

MAINE STATE LEGISLATURE

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(EMERGENCY)

ONE HUNDRED AND EIGHTH LEGISLATURE

Legislative Document

No. 146

H. P. 111

House of Representatives, January 25, 1977

Referred to Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Lynch of Livermore Falls.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-SEVEN

AN ACT to Amend the Vocational Education Laws.

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

Whereas, there is an urgent need to clarify the budget procedures in the 11 vocational regions for vocational education; and

Whereas, it is vitally important to make clear the governance issues relating to the 11 vocational regions for vocational education; and

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

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

Sec. 1. 20 MRSA § 2351-A, sub-§§ 1 and 2, as enacted by PL 1975, c. 513, § 1, are amended to read:

1. **Vocational center.** A "vocational center" is comprised of a ~~regional technical~~ vocational center which is located in a particular community and is governed by the school board within that community;

2. **Vocational region.** A "vocational region" is comprised of all ~~communi-~~ ~~ties~~ the administrative units within the geographical bounds of that region as was determined by the Legislature. Such regions are governed by a coopera-

tive board with membership from the various ~~municipalities~~ administrative units.

Sec. 2. 20 MRSA § 2356-A, as amended, is repealed and the following enacted in its place:

§ 2356-A. Vocational centers and satellites

The vocational centers operated at Augusta, Bath, Biddeford, SAD #61 (Bridgton), Caribou, SAD #46 (Dexter), SAD #9 (Farmington), Lewiston, Portland, SAD #1 (Presque Isle), Sanford, SAD #54 (Skowhegan), Waterville and Westbrook shall offer a program of vocational education at Grades 11 and 12. Authority to offer vocational education programs to students in any other grade level must be approved by the commissioner. All vocational education programs must meet the following requirements.

1. Vocational center. It shall be a vocational center for vocational education and may include satellite centers.

2. Approval of State Board of Education. It shall be maintained and operated only in accordance with a plan approved by the State Board of Education including a survey of the educational needs, the employment opportunities, the programs to be offered, the locations and the area to be served.

3. Programs. It shall provide programs of education and training in trade, industrial, agricultural, business, distributive and service occupations to persons in secondary school, for persons who have graduated from a secondary school or for qualified persons over 16 years of age who have left school prior to graduation from a secondary school.

4. Satellite centers. The State Board of Education may approve satellite vocational programs as a part of a vocational center when the vocational center makes such a request and supplies detailed information fully justifying the need for a vocational education program in a satellite center. All requests made by local school committees or boards of directors for satellite vocational education programs shall be forwarded to the State Board of Education with the recommendation of the school committee or board of directors operating a vocational center and the commissioner. The local school committee or board of directors responsible for operating the satellite vocational education program shall assume full financial responsibility for paying the operating costs of the satellite program and shall receive state subsidy for the program and tuition income.

The school committee or board of directors, where the satellite vocational education program is operated, shall furnish the necessary facilities and equipment and shall be eligible for school construction aid for the vocational education space where the satellite vocational education program is located, if new facilities are required and are approved.

Personnel to operate the satellite vocational education programs shall be nominated by the superintendent of schools operating the satellite vocational education program, in consultation with the director of the vocational center, and shall be approved by the school committee or board of directors where

the program is located. Personnel working in satellite vocational education programs shall be supervised by the school principal and the director of the vocational center, who shall jointly make recommendations to the local superintendents of schools.

The State Board of Education shall approve satellite centers in conjunction with existing vocational centers, such satellite centers to be financed through available funds. Vocational centers may operate programs in towns served by the center when such programs require only part-time instruction and are approved by the commissioner.

5. **Advisory committees.** There shall be an advisory committee responsible for coordinating vocational education in any vocational center operating as of 1972. Membership on the advisory committee shall consist of the superintendent of schools of the participating high schools or his representative and one board member chosen from each school committee or board of directors by its membership. The advisory committee shall meet on a quarterly basis. This committee shall be responsible for preparing and submitting an annual report on the vocational or satellite centers, or both, to the State Board of Education and each town served by the vocational and satellite centers.

6. **Local director of vocational education.** The administrative unit operating a vocational center shall employ on the staff of the center a local director of vocational education who shall meet such qualifications as may be prescribed by the State Board of Education. The director shall be responsible to the appropriate administrative officers of the administrative school unit operating the center.

7. **Transportation.** Transportation shall be provided by the sending units in the 14 existing regional centers and for any satellite programs which may subsequently be adopted.

Sec. 3. 20 MRSA § 2356-B, as last repealed and replaced by PL 1975, c. 513, § 6, is repealed and the following enacted in its place:

§ 2356-B. State aid for vocational centers and regions

State aid for vocational centers and regions shall be in accordance with sections 3457 to 3460 and chapter 512-A. Costs for new or expanded vocational education programs may be financed by a local tax outside the uniform tax and outside of any additional appropriations now authorized in chapter 512-A.

