

MAINE STATE LEGISLATURE

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121st MAINE LEGISLATURE

SECOND SPECIAL SESSION-2004

Legislative Document

No. 1956

S.P. 798

In Senate, April 5, 2004

**An Act To Establish a School Leadership District for East
Millinocket, Medway and Millinocket**

(AFTER DEADLINE)

(EMERGENCY)

Approved for introduction by a majority of the Legislative Council pursuant to Joint Rule 205.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator STANLEY of Penobscot.
Cosponsored by Representative DUPREY of Medway and
Senator: DAMON of Hancock, Representatives: CLARK of Millinocket, McLAUGHLIN of
Cape Elizabeth, SUSLOVIC of Portland.

2 **Emergency preamble.** Whereas, Acts of the Legislature do not
become effective until 90 days after adjournment unless enacted
as emergencies; and

4 **Whereas,** this legislation establishes School Leadership
6 District #1; and

8 **Whereas,** in order for the affected towns to have sufficient
time to vote on and establish School Leadership District #1, it
10 is imperative that this legislation take effect as soon as
possible; and

12 **Whereas,** in the judgment of the Legislature, these facts
14 create an emergency within the meaning of the Constitution of
Maine and require the following legislation as immediately
16 necessary for the preservation of the public peace, health and
safety; now, therefore,

18 **Be it enacted by the People of the State of Maine as follows:**

20 **Sec. 1. School Leadership District #1 established.** There is
22 established School Leadership District #1, referred to in this
Act as "SLD #1."

24 **Sec. 2. Composition of SLD #1.** SLD #1 consists of the
26 municipalities of East Millinocket, Medway and Millinocket,
referred to in this Act as "the participating municipalities."

28 **Sec. 3. Formation.** SLD #1 becomes operational only upon an
30 affirmative vote by a majority of the residents voting in each
participating municipality.

32 **Sec. 4. Period of operation.** The period of operation of SLD #1
34 is from July 1, 2004 to June 30, 2009 unless extended prior to
June 30, 2009 by affirmative vote by a majority of the residents
36 voting in each participating municipality.

38 **Sec. 5. SLD #1 board.** SLD #1 is governed by a board,
40 referred to in this Act as "the board," as specified in this
section.

42 **1. Composition.** The board consists of 15 members, 5 from
each participating municipality's school board.

44 **2. Quorum.** A quorum exists when there are at least 9
46 members present, including the chair or vice-chair.

48 **3. Voting.** Each member is entitled to one vote. Any
action of the board requires a consensus of those members present
50 and voting. If consensus on an action can not be achieved after

2 votes on that action, then a majority of at least 9 members, with at least 3 members from each participating municipality voting in favor of the action, is necessary to approve the action.

4. Duties. The board shall:

A. Meet annually in December on a day and at a place agreed upon by the chairs of the school boards of the participating municipalities;

B. Elect officers of the board, consisting of a chair, vice-chair and secretary. Each of the officers must be from a different participating municipality;

C. Hire a superintendent at the first meeting of the board or as soon as possible thereafter and whenever a vacancy occurs. The superintendent must be hired for a term of at least 30 months but no longer than 66 months;

D. Adopt annually a budget for the operation of the superintendent's office for the next fiscal year;

E. Authorize the superintendent to employ support staff that the superintendent determines necessary to carry out the educational needs of SLD #1, consistent with budget constraints;

F. Adopt policies for SLD #1;

G. Adopt the curriculum for SLD #1;

H. Adopt a 5-year program and 5-year financial plans, with annual reviews, for SLD #1;

I. Provide annual evaluations to the superintendent concerning the performance of the superintendent;

J. Determine the apportionment of costs among the participating municipalities in accordance with section 7, subsection 2; and

K. Establish committees for those specific areas determined necessary by the board, such as budget, finance, negotiations, curriculum and policy review. Each committee must include one member from each participating municipality's school board, appointed to the committee by that school board. The chair of the board, or a designee of the chair, and the superintendent, or a designee of the superintendent, serve ex officio on any committee established pursuant to this paragraph.

