112.

6 1. Prior approval of the commissioner. Projects, costs
7 to bring the facilities into compliance and the method and
8 time period of financing must receive prior approval of the
9 commissioner.

10 2. Calculation of adjustment. The cost adjustment for
11 each student shall be calculated by dividing:

12 A. The lesser of the actual compliance costs or debt
13 retirement payments of the year immediately prior to
14 the year for which the tuition charge is computed by;
15 and

16 B. The average number of students attending the school
17 on October 1st and April 1st of the same year.

18 3. Sunset provisions. The provisions of this subsection
19 shall apply to minor capital projects which have
20 received departmental approval before June 30, 1982.

21 §5808. Schools outside state

22 The tuition payment for students educated in whole in
23 another state or country may not exceed the average per
24 pupil cost in all secondary schools of this State. The
25 legislative body of the school unit may vote to authorize
26 its school board to pay a larger tuition rate.

27 §5809. Students enrolled in vocational educational programs

28 Schools receiving tuition students who are enrolled in
29 regular school day vocational educational programs at voca-
30 tional centers, satellites or vocational regions, under
31 chapter 313, may charge a tuition rate not to exceed 2/3 or
32 the maximum tuition rate as computed under sections 5805 or
33 5806.

34 §5810. Tuition payments to receiving schools

35 The following provisions apply to tuition payments.

36 1. Payment date. Tuition shall be paid within 30 days
37 of the billing date.

1 §6002. Record of birth

2 The following provisions apply to a student's first
3 enrollment.

4 1. Duty of students. Students who enroll for the
5 first time in a public school shall provide their teachers
6 with official records of birth within 60 days of enrollment.

7 2. Duty of parent or guardian. The following provi-
8 sions apply to the duties of a parent or guardian.

9 A. A parent or guardian of a student who enrolls shall
10 provide that student with an official record of birth.

11 B. A parent who refuses or unreasonably neglects to
12 comply with paragraph A shall be fined not more than
13 \$5.

14 3. Duties of teachers, superintendents and other
15 public officials. The following are duties of teachers,
16 superintendents and other public officials.

17 A. A teacher shall inform the superintendent of the
18 school administrative unit of the name of any student
19 who has not complied with subsection 1.

20 B. A superintendent shall inform the State Registrar
21 of Vital Statistics of the name of a student who has
22 not complied with subsection 1 and the name and address
23 of the parent of that student.

24 C. The State Registrar of Vital Statistics shall file
25 a complaint with the nearest District Court whenever
26 the registrar believes that a parent has not complied
27 with subsection 2.

28 D. The State Registrar of Vital Statistics shall pro-
29 vide file copies of any relevant records in the
30 registrar's possession on the request of a parent of a
31 student.

32 §6003. Student attendance records

33 1. Duty of school board. A school board shall desig-
34 nate one or more persons to maintain accurate records of all
35 students attending public schools in the unit.

36 2. Contents. The attendance records shall contain the
37 following information on each student:

- 1 A. Name;
- 2 B. Birth date;
- 3 C. Dates of entering and leaving school in the unit;
- 4 D. The number of days attended; and
- 5 E. The number of times late for school.

6 3. Access. Attendance records shall be made available
7 to the school board at any time.

8 4. Duty of record keeper. The record keeper shall
9 provide the school board with the information they request
10 whenever they request it.

11 §6004. Annual student count

12 The following provisions apply to the annual counting
13 of students.

14 1. Duty of superintendent. By April 15th and October
15 15th the superintendent of each school administrative unit
16 and the principal of each private school shall inform the
17 commissioner of the number of students attending their
18 schools and in the case of public schools the number of stu-
19 dents residing in their school administrative unit. This
20 information shall be supplied on forms provided by the com-
21 missioner.

22 2. Student count. Students shall be counted as fol-
23 lows.

24 A. A student residing in the school administrative
25 unit may be considered in attendance on April 1st only
26 if the student:

27 (1) Attended school at least 75% of the time
28 between October 1st and April 1st, if enrolled by
29 October 1st; or

30 (2) Attended school at least 75% of the time
31 between the date of his first enrollment and April
32 1st, if not enrolled by October 1st.

33 Excused absences and absences due to illness shall not
34 be considered absences under this subsection.

1 B. Students who attend school under section 5205, sub-
2 sections 2, 4, 5 and 6, shall be counted in the school
3 administrative unit in which they attend school.

4 SUBCHAPTER II

5 AUDITS

6 §6051. School administrative unit audits

7 The following provisions apply to financial records.

8 1. Audit. A school board shall provide for an annual
9 audit of a school administrative unit's revenues and
10 expenditures.

11 2. Fiscal year. The fiscal year of an audit shall be
12 from July 1st to June 30th.

13 3. Auditors. Audits shall be conducted by:

14 A. The Department of Audit;

15 B. A qualified public accountant; or

16 C. A person or firm recognized as competent by train-
17 ing and experience.

18 4. Report to commissioner. On or before November 1st,
19 the school board shall provide the commissioner with:

20 A. A copy of the audit; and

21 B. Assurance that the audit has been conducted, that
22 the records were found to be satisfactory and accurate
23 and that adequate substantiation for expenses and pay-
24 ments were on file.

25 5. Records. Financial records and accounts shall be
26 kept for 3 years after the end of the fiscal year. They
27 shall be available to authorized persons at all times.

28 §6052. Federal audits

29 The following provisions apply to federal audits.

30 1. A school board of a school administrative unit
31 which accepts federal funds shall hire auditors and pay out
32 of available school funds or from federally allocated sums
33 for any audit of federal programs.

1 §6151. Annual report

2 The following provisions apply to annual reports.

3 1. Duty of superintendent. The superintendent shall,
4 on or before August 1st, make an annual report to the com-
5 missioner under oath. The report shall contain a full and
6 complete return of all educational statistics required to be
7 reported for the year ending June 30th.

8 2. Penalty. A school administrative unit whose super-
9 intendent fails to make the report shall be subject to the
10 penalties of section 6801.

11 §6152. Rules

12 The commissioner shall adopt rules to carry out this
13 section which are consistent with federal requirements.

14 CHAPTER 223

15 HEALTH, NUTRITION AND SAFETY

16 SUBCHAPTER I

17 STUDENT HEALTH

18 §6301. Student health

19 The following provisions apply to student health.

20 1. Duty of teacher. A teacher who believes that a
21 student is so filthy or diseased as to be offensive or dan-
22 gerous to others, or because they are the bearers of vermin
23 or parasites, or have an infectious or contagious disease of
24 the skin, mouth or eyes, shall inform the superintendent.

25 2. Duty of superintendent. A superintendent informed
26 by a teacher under subsection 1 shall:

27 A. Inform the student's parent:

28 (1) To cleanse the clothing and bodies of their
29 children; and

30 (2) To furnish their children with the required
31 home or medical treatment for the relief of their
32 trouble so defined in subsection 1; and

1 B. Exclude the student from the public schools until
2 the student is no longer offensive or dangerous.

3 3. Duty of parent. A parent informed by a superinten-
4 dent under subsection 2 shall promptly do what is reasonably
5 necessary to ensure that the student is no longer offensive
6 or dangerous.

7 4. Penalty. Any parent who fails to comply with sub-
8 section 3 shall be fined not more than \$5 for the first
9 offense or \$10 for subsequent offenses.

10 5. Exclusion. A student showing symptoms of smallpox,
11 scarlet fever, measles, chicken pox, tuberculosis,
12 diphtheria, influenza, tonsillitis, whooping cough, mumps,
13 scabies or trachoma shall be excluded from the public
14 schools as soon as safe and proper transportation is avail-
15 able. The local health officer and the superintendent shall
16 be notified immediately. Exclusions shall conform to the
17 requirements of section 1001, subsection 11.

18 6. Authority and duties of the Department of Human
19 Services. The Department of Human Services shall have the
20 authority and duties prescribed in Title 22, chapter 251 on
21 communicable diseases.

22 SUBCHAPTER II

23 IMMUNIZATION

24 §6351. Immunization

25 The following provisions shall apply to immunization.

26 1. Definitions. As used in this section, unless the
27 context indicates otherwise, the following terms have the
28 following meanings.

29 A. "Disease" means poliomyelitis, diphtheria,
30 pertussis, tetanus, measles, mumps and rubella.

31 B. "School" means a public or private school.

32 2. Admission to school. A student may not be admitted
33 to school without a certificate or other acceptable evidence
34 of immunization unless:

35 A. The person in parental relationship to a student:

1 (1) Agrees in writing to have the student
2 immunized within 90 days;

3 (2) Consents in writing to the student being
4 immunized by a health officer, physician, nurse or
5 other authorized person in public or private
6 employ; or

7 (3) States in writing that the student should not
8 be immunized for any of the following reasons:

9 (i) A physician states in writing that
10 immunization may threaten the student's
11 health;

12 (ii) A physician states in writing that the
13 student has already had the disease against
14 which immunization is required;

15 (iii) The parent or guardian holds a sincere
16 religious belief which is contrary to this
17 immunization requirement; or

18 (iv) The parent or guardian is opposed to
19 immunization for moral, philosophical or
20 other personal reasons; or

21 B. The student is a female of childbearing age who
22 lacks only an immunization against rubella.

23 3. Attendance. The following provisions apply to
24 attendance.

25 A. A student may not attend school if the local health
26 officials and the superintendent find that:

27 (1) The student has not been immunized; and

28 (2) The student's presence in school poses a
29 clear danger that disease will spread to others.

30 B. The superintendent shall inform the person in
31 parental relationship to the student of their finding
32 and the provisions of this subsection.

33 C. If a student is absent from school under this sub-
34 section for more than 10 days, the superintendent shall
35 arrange to provide education for the student until he
36 can return to school.

