

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND NINTH LEGISLATURE

Legislative Document

No. 1517

H. P. 1081

House of Representatives, March 20, 1979

On Motion of Mr. Connolly of Portland, referred to the Committee on Education. Sent up for concurrence and ordered printed.

EDWIN H. PERT, Clerk

Presented by Mr. Torrey of Poland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
SEVENTY-NINE

AN ACT Altering the Organization and Governance of Community School
Districts.

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

Sec. 1. 20 MRSA c. 11, as last amended by PL 1977, c. 690, §§ 5-B and 5-C, is repealed.

Sec. 2. 20 MRSA c. 12 is enacted to read:

CHAPTER 12

COMMUNITY SCHOOL DISTRICTS

§ 371. Formation

1. Definition. A community school district is a school administrative unit consisting of the inhabitants of and the territory within 2 or more towns and shall be a body politic and corporate responsible for the operation of kindergarten through grade 12, or any combination thereof, as is agreed upon at the time of formation, or as may be later amended, and shall also be authorized to acquire, construct and operate related recreational and athletic facilities, which may also meet other community needs; it may also include a School Administrative District, which does not operate a secondary school, for the secondary school grades of 9 through 12 only.

A. The board of directors of a School Administrative District may be substituted for the words "municipal officers" and administrative district may be substituted for the word "town" in applying the terms of this chapter to a community school district which includes a School Administrative District.

2. Local approval; town meetings; return filed with State Board of Education.

A. A community school district may only be formed by the inhabitants of 2 or more towns if the inhabitants of each of those towns have voted to create the community school district.

B. If the governing body of each town's school administrative unit votes to join with the other town or towns to join a community school district, then the municipal officers of each of the towns shall call a meeting of the inhabitants of their respective towns in a manner provided by law for the calling of town meetings and it shall be voted upon at those meetings to either favor or oppose articles in substantially the following forms:

Article

.....
To see if the town of (name) will vote to join with the towns of (naming them) to form a community school district to be known as "

.....
Community School District" which shall be responsible for the operation of grades (naming them).

Article..... To see if the costs of operating

"
Community School District" shall be shared among the towns of (naming them) in accordance with (per pupil, state valuation, a combination thereof or any other formula authorized by the Legislature).

Article

.....
To see if the town will vote to have the district's school committee perform the duties of the board of trustees.

C. The clerk in each of the several towns shall file a return of the votes cast at his town meeting with the State Board of Education. If the State Board of Education determines that a majority of those voting in each of the towns favored the first and 2nd articles in paragraph B, then the State Board of Education shall declare that the inhabitants of and the territory within the towns shall thereupon become a community school district which:

- (1) Shall bear the name voted upon;
- (2) Shall be responsible, as of the start of the next school year, for the operation of the grades voted upon;
- (3) Shall have authority to issue its bonds and notes and to borrow money as authorized in this title;

(4) Shall have authority to acquire and hold property for the purpose of operating schools within the authorized grade levels and for other purposes authorized in subsection 1; and

(5) Shall share costs in the manner authorized by the voters.

3. Petition to change the organization of a district, State Board of Education authorization; voter approval; return filed with State Board of Education.

A. The governing body of a community school district may petition the State Board of Education for authority to change the name of the district or to change the number of grades which the district is responsible for operating.

B. The State Board of Education shall authorize the change if it finds the change to be in the best interest of the district.

C. If the State Board of Education authorizes the change, then the governing body of the community school district shall notify the municipal officers in each of the member towns who shall call a meeting of the inhabitants of their respective towns in the manner provided by law for calling of town meetings, and those meetings shall vote to favor or oppose articles in substantially the following form:

Article.....To see if the town will vote to authorize the “Community School District” to change its name to “ Community School District.”

Article.....To see if the town will vote to authorize the “Community School District” to be responsible for the operation of grades..... .

D. The clerk in each of the member towns shall file a return of the votes cast in his town meeting with the State Board of Education. If the State Board of Education finds that a majority of those voting in each of the towns favor the articles, then the community school district shall be reorganized accordingly.

§ 372. Organization

1. Trustees; duties performed by school committee, by municipal officer. When a community school district has been formed, as in section 371, the municipal officers of each of the member towns shall appoint 3 residents from each town to serve on the board of trustees of the district.