Sec. 4. 20 MRSA § 2356-C, as last repealed and replaced by PL 1975, c. 513, § 7, is amended to read:

§ 2356-C. Tuition charges to be paid by students who are not residents of Maine

The tuition charge per student is to be determined as follows: The per pupil cost is determined by adding the amounts paid for teachers' salaries, fuel, janitorial services, textbooks, reference books, school supplies ~~or~~ for desk and laboratory use, public utility services, replacement of instructional

equipment, fire insurance and compensation for the director of vocational education and his assistants, and adjusting these amounts by the allowable percentages set forth in section 1292 and dividing this sum by the average daily membership of all regularly enrolled students in the ~~technical and vocational education~~ center.

When the cost of fuel, janitorial services, public utility services or insurance for the ~~technical and~~ vocational education facilities cannot be separated from similar costs for other facilities, the cost of such items for the center will be prorated on the basis of the square footage of floor space in the ~~technical and~~ vocational education section or sections in relation to the total floor space to which such expenditures apply.

Sec. 5. 20 MRSA § 2356-E, as last repealed and replaced by PL 1975, c. 513, § 8, is amended to read:

§ 2356-E. Operation of vocational courses on grade 13 and 14 levels; tuition for such courses charged to students enrolled

Vocational and ~~technical~~ courses on grade 13 and 14 levels may be operated in ~~regional technical and~~ vocational centers when approved by the State Board of Education and, when so operated, tuition charges for these courses at rates approved by the State Board of Education may be charged directly to the students enrolled.

Sec. 6. 20 MRSA § 2356-F, as last repealed and replaced by PL 1975, c. 513, § 9, is repealed and the following enacted in its place:

§ 2356-F. Persons entitled to attend vocational centers and vocational regions

Any person entitled to receive free public education in the secondary grades, any person seeking to attend full-time programs in grade levels 13 and 14, where offered, and any adult or out-of-school youth seeking to attend part-time or evening programs, where offered, whether such courses are free or are subject to payment of tuition charges either by the prospective student or by the administrative unit where he resides, if such unit is authorized to pay them in accordance with section 2356-C, may attend any vocational center or vocational region established under sections 2356-A to 2356-G which serves his area. Those in charge of the vocational center or vocational region should determine, by the standards which apply to all students for admission to the programs, that he is qualified to profit by the instruction and that the school can accommodate him. A person may attend other vocational centers or regions if the administrative bodies of the sending and receiving administrative units agree to make the necessary arrangements for his attendance.

Sec. 7. 20 MRSA § 2356-G, as last repealed and replaced by PL 1975, c. 513, § 10, is amended by adding at the end of the first paragraph a new sentence to read:

It is the intent of the Legislature that the vocational regions shall function as extensions of the secondary schools within the regions.

Sec. 8. 20 **MRSA § 2356-G, sub-§ 1, Regions 8 and 10**, as last repealed and replaced by PL 1975, c. 573, § 10, are amended to read:

Region 8. KNOX COUNTY. Units located in this area are: Appleton; Hope; Islesboro; Lincolnville; **Monhegan**; S.A.D. No. 5—Owls Head, Rockland and South Thomaston; S.A.D. No. 7—North Haven; S.A.D. No. 8—Vinalhaven; S.A.D. No. 28—Camden and Rockport; S.A.D. No. 40—Friendship, Union, Waldoboro, Warren and Washington; S.A.D. No. 50—Cushing, St. George and Thomaston; **S.A.D. No. 65—Matinicus.**

Region 10. EASTERN CUMBERLAND — SAGADAHOC COUNTY. Units located in this area are: Brunswick; Freeport; S.A.D. No. 62—Pownal; S.A.D. No. 75—Bowdoin, Bowdoinham, Harpswell and Topsham. ~~This region will coordinate programs and activities with the Regional Technical and Vocational Center at Bath.~~ This region and the vocational center at Bath will coordinate programs and activities.

Sec. 9. 20 **MRSA § 2356-G, sub-§ 1, Region 11, 2nd sentence**, as last repealed and replaced by PL 1975, c. 513, § 10, is repealed and the following enacted in its place:

This region and the vocational center at S.A.D. #61 Bridgton will coordinate programs and activities.

Sec. 10. 20 **MRSA § 2356-G, sub-§ 3, 3rd ¶, sentences 1, 2 and 3**, as last repealed and replaced by PL 1975, c. 513, § 10, are amended to read:

When the member units of a cooperative board have determined the representation and the method of sharing costs, the school committees or boards of directors, or both, of the member units shall meet forthwith on the call of the superintendents of schools to ~~select the members~~ **appoint the persons** who will serve on the cooperative board. Membership of the cooperative board shall ~~be made up from any citizen in~~ **consist of citizens** from the administrative units in that area in proportion to the population of those administrative units, except that those citizens who, by holding another office, have duties conflicting with those of the cooperative board shall not be selected. Cooperative board members ~~who are not elected to serve a municipal office in the towns which they represent~~ shall take an oath of office in the same form as prescribed in section 302 for directors of School Administrative Districts.

Sec. 11. 20 **MRSA § 2356-G, sub-§ 4, 1st and last ¶¶**, as last repealed and replaced by PL 1975, c. 513, § 10, are repealed and the following enacted in their places:

The cooperative boards of the 11 regions for vocational education as set forth in this section shall have all the rights and duties that are set forth in sections 306 through 309-D and section 473, excluding subsections 3 and 5.