- 1 A. To provide orientation for new local school nursing
2 personnel, and to assist them in writing comprehensive
3 job descriptions and implementing local health poli-
4 cies;
- 5 B. To assist local school nursing personnel in advo-
6 cating and planning comprehensive, sequential health
7 education programs for students;
- 8 C. To assist the department in establishing certifica-
9 tion standards for school nursing personnel;
- 10 D. To clarify legal issues, define liability and
11 interpret new legislation to school nursing personnel;
- 12 E. To assist school nursing personnel in becoming
13 knowledgeable members of pupil evaluation teams in
14 effecting placement and programs for exceptional stu-
15 dents;
- 16 F. To instruct school nursing personnel in the orga-
17 nization of health services with minimal disruption to
18 the educational process;
- 19 G. To coordinate appropriate educational programs and
20 workshops for school nursing personnel and to work with
21 institutions of higher education to make relevant
22 courses and degree programs available to nurses in all
23 areas of the State;
- 24 H. To interpret the role of school nursing personnel
25 to local administrators and educators;
- 26 I. To assist in establishing communication between the
27 Department of Human Services and the Department of Edu-
28 catinal and Cultural Services and to seek input from
29 local school nursing personnel in formulating guide-
30 lines for services to students;
- 31 J. To attend courses, workshops and conferences rele-
32 vant to school nursing and to disseminate current
33 health information of local school nursing personnel on
34 a regular basis;
- 35 K. To assure communication and coordination among
36 school nurses, physicians and other resource agencies
37 providing health services;

1 L. To serve as an official representative and spokes-
2 man for the School Nurse Division of the Maine Associa-
3 tion for Health, Physical Education, Recreation and
4 Dance, voicing the group's stand on legislation, health
5 topics and educational issues which affect the health
6 of the state's children; and

7 M. To serve as a resource person to other agencies and
8 organizations, including the State Principal's Associa-
9 tion, the Maine Lung Association, the School Health
10 Board of Directors, the Maine State Nurses' Association
11 and the Maine Teachers' Association.

12 §6402. School physicians

13 The following provisions apply to school physicians.

14 1. Appointment. Each school board shall, provided
15 funds have been appropriated, appoint at least one school
16 physician for every 1,000 students in the school administra-
17 tive unit.

18 2. Facilities. A school administrative unit shall,
19 provided funds have been appropriated, provide its school
20 physicians with proper facilities.

21 3. Duties. A school physician shall:

22 A. Promptly examine and diagnose a student referred to
23 the school physician under this subchapter; and

24 B. Examine school employees and property if the physi-
25 cian believes it is necessary to protect the health of
26 students.

27 4. Prohibition. A school physician may not treat a
28 student examined under this subchapter unless the physician
29 is also the student's personal physician.

30 §6403. Referral for examination

31 Except in remote and isolated areas, where a school
32 board may make other arrangements to carry out the purposes
33 of this section, the school board shall refer a student to
34 the school physician for examination or diagnosis if:

35 1. Lack of certificate of health. The student returns
36 to school without a certificate of health from the local
37 health officer or a personal physician after being absent
38 due to illness;

1 2. Screening program; rules. A screening program
2 shall be instituted according to the following provisions.

3 A. The school board of school administrative units
4 shall require that students in the public schools be
5 screened to determine if any student has a postural
6 defect. The screening shall be performed by personnel
7 who are approved by the Commissioner of Human Services
8 for this purpose. Screening for postural defects shall
9 be performed at least once annually in grades 5 to 8.

10 B. The Commissioner of Human Services shall, after
11 consultation with the Commissioner of Educational and
12 Cultural Services and the Bureau of Health, promulgate
13 rules in accordance with section 3, for the screening
14 test and shall furnish the rules to the administrative
15 officers of the school administrative units. These
16 rules shall include the frequency of the tests, the
17 manner in which the schools or their agents conduct the
18 tests, the qualifications of personnel conducting the
19 screening, the method by which prior notice of the
20 screening or the notice of any defect or possible
21 defect detected shall be sent to the parent or guardian
22 of the student and that the notation of the screening
23 and any follow-up activity shall be kept with the
24 student's school health records.

25 3. Exceptions. This section shall not apply to any
26 student whose parent or guardian demonstrates by a written
27 statement a religious, moral, philosophical or other per-
28 sonal objection.

29 4. Effective date. The Commissioner of Human Services
30 shall promulgate the directions for implementation of this
31 section no later than 30 days after the effective date of
32 this section. School boards of administrative units shall
33 have postural screening programs in effect by the start of
34 the school year 1984-85.

35 5. Funding. In the event federal funds are not avail-
36 able for this program, the State or municipalities shall be
37 under no obligation to utilize any state or municipal funds
38 to carry out the purposes of this section.

39 §6453. Notice to parents of result of screening

40 The school board shall inform the parent of a student
41 suffering from a disease or defect.

1 A. "Infectious tuberculosis" means a disease demon-
2 strated by symptoms which lead to a medical diagnosis
3 of active tuberculosis.

4 B. A person remains "infectious" until:

5 (1) Tuberculosis has been eliminated as the cause
6 of the symptoms; or

7 (2) Tuberculosis has been made "inactive" as de-
8 finied by the American Thoracic Society.

9 2. Exclusion from employment. A person with infec-
10 tious tuberculosis may not be employed by a school adminis-
11 trative unit if the person would be exposed to students or
12 would be regularly required to be present within school
13 buildings.

14 3. Current employees. Current employees excluded from
15 employment under subsection 2 may use sick leave and shall
16 retain the rights and privileges earned while employed.

17 4. New employees. The following provisions apply to
18 new employees.

19 A. A person who has had infectious tuberculosis may
20 not begin work in the public schools until the person
21 files a certificate with the school board.

22 B. The certificate shall:

23 (1) State:

24 (a) That within 90 days of the first day of
25 work that person has had a standard tubercu-
26 losis skin test and that the results were
27 negative; or

28 (b) If the results of a skin test were posi-
29 tive, the results of a standard full-chest x
30 ray taken within 90 days were negative; and

31 (2) Be signed by either a physician, a registered
32 nurse or other person approved by the Department
33 of Human Services to administer and interpret
34 tuberculosis tests.

35 C. In unusual cases or emergencies, a person may be
36 employed in the public schools up to 30 days without
37 complying with paragraph A if:

1 (1) That person is apparently healthy according
2 to the school nurse or school physician;

3 (2) Tuberculosis tests are administered within 30
4 days after the first day of work; and

5 (3) The Department of Human Services has been
6 informed in writing of the person's employment
7 within 3 days after the first day of work.

8 D. Negative results from an x ray or other evidence
9 satisfactory to the Commissioner of Human Services may
10 be substituted for negative skin test results if there
11 are medical reasons why a skin test should not be per-
12 formed.

13 5. Retesting. The following provisions apply to
14 retesting.

15 A. A person who has had infectious tuberculosis and
16 who works in the public schools shall file a certifi-
17 cate with the school board on or before December 1st,
18 biennially.

19 B. The certificate shall:

20 (1) State:

21 (a) That within the preceding 90 days that
22 person has had a standard tuberculosis skin
23 test and that the results were negative; or

24 (b) If the results of the skin test were
25 positive, the results of a standard full-size
26 chest x ray taken within 90 days were nega-
27 tive; and

28 (2) Be signed by either a physician, registered
29 nurse or other person approved by the Department
30 of Human Services to administer and interpret
31 tuberculosis tests.

32 C. School employees who complete a preventive drug
33 program approved by the Department of Human Services
34 shall not be required to get a chest x ray.

35 6. Modifications. The Commissioner of Human Services
36 may alter the requirements of this section wherever that
37 alteration would not pose a threat to public health or

1 wherever more frequent testing is necessary to protect
2 public health. Modifications under this subsection may not
3 extend beyond 4 years. They may not be renewed unless in
4 writing.

5 7. State assistance. The Department of Human Services
6 shall help provide medical services to comply with this
7 section. The department may:

8 A. Provide medicine for preventive drug programs for
9 school employees; and

10 B. Pay for x rays required in preventive drug programs
11 for school employees.

12 8. Duty of administrative units. Each school adminis-
13 trative unit shall provide tuberculosis testing data to the
14 Department of Human Services on the department's request.

15 9. Rules. The Department of Human Services may adopt
16 rules to carry out this section.

17 10. Penalties. A person who fails to comply with this
18 section shall be fined not less than \$20 nor more than \$200.
19 Each day of noncompliance shall be considered a separate
20 offense.

21 11. Department of Human Services. In addition to the
22 authority prescribed in subsection 9, the Department of
23 Human Services shall have the authority and duties pre-
24 scribed in Title 22, chapter 251 on Communicable Diseases.

25 §6552. Firearms

26 1. Prohibition. A person may not possess a loaded
27 firearm on public school property or discharge a firearm
28 within 500 feet of school property.

29 2. Exception. Subsection 1 shall not apply to:

30 A. Law enforcement officials; or

31 B. A supervised educational program.

32 3. Penalty. A person who violates this section is
33 guilty of a Class E crime.

34 SUBCHAPTER VII

1 B. Receipts from the sale of meals under food service
2 programs.

3 5. Rules. The commissioner shall adopt or amend, with
4 the state board's approval, rules under this subchapter,
5 including rules about the qualifications of food service
6 programs' personnel.

7 6. Nutrition report. The commissioner may assess the
8 nutritional benefits of school lunch programs and report to
9 the state board.

10 7. Technical assistance. The commissioner may give
11 technical assistance to a school board concerning a food
12 service program and may assist in training food service pro-
13 gram personnel.

14 8. Application for postponement. A school administra-
15 tive unit which has been granted a postponement of 3 years
16 may apply to the commissioner every 3 years for an addition-
17 al 3-year postponement. The commissioner, with the approval
18 of the state board, may grant a postponement if:

19 A. The school board has held a public hearing on its
20 proposed application; and

21 B. One of the following conditions are met:

22 (1) It has been documented to the commissioner's
23 satisfaction that the administrative unit lacks
24 space for the program and there is no appropriate
25 alternative source of meals for the students;

26 (2) It is impossible for the administrative unit
27 to contract for or to otherwise procure Type A
28 meals for its students; or

29 3. The lack of need for the program, as deter-
30 mined by the school board is documented to the
31 commissioner's satisfaction and was evident at the
32 public hearing.

33 9. Annual review of postponement. The commissioner
34 shall annually review the conditions in the school adminis-
35 trative units which have been granted a postponement. On
36 finding that the conditions in a unit have changed so that a
37 postponement is no longer warranted, the commissioner may
38 require that the unit establish a National School Lunch Pro-
39 gram at the start of the next school year.