2 **Sec. 6. Budgets; submission to participating municipalities; defeat.**

4 Each participating municipality's school board shall develop a
6 budget for that school board's costs, debt service and retired
8 employee obligations. Budgets developed pursuant to this section
10 and by the board must be submitted to the participating
 municipalities in a form consistent with each participating
 municipality's budget procedures. If a budget is defeated in one
 or more of the participating municipalities, the board may:

12 **1. Reduce budget.** Reduce the total budget by an amount
14 that reflects both the decrease in the budget and the amount
16 approved by any other participating municipalities. The amount,
 if any, approved by the other participating municipality may be
 set aside as a fund balance for the ensuing fiscal year;

18 **2. Resubmit budget.** If the board determines that the
20 budget reduction produced by the action under subsection 1 would
22 cause the educational programs to fail to meet the needs of the
 students, the board may direct the participating municipality
 that defeated the budget to reconsider the original budget; or

24 **3. Revise and resubmit budget.** Reduce the overall budget
26 and submit the reduced budget to the participating municipality
 that defeated the original budget.

28 **Sec. 7. Division of costs.** The costs of SLD #1 must be
 apportioned among the participating municipalities as follows.

30 **1. Superintendent.** The costs of the employment of the
32 superintendent and the operational costs of the office of the
34 superintendent must be shared equally by the participating
 municipalities.

36 **2. Other costs.** All other costs, including but not limited
38 to regular instruction, including teacher salaries and benefits,
40 guidance, transportation, vocational education, special
 education, student activities and library and school
 administration, must be apportioned among the participating
 municipalities as a percentage and based on:

42 A. The average of the property values in each participating
44 municipality, as determined by the State;

46 B. The population of each participating municipality, as
 determined by the most recent census estimate; and

48 C. The enrollment of residents in SLD #1 of each
 participating municipality, as determined by the previous

2 October 1st enrollment report submitted to the Department of
Education.

4 **Sec. 8. Power to borrow money.** The board may borrow money to
pay for the current operating expenses as long as the loans are
6 repaid within 13 months of the date of borrowing and the
borrowing is limited to an amount reasonably required for the
8 operating expenses of the year for which the money is borrowed.

10 **Sec. 9. Leases.** The board may enter into leases for the
purchase of equipment and services. The leasing period may not
12 exceed the useful life of the equipment or services being leased.

14 **Sec. 10. Assistance from Department of Education.** The
Department of Education shall provide training for administrative
16 staff and teacher leaders in the implementation of
teacher-directed instructional improvement, including assessment,
18 innovative use of community resources and curriculum development.

20 **Sec. 11. Appropriation.** An appropriation equal to the amount
recommended under the essential programs and services funding
22 plan for technology must be made available in fiscal year 2004-05
to be used exclusively for technology, including equipment, staff
24 development, consultation and supplies. The appropriation must be
based on total resident kindergarten to grade 12 enrollment of
26 East Millinocket, Medway and Millinocket as of April 1, 2004.

28 **Sec. 12. Loss of foundation allocation aid.** The Legislature
agrees to hold the participating municipalities harmless from
30 loss of the foundation allocation aid for fiscal year 2004-05 to
assist the participating municipalities in the transition from
32 operating as individual units to participating in SLD #1. Funding
for subsequent years must be consistent with laws enacted by the
34 Legislature.

36 **Sec. 13. Grant for programs.** A 3-year grant in an amount
equal to 1/2 of the per pupil guarantee multiplied by the number
38 of students preregistered for the fall kindergarten classes as of
April 1, 2004 must be made available to SLD #1 for the support of
40 all-day kindergarten programs, home-based preschool programs and
public and private center-based preschool programs in fiscal year
42 2004-05. The original amount of the grant is reduced by 50% in
fiscal year 2005-06 and 75% in fiscal year 2006-07.

44 **Sec. 14. Tuition.** Tuition in SLD #1 must be based on the
46 aggregate costs for elementary and secondary education.