A. If the towns voted favorably on the 3rd article in section 371, subsection 2, paragraph B, then the district's school committee shall perform the duties of the board of trustees. A district may vote on the 3rd article in section 371, subsection 2, paragraph B, at any time in the manner authorized in section 371, to authorize the district's school committee to perform the duties of the board of trustees.

B. If the towns voted favorably on the 3rd article in section 371, subsection 2, paragraph B, then the trustees' duties under subsections 2 and 3 shall be performed by the existing school committees of the member towns.

2. Organizational meeting; officers, representation, reapportionment, election of term of office; vacancies. The trustees shall:

A. Meet upon call of one of their number after reasonable notice;

B. Elect a chairman and a secretary; the board may authorize the district's superintendent to act as its secretary;

C. Determine the representation of each town on the community school district's school committee, which representation shall be in approximately the same ratio to the total membership of the committee as the town's latest Federal Decennial Census is to the latest Federal Decennial Census of the member towns; Federal Estimated Census figures shall be used if they are more recent than the Federal Decennial Census figures;

(1) Requests or petitions for reapportionment shall be made in the manner provided for School Administrative Districts under section 301.

D. The 3 trustees appointed by the municipal officers shall be appointed as follows: One for one year, one for 2 years and one for 3 years. Thereafter one from each town shall be elected each year for a term of 3 years by the voters of each of the participating towns. The elections shall take place at the annual town meetings and the trustees elected, or appointed, shall serve until their successors are elected and qualified; and

E. Vacancies, whether caused by death, by resignation or by being absent from the member towns for more than 90 days, shall be filled by appointment by the municipal officers of the towns which the former trustee represented until a successor trustee is elected for the unexpired term, if any, at the next annual town meeting in that town.

3. State Board of Education return. When the trustees have fulfilled the requirements of subsection 2, they shall file a return to that effect with the State Board of Education.

4. Certificate of organization. If the State Board of Education finds that the community school district has been organized, then the commissioner shall issue a certificate of organization to it which shall be conclusive evidence of the lawful organization of the community school district.

A. Whenever the community school district is reorganized in the manner authorized in section 371, subsection 3, or as authorized under section 381, the board of trustees shall file a return to that effect with the State Board of Education. A copy, certified by the commissioner, of the return shall be conclusive evidence of the reorganization of the community school district.

5. **Official school.** Community school district shall be considered the official schools of the participating towns responsible for the operation of the grades as declared by the State Board of Education in section 371, subsection 2, paragraph C, subparagraph (2), or as reorganized, and all provisions of the general law relating to the public education shall apply to the district.

6. **Operation of schools.**

A. At the start of the school year, as declared by the State Board of Education in section 371, subsection 2, paragraph C, subparagraph (2), the district shall become operative and the school committee shall assume the sole management and control of the operation of all the public schools within the district for the authorized grade levels including the adoption of bylaws and an official seal.

B. Notwithstanding paragraph A, the school committee shall be responsible for preparing and submitting a budget to the voters, as authorized by section 379, prior to the start of the first school year.

7. **Fiscal year.** The fiscal year of a community school district shall begin on July 1st and shall end on June 30th.

§ 373. **Community school district's school committee**

1. **Representation on the district's school committee.** Each member town's representation on the district's school committee, as determined pursuant to section 372, subsection 2, paragraph C, shall be chosen in one of the following ways.

A. The school committee of each member town shall choose from its membership the representation on the community school district's school committee to which that town is entitled, and membership on the district's committee shall be coterminous with the member's term of office on the school committee of the town which he represents.

B. If a district is responsible for the operation of kindergarten through grade 12 for all of its member towns, then the voters in each member town may vote by ballot, at a regular town meeting, to favor or oppose an article in substantially the following form:

Article To see if the voters of the town shall elect by ballot their representatives to the " Community School District's" school committee.

(1) The article in paragraph B shall be placed in the town's warrant if requested by 10% of the number of the town's voters voting for the gubernatorial candidates at the last statewide election or at the initiative of the town's officers.

(2) If a majority of the voters of the town favor the article, then the voters of the town shall choose the town's representatives to the district's school committee by a ballot at the town's annual meeting and the town shall not elect a superintending school committee as required by section 372.

(3) The term of each representative elected, as authorized by paragraph B, shall be established in the manner authorized by section 372.