1 10. Petition by 1% of residential unit. Whenever
2 petitioned by 1% of the residents of a unit, the commis-
3 sioner shall call a public hearing on the postponement prior
4 to the next annual review.

5 §6603. Federal funds

6 The Treasurer of State shall receive and disburse all
7 federal funds received under this subchapter.

8 CHAPTER 225

9 PENALTIES

10 §6801. Compliance

11 The procedures for dealing with school administrative
12 units which are allegedly in noncompliance with the report-
13 ing and program requirements of this Title shall be as fol-
14 lows.

15 1. Commissioner's authority to withhold state
16 aid. If, after giving due notice, the commissioner finds
17 that a school administrative unit is not complying with the
18 reporting requirements prescribed in this Title, the commis-
19 sioner may withhold state aid from that unit. The withhold-
20 ing may only continue for so long as necessary to achieve
21 compliance. If compliance cannot be achieved by withholding
22 state aid, the commissioner may refer the matter to the
23 Attorney General. The Attorney General shall take the ac-
24 tion deemed necessary to achieve compliance.

25 2. Complaint process. A complaint that alleges that a
26 school administrative unit is not in compliance with the
27 program requirements of this Title or of rules adopted by
28 the department shall be filed pursuant to the requirements
29 for a petition under section 258.

30 A. If the commissioner receives a complaint and finds
31 that probable cause for it exists, the complaint shall
32 be referred to the state board for a public hearing.
33 The commissioner shall, on behalf of the board, give
34 notice and cause an adjudicatory hearing to be held.

35 B. The state board or its designee shall make findings
36 of fact on the specific charges in the complaint and
37 shall decide whether there are reasonable grounds to
38 believe that a unit is in noncompliance.

1 C. If the state board decides there are reasonable
2 grounds to believe that a unit is in noncompliance, the
3 commissioner shall refer the matter to the Attorney
4 General. The Attorney General shall take the action
5 deemed necessary to achieve compliance.

6 3. Rules. This section shall apply only to rules
7 adopted or amended by the department as authorized under
8 this Title in the manner required under section 3.

9 4. Governor's authority. When the Governor has reason
10 to believe a school administrative unit is not in compliance
11 with the requirements of this Title, the Governor shall
12 direct the Treasurer of State to withhold all or part of the
13 state funds from that unit.

14 A. If, within the school year for which the funds were
15 appropriated, the school unit satisfies the Governor
16 that they are in compliance with the requirements of
17 this Title, the Governor shall release the funds.

18 B. If the unit fails to satisfy the Governor that it
19 is in compliance, the funds withheld shall be forfeited
20 and revert to the General Fund.

21 §6802. Forfeiture

22 A forfeiture under this Title may be recovered in a
23 civil action. Unless specifically provided for, it shall be
24 disbursed as follows.

25 1. School purposes. It shall be paid into the treas-
26 ury of the school administrative unit where the offense
27 occurred, for use for school purposes.

28 2. Prosecution costs. An amount equal to the cost of
29 prosecution shall be paid into the county treasury.

30 3. Forfeiture. A school administrative unit shall
31 forfeit the money it received to a person bringing civil
32 suit, if the unit has not expended that money within one
33 year of receiving it.

34 §6803. Fraud

35 A school officer or teacher who is convicted of
36 defrauding the State by filing fraudulent reports under
37 section 1055, subsection 9, shall be guilty of a Class D
38 crime.

1 §6804. Disturbing schools

2 A person who enters a public or private school building
3 or another place of instruction during or out of school
4 hours, while the teacher or student is present, and
5 willfully interrupts or disturbs the teacher or student by
6 loud speaking, rude or indecent behavior, signs or gestures,
7 or willfully interrupts a school by prowling about the
8 building, making noises, throwing missiles at the school-
9 house or disturbing the school, shall commit a civil offense
10 and shall forfeit not less than \$2 nor more than \$20.

11 §6805. Injuries by minor; damages

12 If a minor injures or aids in injuring a schoolhouse or
13 school outbuildings, utensils or appurtenances; defaces the
14 walls, benches, seats or other parts of school buildings by
15 marks, cuts or otherwise; or injures or destroys school
16 property belonging to a school administrative unit, the unit
17 may recover from the minor's parent, in a civil action,
18 double the damage.

19 §6806. Defacing schoolhouses; outbuildings

20 A person who defaces the walls, benches, seats,
21 blackboards or other parts of a schoolhouse or school
22 outbuildings, by obscene pictures, language, marks or de-
23 scriptions, commits a civil offense and shall pay a fine of
24 not more than \$10.

25 §6807. Liability for injury to books or appliances

26 If a public school student loses, destroys or unneces-
27 sarily injures a schoolbook or appliance furnished to him at
28 the expense of the school administrative unit, his parent
29 shall be notified. If the loss or damage is not made good
30 to the satisfaction of the school board within a reasonable
31 time, they shall report the case to the assessors of the
32 municipality in which the student resides. The municipal
33 assessors shall include in the next municipal tax of the
34 delinquent parent the value of the book or appliance, to be
35 assessed and collected as other municipal taxes.

36 §6808. Misappropriation of funds; penalty

37 If any part of the money raised by a school administra-
38 tive unit, or paid to them by the State for superintendence,
39 is expended for any other purposes, then each person mis-
40 appropriating that money shall forfeit double the sum so

1 misapplied. The money may be recovered in a civil action in
2 the name and to the use of the school administrative unit by
3 any of its residents. A school administrative unit or
4 school union may not receive further aid from the State for
5 superintendence until the amount so misapplied has been
6 raised and expended for superintendence by that unit or
7 school union.

8 §6809. Excessive expenditures

9 After providing an opportunity for a hearing, the com-
10 missioner may adjust the state subsidy to an administrative
11 unit when the expenditures for education in such unit show
12 evidence of manipulation to gain an unfair advantage or are
13 adjudged excessive. Any interested party aggrieved by a
14 decision of the commissioner may appeal to the state board
15 pursuant to section 3.

16 §6810 Truancy

17 The penalty for truancy is outlined in section 5053.

18 PART 4

19 SPECIFIC EDUCATION PROGRAMS

20 SUBPART 1

21 SPECIAL EDUCATION

22 CHAPTER 301

23 GENERAL PROVISIONS

24 §7001. Definitions

25 As used in this subpart, unless the context otherwise
26 indicates, the following terms have the following meanings.

27 1. Agency. "Agency" means an agency, school, orga-
28 nization, facility or institution.

29 2. Exceptional student. "Exceptional student" is an
30 individual who:

31 A. Has reached 5 years of age on or before October
32 15th;

33 B. Has not reached 20 years of age at the start of the
34 school year; and

1 C. Requires special education because of an impairment
2 in one or more of the following:

3 (1) Vision;

4 (2) Hearing;

5 (3) Speech and language;

6 (4) Cerebral or perceptual functions;

7 (5) Physical mobility functions;

8 (6) Behavior; or

9 (7) Mental development or maturation.

10 3. Mentally retarded. "Mentally retarded" means hand-
11 icapped in mental development or maturation.

12 4. Preschool handicapped child. "Preschool handi-
13 capped child" means a person who:

14 A. Has reached 3 years of age;

15 B. Has not reached 5 years of age on or before October
16 15th;

17 C. Requires special services because of impairment in
18 one or more of the following:

19 (1) Vision;

20 (2) Hearing;

21 (3) Speech and language;

22 (4) Cerebral or perceptual functions;

23 (5) Physical mobility functions;

24 (6) Behavior; or

25 (7) Mental development or maturation.

26 5. Special education. "Special education" means
27 classroom, home, hospital, institutional or other instruc-
28 tion; educational diagnosis and evaluation; transportation
29 and other supportive assistance, services, activities or

1 programs, as defined by the commissioner, required by excep-
2 tional students.

3 6. Special education facility. "Special education
4 facility" means a public or private school, or portion
5 thereof, intended for use in meeting the educational and
6 related needs of exceptional students.

7 7. State licensed agency. "State licensed agency"
8 means an institution or facility licensed by the State to
9 provide education, emotional or mental health services,
10 alcohol or drug rehabilitation, boarding care or other child
11 care services to a person between the ages of 5 and 20
12 years. It includes:

13 A. Facilities under Title 22, chapter 1661;

14 B. Community mental health centers under Title 34,
15 chapter 183;

16 C. Alcohol treatment facilities approved under Title
17 22, chapter 1601; and

18 D. Residential drug abuse treatment facilities under
19 Title 22, chapter 1601.

20 8. Residential child care facility. "Residential
21 child care facility" is a facility defined in Title 22,
22 section 8101, subsection 4.

23 §7002. Cooperation with federal programs

24 The department shall be the agency for cooperation with
25 the Federal Government in any program for the education of
26 exceptional students.

27 §7003. Rules

28 The commissioner is authorized to make rules necessary
29 for the administration of this chapter and chapters 303 and
30 305.

31 CHAPTER 303

32 EXCEPTIONAL STUDENT

33 SUBCHAPTER I

34 GENERAL PROVISIONS

1 §7201. Policy and purpose

2 The policy of the State for the education of excep-
3 tional students is as follows.

4 1. Equal educational opportunities. All students
5 shall be provided with equal educational opportunities and
6 all school administrative units shall provide equal educa-
7 tional opportunities for all exceptional students.

8 2. Least restrictive education alternative. An excep-
9 tional student shall be educated with students in regular
10 programs to the maximum extent possible.

11 A. Educational opportunities for an exceptional
12 student shall be provided by means of the addition of
13 appropriate supportive assistance to regular educa-
14 tional programs.

15 B. Removal of an exceptional student from the regular
16 educational environment shall occur only if the nature
17 or severity of the exceptionality is such that the
18 student's education cannot be satisfactorily accom-
19 plished in:

20 (1) Regular classes with the use of supplemental
21 aids and services; or

22 (2) Self-contained classes within the regular
23 school programs.

24 C. An exceptional student may be placed in a residen-
25 tial school or institution, or in a private day school
26 or program, only after supporting evaluative data jus-
27 tifying the placement have been submitted to and
28 approved by the commissioner.

29 3. Deaf exceptional students. An exceptional student,
30 diagnosed as deaf, shall be educated with regular students
31 whenever possible and shall be educated under the principle
32 of the least restrictive educational alternative as set
33 forth in state laws and rules and federal laws and regula-
34 tions.