The cooperative board, in conjunction with the superintendents' advisory committee, shall annually review the vocational education agreement and may, with advice of the superintendents' advisory committee, subject to ratification by a majority of all of the school committees or boards of directors of the administrative units within the region, amend its agreement on how vocational education will be administered in its region. The cooperative agreement and

any amendments thereto shall be on file with the Commissioner of Educational and Cultural Services.

Sec. 12. 20 MRSA § 2356-G, sub-§ 4, as last repealed and replaced by PL 1975, c. 513, § 10, is amended by adding at the end a new paragraph to read:

The cooperative board shall employ a certified vocational administrator, who may be appointed to serve as the administrative officer of the region and may be appointed to serve as treasurer and secretary to the board. The administrative officer shall have the authority to nominate teachers and shall perform such other duties as may be assigned by the cooperative board. If the cooperative board does not designate the vocational administrator to serve as administrative officer, the cooperative board may enter into an agreement with a superintendent of schools within the region to serve as ex officio administrative officer for the region.

Sec. 13. 20 MRSA § 2356-G, sub-§ 6, 1st ¶, as last repealed and replaced by PL 1975, c. 513, § 10, is repealed and the following enacted in its place:

6. Budget procedure. These 11 regions for vocational education, as designated, agree to appropriate the necessary local funds, in accordance with the agreed-upon method of sharing costs, to pay the operating and construction costs for the regional programs for vocational education as may be required by sections 2356-A to 2356-H. Prior to the approval of the vocational budget, the cooperative board shall hold at least 2 public hearings on the budget within the region.

Sec. 14. 20 MRSA § 2356-G, sub-§ 6, 2nd ¶, as last amended by PL 1975, c. 746, § 20, is repealed and the following enacted in its place:

The vocational budget as approved by the cooperative board shall be submitted to the legislative body of each unit within the region in the form of 4 articles in the budget meeting warrant or in the form of 4 orders in a municipal council meeting. The articles or orders should be in substantially the following form:

Shall the vocational region authorize the cooperative board to expend the region's vocational subsidy allocation, balances and other income for the year _____ in the amount of \$ _____, which amount of money shall be part of the region's vocational budget for the year _____ ?

Shall the vocational region authorize the cooperative board to expend for maintenance of existing programs for the year _____ in the amount of \$ _____, which amount of money shall be part of the region's vocational budget for the year _____ ?

Shall the vocational region authorize the cooperative board to expend for new and expanded programs for the year _____ in the amount of \$ _____, which amount of money shall be part of the region's vocational budget for the year _____ ?

Shall the vocational region approve an adult vocational education budget for the year _____ in the amount of \$ _____ ?

Sec. 15. 20 MRSA § 2356-G, sub-§ 6, 3rd and 4th ¶¶ and the 1st 2 sentences of the 5th ¶, as last repealed and replaced by PL 1975, c. 513, § 10, are repealed and the following enacted in their places:

Each unit's share of the vocational budget as finally approved by the cooperative board shall be placed in the local school budget and that unit's share shall be adjusted to reflect the unit's net share of the vocational budget as finally adopted by the region.

The vote of the legislative body shall be to accept or reject each article in the budget warrant. No portion thereof may be amended. Following the annual budget meeting of each unit, the clerk of each unit shall notify, in writing, the member or members of the cooperative board which represent that unit of the results of the vote. Within 5 days after the last unit has acted on the budget, the chairman of the cooperative board shall call a meeting of the board to tally the results of the vote. The cooperative board members shall report in writing and each shall cast his ballot in the affirmative or in the negative in accordance with the majority vote of the unit or units represented. The chairman shall add the votes thus reported, and the cooperative board shall make a finding of fact and enter in its records the total vote in the affirmative and the total vote in the negative. If the total vote in the affirmative exceeds the total vote in the negative, the cooperative board shall declare that the budget has been approved by the voters of the region.

A vote on the budget of the vocational region must be completed at the same time as the regular school budget in each year. If any article within the budget fails of passage, the cooperative board may prepare a new budget and submit the necessary articles to a budget meeting of the vocational region called in the manner set forth below:

Sec. 16. 20 MRSA § 2356-G, sub-§ 6, ¶ B, sub-¶ (3), 1st sentence, as last repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

As soon as he has been elected and sworn, the moderator shall preside at the meeting and ~~the annual~~ vocational budget shall be adopted by a majority vote of those present and voting.

Sec. 17. 20 MRSA § 2356-G, sub-§ 6, ¶ B, sub-¶ (6), as last repealed and replaced by PL 1975, c. 513, § 10, is amended to read:

(6) The school officials shall place on the school payroll for payment the first of each month a sum equivalent to 1/12 of the municipality's share of the ~~cooperative school~~ vocational budget as adopted.

Emergency clause. In view of the emergency cited in the preamble, this Act shall take effect July 1, 1977.

STATEMENT OF FACT

The purpose of this bill is to clarify the budget procedures and to make clear the governance issues relating to the 11 vocational regions for vocational education.