2. Vacancies. Vacancies, whether caused by death, by resignation or by being absent from the member towns for more than 90 days, shall be filled by the school committee of the town in which the vacancies occur; if the town's representatives are elected as authorized by subsection 1, paragraph B, then the vacancies shall be filled by appointment by the town's municipal officers until the next annual town meeting.

3. Officers, treasurer's fee and bond.

A. The committee shall, at its first meeting and annually in April thereafter, choose by ballot from its membership a chairman and a treasurer. The committee may authorize the district's superintendent to be the district's treasurer.

B. The treasurer, if authorized by the committee, may receive an amount of up to \$250 for his services and shall give a bond to the district in such sum and with such sureties as the board shall determine; the bond shall be deposited with the chairman; and, the expense of the bond shall be borne by the district.

4. General authority; compensation

A. The committee shall have all the powers and duties with respect to the district as are conferred upon school committees and boards of directors under this Title except those powers and duties which are expressly reserved for the board of trustees.

B. Members of the committee shall receive only such compensation as may be authorized by the towns or administrative units which they represent.

5. Employment limitation. No member of the district school committee, nor the spouse of a member of the committee, shall be employed as a full-time employee in any school operated by the district or by a member town or administrative unit in the district.

A. "Full-time employee" for the purposes of this subsection shall mean regular employment on a weekly basis regardless of remuneration.

6. Water supply. When a school building of the district is supplied by a water supply operated by the district and which serves only the school building or buildings under the control of the school committee, the water supply shall not be considered a public water supply under Title 22, sections 2651 and 2652. The committee shall be responsible for assuring that any such water supply meets standards set by the Department of Human Services for private water supplies of schools.

§ 374. Transfer of assets

1. **Transfer of supplies and real property.** At the start of the first school year, as declared by the State Board of Education in section 371, subsection 2, paragraph C, subparagraph (2), each town within the district shall transfer to the district:

A. All school supplies and equipment purchased for and in use by the school grades encompassed by the district formation; and

B. All real property, as requested by the school committee, which was formerly used for the school grades encompassed by the district formation.

2. **Quitclaim deeds.** The municipal officers of the member towns are authorized and are required to execute quitclaim deeds for the transfer of such real property as is requested by the district's school committee.

§ 375. Superintendent of schools, powers and duties

The superintendent of the community school district shall be selected by the district's school committee or in the manner authorized under chapter 7 for supervisory unions and shall have the same duties, powers and responsibilities with respect to the school or schools and their school committee as are prescribed by law for public school superintendents.

§ 376. Financing

1. **Board of trustees' authority to borrow money.** The board of trustees is authorized to borrow funds to pay for:

A. Current operational expenditures of the district in an amount not to exceed the gross budget approved by the voters at the annual meeting; these borrowed funds shall be repaid within the same fiscal year; and

B. Major and minor capital costs, as authorized by this Title, not to exceed in the aggregate, at any one time outstanding, 10% of the total of the last preceding state valuation of all of the participating towns. Contracts, leases or agreements with the Maine School Building Authority shall not be debts or liabilities within this section.

2. **Form of bond or note; treasurer's signature; bond and note maturity.**

A. Each bond or note shall have inscribed upon its face the name of the district, the date it was issued, the amount of the bond or note and the annual interest rate, payable semiannually. Each bond or note shall be in the form and be sold in the manner, at public or private sale, as the school committee shall determine in accordance with state law.

B. All notes or bonds issued by a district shall be signed by the treasurer and countersigned by the chairman of the board of trustees of the district; and, if coupon bonds are issued, each coupon shall be attested by a facsimile signature of the treasurer printed thereon.

C. Each issue of bonds shall mature in substantially equal annual installments so that the first installment shall be payable not later than 2 years after the date of issue and the last installment not later than 25 years from the date thereof.

D. If the proceeds of an issue of bonds are used in whole or in part to fund temporary notes of the district or renewals thereof, the period during which that issue of bonds shall be outstanding, plus the period of the loan represented by the temporary notes or renewals thereof, shall not exceed 25 years.

E. Notes issued by the district shall mature not later than one year from their date of issue but may be renewed from time to time, provided the period of the original note plus that of renewals thereof shall not exceed 2 years.