35 4. Parent's right to be a member of the
36 team. Parents, surrogate parents or guardians have the
37 right to be a member of the team which will carry out duties
38 and responsibilities in accordance with rules established by
39 the commissioner.

1 §7202. Duties of school administrative units

2 Each school administrative unit operating schools
3 shall:

4 1. Identification. Identify all children within its
5 jurisdiction who require special education;

6 2. Records. Make and keep current records of excep-
7 tional students, as required by rules established by the
8 commissioner, and institute procedures which guarantee the
9 confidentiality of these records in accordance with state
10 and federal law;

11 3. Diagnosis and evaluation. Provide educational
12 diagnosis and evaluation necessary to plan and implement a
13 special education program for exceptional students within
14 its jurisdiction;

15 4. Plan. Submit a plan for its special education pro-
16 grams to the commissioner for approval in accordance with
17 rules established by the commissioner;

18 5. Special education. Provide special education for
19 each exceptional student within its jurisdiction;

20 6. Compliance. Provide the commissioner with the
21 information he may require to determine compliance with this
22 chapter;

23 7. Parent's right to be a member of the team. Notify
24 in writing the exceptional student's parent, surrogate
25 parent or guardian of their right to be a member of the team
26 and place a copy of the notice in the exceptional student's
27 permanent records; and

28 8. Facility construction, renovation and repair. Seek
29 approval in advance from the commissioner for construction,
30 renovation or repair, with or aided by public funds, of
31 facilities intended for the education of exceptional stu-
32 dents; or give assurances that other facilities in the
33 school administrative unit are adequate to meet the needs of
34 those students.

35 §7203. Medical examination or treatment

36 This chapter may not authorize or require physical
37 examination or medical treatment of a child whose parent
38 objects to it on the grounds that the parent relies solely

1 upon nonmedical remedial care and treatment in accordance
2 with a recognized religious method of healing.

3 §7204. Duties of the commissioner

4 The commissioner:

5 1. Supportive services. Shall provide, or cause to be
6 provided by administrative units operating schools, all sup-
7 portive assistance and services, as defined in rules the
8 commissioner establishes, required by an exceptional student
9 so that the student may benefit from equal educational
10 opportunities;

11 2. State plan. Shall make and annually review a state
12 plan for education of all exceptional students in the State.
13 The plan shall be available to the public on request;

14 3. School year. May approve special education pro-
15 grams for:

16 A. The usual public school year as defined in section
17 4801, subsection 1;

18 B. An extended school year; or

19 C. Other periods he determines appropriate;

20 4. Program approval. Shall approve plans for all spe-
21 cial education programs. The criteria for approval shall
22 include:

23 A. Requirements for admission;

24 B. Qualification or certification of staff;

25 C. Plan of instruction;

26 D. Adequacy of facilities;

27 E. Adequacy of supportive services;

28 F. Professional supervision; and

29 G. Teacher-student ratio.

30 5. Due process. Shall:

31 A. Adopt or amend rules to assure and protect the
32 rights of due process for exceptional students; and

1 B. Inform and train each school administrative unit on
2 exceptional students' rights to due process under state
3 laws and rules and federal law and regulations; and

4 6. Technical assistance. May, on the request of a
5 school administrative unit, provide technical assistance in
6 the formulation of a plan or subsequent report required of
7 all administrative units. Assistance shall not be designed
8 to transfer the responsibility for or actual development of
9 the plan or report.

10 §7205. Review and assistance

11 It is the intent of the Legislature that a representa-
12 tive of the commissioner visit each special education pro-
13 gram each year for the purpose of review and assistance.

14 §7206. Investigation of noncompliance

15 The following provisions apply to an investigation of
16 noncompliance with this chapter.

17 1. Complaint. An interested party may file with the
18 commissioner a written complaint alleging that a school
19 administrative unit is not in compliance with this chapter.

20 2. Investigation. The commissioner shall initiate,
21 and complete within 30 days, an investigation:

22 A. On receipt of a complaint; or

23 B. If the commissioner has reason to believe that a
24 unit is not in compliance with this chapter.

25 3. Post-investigation procedure. Within 10 days after
26 completion of the investigation in subsection 2, the commis-
27 sioner shall determine whether probable cause exists to
28 believe that the unit is not in compliance with this chap-
29 ter.

30 A. Upon determination that probable cause exists, the
31 commissioner shall resolve the matter to the satisfac-
32 tion of the interested parties through mediation and
33 consultation. The commissioner shall write a report of
34 these efforts and notify all interested parties that
35 the report has been written.

36 B. If conciliation has not been achieved within 45
37 days after the determination of probable cause, the

1 commissioner shall notify all interested parties of the
2 time and place of a local hearing to be held to deter-
3 mine whether the school administrative unit is in
4 violation of this chapter.

5 C. If a local hearing is scheduled, the commissioner
6 shall:

7 (1) Conduct the hearing in accordance with the
8 due process rules adopted pursuant to requirements
9 of section 7204, subsection 5;

10 (2) Close the hearing if a parent, surrogate
11 parent or guardian requests that it be closed to
12 the public; and

13 (3) Make written findings of fact and conclusions
14 of law and send them to all interested parties
15 within 10 days of the hearing's conclusion.

16 D. If the commissioner finds that the school adminis-
17 trative unit is in violation of this chapter, then the
18 commissioner shall specify in writing the steps neces-
19 sary to achieve compliance. The commissioner shall
20 order the school administrative unit to take these
21 steps by a certain date.

22 4. Appeal. An interested party may appeal the commis-
23 sioner's order to the Superior Court under the Maine Rules
24 of Civil Procedure, Rule 80B.

25 5. Enforcement. If the unit fails to comply with the
26 commissioner's order, the commissioner:

27 A. May withhold financial aid from the school adminis-
28 trative unit until it complies with his order; and

29 B. Shall refer the matter to the Attorney General, who
30 shall take appropriate action to bring the school
31 administrative unit into compliance.

32 6. Additional remedies. The remedies provided in this
33 section are in addition to any other remedy in law or
34 equity.

35 §7207. Hearing procedures

36 The following provisions shall apply to hearings.

1 §7253. Regional programs; approval

2 Two or more school administrative units may enter into
3 cooperative agreement to provide regional special education
4 programs and support services.

5 1. General criteria. Programs and services estab-
6 lished through this agreement shall meet the requirements
7 set forth in section 7204, subsection 4.

8 2. Special provisions. A program shall specify that:

9 A. One of the school administrative units shall serve
10 as fiscal agent;

11 B. No requirement exists for separate budget approval
12 and taxation; and

13 C. School construction may not be proposed for special
14 education purposes.

15 3. Plan. A plan for a regional program shall be sub-
16 ject to approval by the commissioner prior to its imple-
17 mentation. The plan shall specify:

18 A. The objectives and functions to be performed by the
19 regional program;

20 B. The method of fiscal operation and cost sharing;

21 C. The method of entering into and withdrawing from
22 the agreement;

23 D. The method of administering the regional program;

24 E. The method of involving parent and community parti-
25 cipation; and

26 F. The school administrative unit that shall act as
27 fiscal agent for the regional program.

28 4. Funding. The regional program shall be supported
29 by funds included in the special education appropriations of
30 each of the member school administrative units.

31 §7254. Contractual programs for nonresident children

32 Another state, subdivision or private person, firm or
33 agency may contract with a private school in this State to

1 provide special education for children who are not residents
2 of this State. A program for these nonresident children
3 shall be subject to approval by the commissioner only with
4 respect to the requirements of section 7204, subsection 4.

5 §7255. Other programs

6 In addition to, or in place of, those methods listed in
7 this chapter, a school administrative unit may make other
8 provisions, subject to approval in advance by the commis-
9 sioner, to ensure the education of all exceptional students.

10 §7256. State licensed agencies

11 A special education facility may be operated in con-
12 junction with or as a part of a state licensed agency.

13 SUBCHAPTER III

14 FINANCES

15 §7301. State aid

16 1. State aid. The State shall provide financial aid
17 to school administrative units for special education pro-
18 grams.

19 2. Contributions. The commissioner may receive con-
20 tributions and donations to be used with appropriations to
21 carry out this chapter.

22 §7302. Tuition rates

23 Tuition rates for school administrative units, private
24 special education programs, private general purpose facili-
25 ties and nonresident children shall be as follows.

26 1. School administrative units. A school administra-
27 tive unit operating a full-time special education program
28 and accepting students on a tuition basis shall compute a
29 tuition rate. The tuition rate shall not exceed the actual
30 per student cost incurred in operation of the special educa-
31 tion program. The commissioner shall adopt or amend rules
32 to define allowable expenditures used to determine the per
33 student cost.

34 2. Private special education facilities. Private
35 agencies that operate facilities which exclusively serve
36 exceptional students shall comply with the following in
37 computing tuition rates.

1 A. All tuition rates shall be subject to approval by
2 the commissioner.

3 B. The tuition rates shall not exceed the actual per
4 student cost incurred in the operation during the pre-
5 ceding school year.

6 C. The commissioner shall adopt or amend rules to de-
7 fine allowable expenditures used to determine per
8 student costs.

9 D. An agency shall file an annual financial report
10 detailing the allowable expenditures and the computa-
11 tion of the tuition rate by July 15th in the form the
12 commissioner may require.

13 E. Increases in the tuition rate from one year to the
14 next may not exceed 15% unless evidence is presented to
15 the commissioner that a hardship will exist if a higher
16 rate of increase is not approved, and this evidence is
17 deemed sufficient by the commissioner.

18 F. The commissioner shall establish a tuition rate for
19 new special education programs in special purpose pri-
20 vate schools based on the estimated allowable costs of
21 these schools.

22 3. Private general purpose facilities. General pur-
23 pose private agencies that receive state aid for special
24 education programs shall comply with the following tuition
25 rates.

26 A. The tuition rate charged shall not exceed the state
27 elementary or secondary per student tuition rates as
28 computed under sections 5804 and 5806.

29 B. Private schools that have an exclusive contract
30 with a school administrative unit for the provision of
31 secondary education are exempted from the provision of
32 paragraph A and shall be treated as public schools for
33 the computation of special education tuition rates.

34 4. Exempted private agencies. This section shall not
35 apply to and the commissioner shall have no authority over
36 tuition rates charged for special education programs by pri-
37 vate agencies where the tuition is not paid, reimbursed or
38 otherwise funded in whole or in part by this State.

39 CHAPTER 305

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PRIVATE AND STATE OPERATED SCHOOLS

§7501. Private schools

The commissioner may require that special education programs in an approved private school or agency receiving state funds comply with rules for the conduct of programs within public schools.

§7502. State institutions

The director of a state institution for the mentally ill or mentally retarded shall apply to the superintendent of the school administrative unit in which the institution is located, or in any adjoining unit, for children in the institution to attend that unit's schools. These exceptional students shall attend under the same conditions as apply to students residing in the school administrative unit and under the rules of the department relating to special education.

§7503. Governor Baxter School for the Deaf

1. Authority to establish. The Governor Baxter School for the Deaf, established by Private and Special Law 1897, chapter 446, and by Private and Special Law 1953, chapter 44, shall be devoted to the education and instruction of deaf exceptional students.

2. Location. The school shall be located in Cumberland County.

3. Responsibility for maintaining the school. The State shall have the responsibility and expense of maintaining the school.

4. Governance. The commissioner shall govern the school and:

A. May employ officers, teachers and other employees, subject to the Personnel Law; and

B. May prescribe the system of education and course of study to be pursued in the school.

5. Annual evaluations. The Governor Baxter School for the Deaf shall provide annual evaluations of all students enrolled in the school. These evaluations shall be sent to the superintendents of the school administrative units from which the students are enrolled.

1 6. Technical assistance. A school administrative unit
2 may request technical assistance from the Governor Baxter
3 School for the Deaf in matters relating to the education of
4 deaf students in accordance with departmental rules.

5 7. Superintendent's authority to enroll students. The
6 superintendent of the school administrative unit in which
7 that student resides, with the consent of the student's
8 parent or legal guardian and in accordance with the limita-
9 tions in section 5051 may enroll a deaf student in the Gov-
10 ernor Baxter School for the Deaf. The sums necessary for
11 the support of the student while attending the school shall
12 be paid by the department.

13 §7504. Residential child care facilities

14 "Residential child care facilities" shall be licensed
15 in accordance with Title 22, section 8104.

16 CHAPTER 307

17 PRESCHOOL HANDICAPPED CHILDREN

18 §7701. Purpose

19 The purpose of this chapter is to maintain coordinated
20 delivery systems for preschool handicapped children based on
21 the models developed through pilot projects.

22 §7702. Definitions

23 As used in this chapter, unless the context otherwise
24 indicates, the following terms have the following meanings.

25 1. Services. "Services" means those activities under-
26 taken to screen, evaluate and provide special education and
27 related services to preschool handicapped children.

28 §7703. Authorization for expenditure of funds

29 The commissioner may, from funds authorized to the
30 department, make grants to agencies and school administra-
31 tive units to establish local coordinated delivery systems
32 to serve preschool handicapped children.

33 1. Grants. Grants shall be made on a competitive
34 basis, according to rules adopted or amended by the commis-
35 sioner.

1 2. Rules. The rules shall assure participation at the
2 local level by agencies currently serving preschool handi-
3 capped children. They shall require that existing resources
4 for providing services to preschool handicapped children be
5 exhausted prior to using grant funds to provide services.

6 §7704. Interdepartmental coordination

7 An Interdepartmental Coordinating Committee for Pre-
8 school Handicapped Children representing the department, the
9 Department of Human Services, the Department of Mental
10 Health and Mental Retardation and the public, shall be
11 appointed by the 3 commissioners to work with the department
12 to establish guidelines, including continuation applica-
13 tions, to monitor grants and to evaluate the performance of
14 programs developed through the grants.

15 §7705. Early childhood consultant

16 The position of early childhood consultant to the Divi-
17 sion of Special Education shall be established to direct the
18 department's participation in the coordinated delivery sys-
19 tem for preschool handicapped children.

20 §7706. Additional program

21 In addition to the programs authorized in this chapter,
22 the commissioner may authorize expenditures to institutions
23 and organizations for speech and language education of hear-
24 ing and language impaired children who have not reached com-
25 pulsory school age.

26 CHAPTER 309

27 MENTAL RETARDATION

28 §7901. Teacher education programs

29 The following provisions shall apply to teacher educa-
30 tion programs.

31 1. Education of teachers and school personnel. A
32 school administrative unit may raise and appropriate money
33 for the education of teachers and other school personnel to
34 meet the educational needs of mentally retarded students.

35 2. Matching basis. The appropriation shall be
36 expended on a matching basis with any funds made available
37 by the department for the same purpose.

1 3. Programs. Teachers and other school personnel who
2 are trained may be reimbursed through funds of the depart-
3 ment on a matching basis for expenditures for that training
4 if it has been approved in advance by the commissioner.

5 §7902. Facilities

6 The following provisions shall apply to facilities.

7 1. Construction of acquisition. The county commis-
8 sioners may construct or acquire buildings for state
9 subsidized and approved educational programs for mentally
10 retarded students.

11 2. Disposal of buildings. If these county buildings
12 are sold, the proceeds shall be expended on services and
13 programs for mentally retarded students.

14 3. Limit on county responsibility. This section does
15 not authorize counties to operate these programs.

16 CHAPTER 311

17 GIFTED AND TALENTED STUDENTS

18 §8101. Purpose

19 The Legislature recognizes that gifted and talented
20 students, who comprise approximately 3% to 5% of Maine's
21 students, require differentiated education programs and ser-
22 vices beyond those normally provided by the regular school
23 program in order to realize their educational potential and
24 contribution to themselves and to society.

25 §8102. Grants to school administrative units

26 The department may, from funds available to it, grant
27 funds to a school administrative unit to undertake gifted
28 education programs. A grant shall be made on the basis of
29 \$2 of state matching funds for each \$1 of funds appropriated
30 by the school administrative unit.

31 1. Guidelines for the identification of gifted and
32 talented students. The commissioner shall adopt or amend
33 rules for the identification of gifted and talented students
34 and for gifted and talented education programs.

35 2. Programs for gifted and talented students. A
36 school administrative unit requesting funds to undertake a

1 gifted and talented education program shall develop a pro-
2 posed program of identification and education in accordance
3 with guidelines established by the commissioner.

4 3. Time limits. The following limits shall apply.

5 A. On or before February 1st, the school administra-
6 tive unit shall submit to the department its proposed
7 program.

8 B. By May 15th, the commissioner shall notify the
9 school administrative unit whether the proposal has
10 been funded for the following fiscal year.

11 4. Technical assistance. The commissioner may provide
12 technical assistance to a school administrative unit for
13 planning for gifted and talented education programs.

14 §8103. Available funds

15 Funds made available to the department for gifted and
16 talented education programs from state, federal or other
17 sources shall not lapse at the end of a fiscal year, but
18 shall be carried forward to the next fiscal year for a
19 period of 90 days to be used for the purposes set forth in
20 this chapter.

21 SUBPART 2

22 VOCATIONAL EDUCATION

23 CHAPTER 313

24 SECONDARY VOCATIONAL EDUCATION

25 SUBCHAPTER I

26 GENERAL PROVISIONS

27 §8301. Definitions

28 As used in this chapter, unless the context otherwise
29 indicates, the following terms have the following meanings.

30 1. Budget failure. "Budget failure" means a budget
31 that is less than the sum of the state allocations for voca-
32 tional education to the member administrative units in the
33 region.

1 2. Representative grouping. "Representative grouping"
2 means a representative group to which each administrative
3 unit is assigned to provide for equitable representation on
4 a cooperative board. A representative grouping may consist
5 of one administrative unit or several small units within the
6 vocational region.

7 3. Vocational center. "Vocational center" means
8 facilities providing vocational education to secondary stu-
9 dents. A center shall be governed by a single school admin-
10 istrative unit. It may serve students from other affiliated
11 school administrative units. It may include satellite center
12 facilities and programs.

13 4. Vocational education. "Vocational education" means
14 education to create or improve job-related skills, which is
15 part of a secondary school curriculum.

16 5. Vocational region. "Vocational region" means
17 facilities or programs providing vocational education to
18 secondary school students. A region shall be jointly gov-
19 erned by more than one school administrative unit through a
20 cooperative board.

21 6. Vocational satellite program. "Vocational satel-
22 lite program" means a facility or program providing voca-
23 tional education to secondary students, which is administer-
24 ed by a school administrative unit affiliated with a voca-
25 tional center.

26 §8302. Acceptance and compliance with federal law

27 The State shall comply with the following Acts of Con-
28 gress and any amendments or supplements thereto:

29 1. The Smith-Hughes Act. The Smith-Hughes Vocational
30 Education Act of 1917, chapter 114, 39 STAT. 929;

31 2. The George-Barden Act. The following portions of
32 the George-Barden Act:

33 A. The United States Vocational Education Act of 1946,
34 chapter 725, 60 STAT. 775, which may be cited as Title
35 I of the George-Barden Act; and

36 B. Title III of the United States Health Amendments
37 Act of 1956, chapter 871, 70 STAT. 923, which may be
38 cited as Title II of the George-Barden Act; and

1 3. The Vocational Education Act of 1963. The United
2 States Vocational Education Act of 1963, Public Law 88-210,
3 77 STAT. 403, as amended by the United States Education
4 Amendment of 1976, Public Law 94-482, 90 STAT. 2169.

5 §8303. Federal funds

6 Federal moneys for vocational education shall be
7 received under the following provisions.

8 1. Source of federal funds. Federal moneys for voca-
9 tional education shall include moneys received by the State
10 from:

11 A. The Federal Government under the Acts cited in
12 section 8302;

13 B. The Federal Government for the vocational rehabili-
14 tation of persons disabled in industry or otherwise;
15 and

16 C. The Federal Government for vocational training.

17 2. Treasurer of State. The Treasurer of State may:

18 A. Receive and provide for the proper custody of fed-
19 eral moneys for vocational education; and

20 B. Disburse those funds under direction of the state
21 board, its executive officer or other legal authority.

22 §8304. Role of the state board in federal programs

23 The state board is:

24 1. Cooperation with the United States Department of
25 Education. Authorized to cooperate with the United States
26 Department of Education for the administration of the fed-
27 eral Acts cited in section 8302; and

28 2. Administration of the United States Vocational Edu-
29 cation Act of 1963. Authorized as the state agency respon-
30 sible to administer programs of the United States Vocational
31 Education Act of 1963, Public Law 88-210, 77 STAT. 403, as
32 amended by the Education Amendment of 1976, Public Law
33 94-482, 90 STAT. 2169.

34 §8305. Eligibility requirements

1 The following provisions shall apply to the eligibility
2 of students entering a vocational center or vocational
3 region program.

4 1. General right. A person entitled to receive free
5 public secondary education, or seeking to attend full-time
6 courses in grade levels 13 and 14, where offered, either
7 free or subject to tuition:

8 A. May attend a vocational center or vocational region
9 which serves the person's area; or

10 B. May attend a vocational center outside the person's
11 area subject to the approval of the commissioner, if
12 the governing body of the sending and receiving centers
13 or regions agree to make the necessary arrangements for
14 the person to attend.

15 2. Special qualifications. A vocational center or
16 vocational region shall determine, by admission standards
17 which apply to all students, whether an applicant is quali-
18 fied to profit from the vocational education and whether the
19 school can accommodate the applicant.

20 3. Requirements. Vocational centers shall:

21 A. Provide programs for persons:

22 (1) Who have graduated from a secondary school;
23 or

24 (2) Who are qualified persons over 16 years of
25 age who have left school prior to graduation;

26 B. Offer programs to students at grades 11 and 12; and

27 C. Offer programs to students below grade 11, if
28 approved by the commissioner.

29 §8306. Powers and duties of State Board of Education

30 1. State plan. The State Board of Education shall
31 approve or disapprove the state plans for vocational educa-
32 tion.

33 2. Center and region plans. The board shall approve
34 center and region plans for vocational education. The plans
35 shall include:

- 1 A. A survey of the educational needs;
2 B. A survey of employment opportunities;
3 C. A description of the programs to be offered; and
4 D. A description of the areas and locations to be
5 served.

6 3. Plans for vocational satellite programs. The state
7 board may approve plans for a vocational satellite program
8 if:

- 9 A. A vocational center requests a vocational satellite
10 program;
11 B. The school board operating the vocational center
12 approves the plan and supplies information documenting
13 the need for a vocational satellite program; and
14 C. The request includes the commissioner's approval.

15 4. Boundaries of centers and regions. The board:

16 A. Shall have the final authority to define the bound-
17 aries of vocational regions and centers; and

18 B. May, in accordance with the procedures established
19 in section 8307, approve:

20 (1) Changes in existing boundaries;

21 (2) Changes in the status of a center to a region
22 or a region to a center;

23 (3) Dissolution of existing regions and centers;

24 (4) Creation of new regions or centers; or

25 (5) Creation of alternative methods of delivering
26 vocational education.

27 §8307. Procedures; development of a plan

28 The governing body of one or more school administrative
29 units, or the commissioner, may prepare a plan for reor-
30 ganizing the delivery of vocational education in an existing
31 vocational region or an area served by a vocational center.

- 1 1. Plan. The plan shall:
- 2 A. Describe the problem with the existing method of
3 delivering vocational education in the region or voca-
4 tional area;
- 5 B. Present an alternative method of delivering voca-
6 tional education;
- 7 C. Present a method for the disposal of any joint
8 property and indebtedness;
- 9 D. Provide, through the governing body responsible for
10 the delivery of vocational education, for a minimum of
11 2 public hearings; and
- 12 E. Provide any other information requested by the
13 board.
- 14 2. State Board of Education approval. The board:
- 15 A. Shall request the commissioner to:
- 16 (1) Assess the impact of the plan on the delivery
17 of vocational education in the vocational region
18 or center area involved;
- 19 (2) Assess the fiscal impact on the State; and
- 20 (3) Submit a written report of findings to the
21 board. In the report, the commissioner may sug-
22 gest revisions to the plan or an alternative plan;
23 and
- 24 B. May request additional information from the region
25 or center involved or individual school administrative
26 units within these regions or center areas.
- 27 3. Approval of plan; public hearing. If the plan is
28 approved by the board, the school administrative unit or
29 units requesting the change shall hold a public hearing in
30 their unit or units to present the plan. The vocational
31 director and the cooperative board of a vocational region,
32 or the vocational director, advisory committee and governing
33 body of a vocational center, shall be invited to participate
34 at the public hearing or hearings.
- 35 4. Referendum. After the public hearing, the school
36 board of the school administrative unit or units requesting

1 a change shall submit the proposal to the voters in their
2 school administrative unit or units in accordance with the
3 relevant provisions for holding elections in sections 1351
4 to 1354 and in Titles 21 and 30.

5 5. Voter approval; certificate of approval. If
6 approved by a 2/3 vote of the votes cast in each school
7 administrative unit requesting the change, the board shall
8 issue a certificate of approval.

9 SUBCHAPTER II

10 FINANCING

11 §8351. State aid for vocational centers and vocational
12 regions

13 State aid for vocational centers and vocational regions
14 shall be in accordance with chapter 605 and Title 20,
15 section 3457.

16 §8352. Department budget estimates

17 1. Budget estimate. Before each regular session of
18 the Legislature, the state board shall estimate the amounts
19 necessary to carry out the purposes of sections 8351, 8354
20 and 8401 to 8405. It shall include these amounts in its
21 request to the Legislature for appropriations from the Gen-
22 eral Fund.

23 2. Budget limitation. This section shall not apply to
24 construction grants made under Title 20, section 3460.

25 §8353. Tuition for students sent out of state

26 If a school administrative unit determines that a
27 student would be better served by attending, on a tuition
28 basis, an out-of-state secondary level vocational school
29 which is closer than a Maine vocational center or region
30 program available to that student, the State shall reimburse
31 that school administrative unit the same amount for each
32 student as would have been incurred by a vocational center
33 or vocational region.

34 §8354. Tuition for out-of-state students

35 The tuition charge for each nonresident student shall
36 be determined as follows.

1 1. Primary method. The per student cost shall be
2 determined by:

3 A. Adding the amounts paid for:

4 (1) Teacher's salaries;

5 (2) Fuel;

6 (3) Janitorial services;

7 (4) Textbooks;

8 (5) Reference books;

9 (6) School supplies for desk and laboratory use;

10 (7) Public utility services;

11 (8) Replacement of instructional equipment;

12 (9) Fire insurance; and

13 (10) Compensation for the director and his assis-
14 tants;

15 B. Adjusting the amounts in paragraph A by the allowa-
16 ble percentages set forth in section 5805, subsection
17 1, paragraph D; and

18 C. Dividing this sum by the average daily attendance
19 of all regularly enrolled students in the vocational
20 center or vocational region.

21 2. Alternate method. When the cost of fuel, janitori-
22 al services, public utility services or insurance for the
23 vocational education facilities cannot be separated from
24 similar costs for other facilities, these costs shall be
25 prorated on the basis of the square footage of floor space
26 in the vocational education sections in relation to the
27 total floor space to which those expenditures apply.

28 SUBCHAPTER III

29 VOCATIONAL CENTERS

30 §8401. Vocational centers

1 The vocational centers shall operate at Augusta; Bath;
2 Biddeford; School Administrative District No. 61,
3 (Bridgton); Caribou; School Administrative District No. 46,
4 (Dexter); School Administrative District No. 9,
5 (Farmington); Lewiston; Portland; School Administrative Dis-
6 trict No. 1, (Presque Isle); School Administrative District
7 No. 54, (Skowhegan); Waterville; and Westbrook.

8 §8402. Programs

9 A vocational center shall provide programs of education
10 and training in trade, industrial, agricultural, business,
11 distributive and service occupations.

12 §8403. Vocational satellite programs

13 The following provisions shall apply to vocational
14 satellite programs.

15 1. Financial responsibility for vocational satellite
16 program. The school board responsible for operating the
17 vocational satellite program shall assume full financial
18 responsibility for paying the operating costs of that pro-
19 gram. It shall receive the state subsidy for the program
20 and tuition income. These programs shall be financed
21 through available funds.

22 2. Programs' facilities and equipment; school con-
23 struction aid. The school board, where the vocational
24 satellite program is operated shall:

25 A. Furnish the necessary facilities and equipment; and

26 B. Be eligible for school construction aid if new
27 facilities are required and approved.

28 3. Nomination of operating personnel. The superinten-
29 dent operating the vocational satellite program, in consul-
30 tation with the director of the vocational center, shall
31 nominate personnel to operate the programs. The nominations
32 shall be approved by the school board operating the satel-
33 lite program.

34 4. Supervision. The school principal and the director
35 of the vocational center shall jointly make recommendations
36 to the local superintendents and shall supervise personnel
37 working in the vocational satellite program.

1 5. Center operated vocational satellite programs.
2 Vocational centers may operate vocational satellite programs
3 in municipalities served by the center when the programs re-
4 quire only part-time instruction and are approved by the
5 commissioner.

6 §8404. Vocational center advisory committee

7 There shall be an advisory committee responsible for
8 coordinating vocational education in each vocational center.

9 1. Membership. Membership on the advisory committee
10 shall consist of:

11 A. The superintendents of the participating secondary
12 schools or the superintendents' representatives; and

13 B. One board member chosen from each participating
14 school board by its membership.

15 2. Meetings. The advisory committee shall meet at
16 least quarterly.

17 3. Duties. The committee:

18 A. Shall prepare and submit an annual report on the
19 vocational center and vocational satellite programs, to
20 the state board and to each municipality served by the
21 center; and

22 B. May develop a cooperative agreement which shall
23 delineate the duties and powers of the advisory commit-
24 tee and devise a formula for sharing costs. The agree-
25 ment is subject to ratification by all of the school
26 boards of the participating administrative units. This
27 agreement shall be reviewed annually, with a copy being
28 submitted to the commissioner. The cost-sharing for-
29 mula shall pertain to the cost of vocational educa-
30 tional programs which exceed expenditures made for
31 those programs in the base year.

32 §8405. Local director

33 A school administrative unit operating a vocational
34 center shall employ on the staff of the center a local
35 director of vocational education.

36 1. Qualifications. The director shall meet the quali-
37 fications prescribed by the state board.

1 Plantation; Topsfield; Vanceboro; Woodville; School
2 Administrative District No. 30-Lee, Prentiss
3 Plantation, Springfield, Webster Plantation and Winn;
4 School Administrative District No. 31-Burlington,
5 Edinburg, Enfield, Howland, Lowell, Maxfield,
6 Passadumkeag and Seboeis Plantation; School Administra-
7 tive District No. 67-Chester, Lincoln and Mattawamkeag.

8 D. Region 4. SOUTHERN PENOBSCOT COUNTY. Units
9 located in this area shall include: Alton; Amherst;
10 Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn;
11 Great Pond Plantation; Greenbush; Greenfield; Hermon;
12 Milford; Old Town; Orono; Orrington; Osborn Plantation;
13 Veazie; School Administrative District No. 22-Hampden,
14 Newburgh and Winterport; School Administrative District
15 No. 23-Carmel and Levant; School Administrative Dis-
16 trict No. 38-Dixmont and Etna; School Administrative
17 District No. 63-Clifton, Eddington and Holden; School
18 Administrative District No. 64-Bradford, Corinth,
19 Hudson, Kenduskeag and Stetson.

20 E. Region 6. WASHINGTON COUNTY. Units located
21 in this area shall include: Alexander; Baileyville;
22 Baring Plantation; Beals; Beddington; Calais;
23 Centerville; Charlotte; Cooper; Crawford; Deblois;
24 Dennysville; Eastport; Grand Lake Stream Plantation;
25 Jonesboro; Jonesport; Machias; Marshfield; Meddybemps;
26 Northfield; No. 14 Plantation; No. 21 Plantation;
27 Pembroke; Perry; Princeton; Robinston; Roque Bluffs;
28 Talmadge; Waite; Wesley; Whitneyville; School Adminis-
29 trative District No. 37-Addison, Cherryfield, Columbia,
30 Columbia Falls, Harrington and Milbridge; School Admin-
31 istrative District No. 19-Lubec; School Administrative
32 District No. 77-Cutler, East Machias, Machiasport and
33 Whiting.

34 F. Region 7. WALDO COUNTY. Units located in
35 this area shall include: School Administrative Dis-
36 trict No. 3-Brooks, Freedom, Jackson, Knox, Liberty,
37 Monroe, Montville, Thorndike, Troy, Unity and Waldo;
38 School Administrative District No. 34-Belfast, Belmont,
39 Morrill, Northport, Searsmont and Swanville; School
40 Administrative District No. 56-Frankfort, Searsport and
41 Stockton Springs.

42 G. Region 8. KNOX COUNTY. Units located in
43 this area shall include: Appleton; Hope; Islesboro;
44 Lincolnvile; School Administrative District No. 5-Owls
45 Head, Rockland and South Thomaston; School Administra-

1 tive District No. 7-North Haven; School Administrative
2 District No. 8-Vinalhaven; School Administrative Dis-
3 trict No. 28-Camden and Rockport; School Administrative
4 District No. 40-Friendship, Union, Waldoboro, Warren
5 and Washington; School Administrative District No.
6 50-Cushing, St. George and Thomaston.

7 H. Region 9. NORTHERN OXFORD COUNTY. Units
8 located in this area shall include: Hanover; Peru;
9 Rumford; School Administrative District No. 21-Canton,
10 Carthage and Dixfield; School Administrative
11 District No. 43-Byron, Mexico and Roxbury; School
12 Administrative District No. 44-Andover, Bethel,
13 Greenwood, Newry and Woodstock.

14 I. Region 10. EASTERN CUMBERLAND-SAGADAHOC
15 COUNTY. Units located in this area shall include:
16 Brunswick; Freeport; School Administrative District No.
17 75-Bowdoin, Bowdoinham, Harpswell and Topsham. This
18 region and the vocational center at Bath shall coordi-
19 nate programs and activities.

20 J. Region 11. SOUTHERN OXFORD COUNTY. Units
21 located in this area shall include: School Administra-
22 tive District No. 17-Harrison, Hebron, Norway,
23 Otisfield, Oxford, Paris, Waterford and West Paris;
24 School Administrative District No. 39-Buckfield,
25 Hartford and Sumner. This region and the vocational
26 center at School Administrative District No. 61
27 (Bridgton) shall coordinate programs and activities.

28 3. Central Aroostook County. Central Aroostook County
29 shall also be a vocational region.

30 A. Public secondary schools located at: Ashland; Car-
31 ibou; Easton; Fort Fairfield; Limestone; Mars Hill;
32 Presque Isle; and Washburn shall be served by regional
33 vocational centers located in Presque Isle and Caribou.

34 B. Notwithstanding provisions of sections 8452 to
35 8459, these regional centers shall be governed by their
36 respective school boards but shall have an advisory
37 committee responsible for coordinating vocational edu-
38 cation for the Central Aroostook County area as defined
39 in section 8404.

40 4. Validation. Each vocational region authorized and
41 organized under Public Law 1973, chapter 605, is hereby
42 validated, confirmed, approved and declared legal in all

1 respects, notwithstanding any defect or irregularity which
2 may have occurred in the organization of the region or in
3 the selection of the cooperative board of that region.

4 §8452. Cooperative board; formation

5 The vocational regions shall be administered by a
6 cooperative board organized as follows.

7 1. Creation. The school boards of the school adminis-
8 trative units, at a joint meeting called by the commis-
9 sioner, shall determine by majority vote:

10 A. The size of the cooperative board;

11 B. The number to serve from each unit or group of
12 units;

13 C. The method of selecting representatives from each
14 unit;

15 D. The method of sharing costs; and

16 E. The number of units to be jointly represented by a
17 cooperative board member.

18 2. Role of municipal officers. The municipal officers
19 of each school administrative unit within the region shall
20 be invited to the joint meeting to present testimony on
21 cooperative board membership and the methods of sharing
22 costs among the units.

23 3. Voting. Each school board shall caucus with the
24 municipal officers within that unit. In the joint meeting,
25 the school board shall cast their votes on the issues in ac-
26 cordance with the majority vote of the caucus of their
27 school board and municipal officers.

28 4. Process of appeal. A school board may appeal deci-
29 sions on the method of sharing cost and the method of appor-
30 tioning representatives on the cooperative board to the
31 state board. The state board decision shall be final and
32 binding on the school administrative units within the
33 region.

34 5. First meeting. When the member school administra-
35 tive units of a cooperative board have determined the repre-
36 sentation and the method of sharing costs, the superintend-
37 ents in the region shall call meetings of the school boards.

1 The school boards shall appoint their authorized number of
2 representatives to the cooperative board.

3 6. Organization of the cooperative board. The orga-
4 nization of the cooperative board shall occur as follows.

5 A. The superintendent shall call a meeting of the
6 cooperative board members to organize.

7 B. The board shall:

8 (1) Elect a chairman and vice-chairman;

9 (2) Elect a secretary who does not have to be a
10 member of the board;

11 (3) Adopt a constitution or bylaws for the call-
12 ing of and conducting of board meetings; and

13 (4) Elect a treasurer. The treasurer shall give
14 a bond to the board with the sum and sureties
15 established by the board. This bond shall be
16 deposited with the chairman. The expenses of the
17 bonds shall be paid by the cooperative board. The
18 treasurer does not have to be a member of the
19 cooperative board.

20 7. Return and certificate. The secretary shall
21 immediately file a return with the state board listing the
22 names of the officers of the board and certifying that the
23 board has been properly organized.

24 8. Issuance of certificate. The state board may issue
25 a certificate of organization or reorganization for each
26 vocational region. The issuance of the certificate shall be
27 conclusive evidence of lawful organization. The original
28 certificate shall be kept on file by the secretary of each
29 region, and copies shall be placed on file in the office of
30 the commissioner.

31 §8453. Membership on cooperative board

32 Membership of the cooperative board shall consist of
33 residents from each school administrative unit in proportion
34 to the population of that unit to the whole region.

35 1. Member of school board. At least one person in a
36 representative grouping within a vocational region shall be
37 a member of a school board of a school administrative unit
38 within the representative grouping.

1 2. Conflict of interest. Residents who, by holding
2 another office, have duties conflicting with those of the
3 cooperative board may not be selected.

4 §8454. Oath of office

5 Cooperative board members shall take an oath or affir-
6 mation in the same form as prescribed in section 1251 for
7 directors of school administrative districts. A certificate
8 of the oath or affirmation shall be on file in the office of
9 the cooperative board.

10 §8455. Vocational region considered a political subdivision

11 A vocational region shall be a political subdivision
12 within the meaning of Title 5, section 1222, subsection 6
13 and a quasi-municipal corporation within the meaning of
14 Title 30, section 5053, and all the provisions of that
15 section shall be applicable to them.

16 §8456. Voter approval of cooperative agreement article

17 Vocational regions may vote on articles submitted by
18 the cooperative board using the procedures set forth in sec-
19 tions 1351 to 1354.

20 §8457. Cooperative board authority

21 1. Duties. A cooperative board shall have all the
22 rights and duties of a school board as provided in section
23 1001, subsections 1 to 8, 11 and 12; section 1002, subsec-
24 tion 3; sections 1256; 1313 to 1315; and 2501; section 3001,
25 subsection 1, paragraph B; and section 3011.

26 2. Review of agreement. The cooperative board, with
27 the superintendents' advisory committee, shall annually
28 review the cooperative agreement. It may amend the agree-
29 ment with respect to the administration of vocational educa-
30 tion in the region. A revision of the agreement shall be
31 subject to approval by majority vote of the school boards of
32 the region as provided for budget approval under section
33 8460. A copy of the cooperative agreement and amendments
34 shall be filed with the commissioner.

35 3. Authority. A cooperative board may:

36 A. Borrow funds in anticipation of the member unit's
37 payment of its share of the vocational regional budget.
38 Loans:

1 (1) Shall be repaid within one year; and

2 (2) May not at any time exceed 3/4 of the budget
3 approved by the member units of the region;

4 B. May expend available revenue to meet debt service
5 and security and maintenance of property costs; and

6 C. Accept and expend special grants from state and
7 federal sources.

8 4. Compensation. Cooperative board members may be
9 paid up to \$10 for each meeting attended.

10 §8458. Vocational director

11 1. Employment. The cooperative board shall employ a
12 certified vocational director. The board may appoint the
13 director to serve as the:

14 A. Administrative officer of the region; and

15 B. Treasurer and secretary to the board.

16 2. Duties. The administrative officer may nominate
17 teachers and shall perform other duties as assigned by the
18 board.

19 3. Ex officio administrative officer. If the
20 cooperative board does not designate the vocational director
21 to serve as administrative officer, the board may enter into
22 an agreement with a superintendent within the region to
23 serve as ex officio administrative officer for the region
24 with the duties under subsection 2.

25 §8459. Superintendents' advisory committee

26 The superintendents within each region shall serve as
27 an advisory committee to the cooperative board. This com-
28 mittee shall:

29 1. Right to attend cooperative board meetings. Be
30 invited to attend and receive notice of all meetings held by
31 the cooperative board; and

32 2. Meeting with vocational director. Meet with the
33 vocational director at least 4 times each year to review
34 proposed programs, budgets and issues relating to vocational
35 education.

1 §8460. Budget

2 The vocational region budget shall be prepared and
3 approved as follows:

4 1. Duties of the cooperative board. The cooperative
5 board shall:

6 A. Prepare and approve a budget for the vocational
7 region;

8 B. Hold 2 public hearings in the region, prior to sub-
9 mitting the budget for adoption in accordance with one
10 of the methods of voting set forth in subsection 2;

11 C. Prepare 2 articles, or 2 orders for municipal coun-
12 cil meetings, in substantially the following form:

13 (1) "Shall the regional vocational operating bud-
14 get as approved by the cooperative board for the
15 year _____ be approved in the amount of
16 \$ _____?"; and

17 (2) "Shall the vocational region approve a budget
18 for adult education in the amount of \$ _____
19 for the year _____?";

20 D. Select the method of submitting the articles or
21 orders for budget adoption from those outlined in sub-
22 section 2; and

23 E. Select the date of the budget vote if the regional
24 budget meeting method is used.

25 2. Methods of budget adoption. The cooperative board
26 shall submit the final budget as follows:

27 A. The articles, or orders, for the operating and
28 adult education portions of the budget shall be submit-
29 ted for adoption by one of the following methods prior
30 to July 1st:

31 (1) The school administrative unit method out-
32 lined in section 8461;

33 (2) The referendum method outlined in sections
34 1351 to 1354; and

35 (3) The regional budget meeting method outlined
36 in section 8462; and

1 B. For the purpose of approving money to repay bonds,
2 each school administrative unit within a region shall
3 include as part of the debt service portion of its
4 regular school budget an amount sufficient to cover
5 that school administrative unit's share of the region's
6 debt service.

7 3. Budget reconsideration. If the articles or orders
8 are not adopted pursuant to subsection 2, the cooperative
9 board shall:

10 A. Prepare a revised budget and budget articles; and

11 B. Submit the revised budget articles for voter
12 approval under the regional budget meeting method
13 before August 1st.

14 §8461. School administrative unit method

15 1. Role of the school administrative unit. The legis-
16 lative body of each school administrative unit in the
17 region shall vote on the articles submitted by the
18 cooperative board.

19 A. The vote of the budget shall be completed at the
20 same time as the regular school budget.

21 B. The vote of the legislative body shall be to accept
22 or reject each article in the budget warrant. No por-
23 tion of a warrant may be amended.

24 C. Following the annual budget meeting of a school
25 administrative unit, the clerk of that unit shall
26 notify, in writing, the member or members of the
27 cooperative board which represent that unit of the
28 results of the vote.

29 2. Role of the cooperative board. The role of the
30 cooperative board is as follows:

31 A. Within 5 days after the last unit has acted on the
32 budget, the chairman of the board shall call a meeting
33 of the board to tally the results of the vote.

34 B. The cooperative board members shall report in writ-
35 ing and shall cast their ballots in the affirmative or
36 in the negative in accordance with the majority vote of
37 the school administrative units represented.

1 C. The chairman shall add these votes and the
2 cooperative board shall make a finding of fact and
3 enter in its records the total vote in the affirmative
4 and in the negative.

5 (1) If the total affirmative votes exceed the
6 total negative votes, the cooperative board shall
7 declare that the budget has been approved.

8 (2) If any article within the budget fails to
9 pass, or if a special budget meeting is called
10 after the board has declared an emergency exists,
11 the board may prepare a new budget or special bud-
12 get and submit the necessary articles to a budget
13 meeting of the vocational region called in the
14 manner set forth in section 8462.

15 3. School administrative districts and community
16 school districts. A municipality which is a member of a
17 secondary community school district or a school administra-
18 tive district shall appropriate the costs of vocational edu-
19 cation as part of the secondary school budget.

20 §8462. Regional budget meeting approval method

21 1. Method of notice. A regional budget meeting shall
22 be called by a warrant. The warrant shall be signed by a
23 majority of the cooperative board membership. The following
24 procedures shall apply.

25 A. The warrant shall specify the time and place of the
26 meeting.

27 B. The warrant shall be directed to any resident
28 living within the vocational region by name ordering
29 him to notify all voters within the region to assemble
30 at the time and place appointed.

31 C. The warrant shall include the articles the
32 cooperative board considers necessary to place before
33 the voters and the authorization to expend funds of the
34 region for the fiscal year.

35 D. An attested copy of the warrant shall be posted by
36 the nominee receiving a plurality of the votes.

37 E. The moderator shall preside over the meeting.

38 F. The vocational budget may be adopted only by a
39 majority vote of those present and voting.

1 G. The moderator shall appoint from the certified
2 voting lists as many ballot clerks as necessary for the
3 efficient operation of the meeting. The ballot clerks
4 shall be sworn in by the moderator.

5 H. The secretary of the cooperative board, or if ab-
6 sent the secretary's designee, shall record accurately
7 all the votes of the meeting.

8 I. The cooperative board shall, immediately upon the
9 adoption of a budget, compute the share to be paid by
10 each municipality within the region and shall notify
11 the school officials to include their share in the
12 school administrative unit's annual school budget. A
13 budget shall be adopted on or before August 1st.

14 J. The school officials shall place on the school
15 warrant for payment the first of each month a sum equal
16 to 1/12 of the school administrative unit's share of
17 the vocational school budget.

18 §8463. Appropriation of local funds

19 Local funds shall be appropriated as follows.

20 1. Operating and debt service costs. Each region
21 shall, in accordance with the region's agreement for sharing
22 costs, appropriate the necessary local funds to pay the
23 operating and construction costs for vocational region pro-
24 grams as may be required by this subsection and sections
25 8460 and 8465.

26 2. Federal grants. Anticipated grants from federal
27 sources to be received by the regional cooperative board
28 shall be deducted from the gross budget before making the
29 assessments to the individual municipalities within the
30 region.

31 §8464. Budget failure

32 The following provisions apply in the event of a budget
33 failure as defined in section 8301.

34 1. Submission of a contingency plan. If a budget
35 failure exists after August 1st, the cooperative board shall
36 submit to the state board a financial statement with an
37 operational plan indicating how the program will be phased
38 out or reorganized.

1 2. Payment of the state's share to the cooperative
2 board. When a budget failure exists, the State shall pay
3 directly to the cooperative board the sum of each unit's
4 state share of the vocational education allocation of the
5 units within the region.

6 3. Available funds. If a budget failure exists after
7 June 30th, the cooperative board may expend balances and
8 available revenues.

9 4. Borrowing. The cooperative board may borrow funds
10 not to exceed 50% of the anticipated state allocation. Such
11 borrowing shall be repaid within the same fiscal year.

12 §8465. Bonding authority

13 Bonds and notes for school construction purposes may
14 only be issued under the following provisions.

15 1. Regional referendum. If the cooperative board
16 decides to issue bonds or notes of the region for school
17 construction purposes:

18 A. The board shall call a regional referendum using
19 the procedures set forth in sections 1351 to 1354;

20 B. The results of the referendum vote in each municipi-
21 ality shall be reported immediately to the secretary
22 of the cooperative board; and

23 C. The board shall meet and make an appropriate find-
24 ing of fact as required in section 1353, subsection 2.

25 2. Bond resolutions. If the cooperative board deter-
26 mines from the vote that bonds or notes shall be issued,
27 then the following shall apply.

28 A. The board shall pass a resolution to that effect
29 setting forth the amount of the proposal and the pur-
30 poses for which the proceeds were authorized.

31 B. Bonds or notes shall be issued in the manner de-
32 scribed in section 1311, except that any reference
33 therein to "school administrative district" or "board
34 of school directors" shall mean vocational region or
35 cooperative board, respectively.

36 C. Indebtedness shall not exceed 4% of the total state
37 valuation of all the municipalities comprising the

1 region. That indebtedness shall be outside the debt
2 limitations of the individual municipalities of the
3 region.

4 3. Prior bonds and notes. All actions taken in con-
5 nection with bonds and notes for school construction pur-
6 poses by vocational regions and their officers prior to
7 October 1, 1975 shall continue to be valid.

8 §8466. Transfer of school property

9 The following shall apply to transfer of school prop-
10 erty to a vocational region.

11 1. Authority. A school board of a school administra-
12 tive unit within a vocational region may transfer or lease
13 unused school property owned by the unit to the vocational
14 region for vocational education purposes.

15 2. Definitions. For the purposes of this section a
16 special school district shall be considered to be a school
17 administrative unit.

18 §8467. Sale of vocational region capital assets

19 The following provisions apply to the sale of voca-
20 tional region capital assets.

21 1. Selling buildings and equipment. Vocational
22 regions may, in case of a shutdown, sell buildings and
23 equipment owned by the vocational regions when the sale is
24 approved by the state board.

25 2. Using proceeds of sale. The funds raised by the
26 sale in subsection 1 shall be used as follows:

27 A. The proceeds of the sale shall first be used to
28 reduce any outstanding indebtedness;

29 B. Any remaining receipts shall be used to meet out-
30 standing obligations; and

31 C. Any remaining surplus shall be returned to the
32 department.

33 SUBPART III

34 OTHER PROGRAMS