3. District obligations; quasi-municipal corporation. All notes, bonds contracts and leases and all agreements with the Maine School Building Authority entered into by a district shall be the legal obligations of the district, which is declared to be a quasi-municipal corporation within the meaning of Title 30, section 5053, and all the provisions of Title 30, section 5053 shall be applicable thereto.

§ 377. Transportation

1. Elementary and secondary school pupils. Transportation of elementary and secondary pupils shall be provided by the community school district's school committee either in the manner provided for transportation of elementary school pupils in section 3561 or pursuant to a signed agreement between the committee and the member administrative units.

2. Cost. Transportation services and the purchase of new buses shall be accomplished in the most economical manner that is consistent with the welfare and safety of pupils.

3. Commissioner approval. The commissioner shall have the responsibility of approving or disapproving all school bus purchases, contracts and leases. Total expenditures statewide for purchases of school buses used in transportation of elementary and secondary students approved by the commissioner during any single year shall not exceed \$4,000,000.

4. Short-term loans. The board of trustees is authorized to procure short-term loans, not to exceed 3 years, for the purchase of school buses when that authorization has been approved by the voters. Within a district's first year of operation, the board may be authorized to procure short-term loans not to exceed 5 years. The commissioner is directed to encourage administrative units, whenever possible, to pay for the cost of new buses from current funds rather than from short-term loans.

5. Bus purchases; outside limitations. Notwithstanding any other provision of law, expenditures for bus purchases approved by the commissioner shall not be included within expenditure limitations placed on administrative units by other sections of this Title.

6. Adult transportation. The superintendent of the community school district, with the approval of the school committee, may provide conveyance for adults to and from adult education programs.

§ 378. Sharing costs

1. Formula. After July 1, 1980, a community school district shall share its costs among the member towns on the basis of:

- A.** The number of resident pupils in each town;
- B.** The state valuation of the member town's real property as set in the calendar year prior to the district's fiscal year;
- C.** In accordance with any combination of paragraphs A and B; or
- D.** In accordance with any other formula authorized by the Legislature.

2. Amendment of formula; petition and notice; representation; voter approval. The procedure for amending the cost sharing formula shall be as follows:

A. When requested by 10% of the number of voters voting for gubernatorial candidates at the last statewide election in the municipalities comprising the district, the board of trustees of the district shall give at least 15 days' notice to each municipality comprising the district of a meeting to determine the necessity of reconsidering the method of sharing costs.

B. Each member municipality of the district shall be represented at the meeting to determine the necessity of reconsidering the method of sharing costs by its municipal officers, school director or directors and 2 representatives from each municipality chosen at large by its municipal officers. Any change in the method of sharing costs shall first be approved by a vote of 2/3 of those present and voting.

C. Any change in the cost sharing formula shall be effective at the start of the next fiscal budget year which starts at least 90 days after the voters of each of the member towns have approved it in the same manner as the original formula was adopted when the district was formed pursuant to section 371; the total vote cast in each of the member towns shall be equal to or greater than 20% of the number of votes cast in each of the member towns at the recent gubernatorial election.

§ 379. Budget approval

1. Preparation by school committee. The school committee shall annually prepare a budget for the operational and capital expenditures of the community school district.

2. Articles. The school committee shall be responsible for preparing appropriate articles to authorize the budget expenditures and to determine the sums of money that will be assessed to each member municipality as a result of voter approval of the articles presented.

3. **Time and place.** The annual budget meeting shall be called on or before June 30th at an hour and in a location within the district to be designated by the school committee.

4. **Warrants.** The school committee shall post warrants in each of the member towns calling for an annual budget meeting following the procedures that are used by a town for the calling of a regular town meeting.

5. **Voter lists.** Prior to the annual budget meeting the town clerks of the member municipalities shall supply to the school committee a current list of the registered voters of the member municipalities. The lists shall be used in determining the voters who are eligible to vote at the annual budget meeting of the community school district.

6. **Moderator.** The chairman of the school committee shall open the meeting and shall call for the election of a moderator. The moderator shall be sworn in the same manner as the moderator at a regular town meeting and his duties shall be the same as those of any moderator at a regular town meeting.

7. **Majority vote.** A majority vote of those voters present and voting shall be necessary for the approval of the annual budget for the community school district.

8. **Special budget meeting.** The school committee may call a special budget meeting when in their judgment a financial emergency exists. They shall post warrants in each of the member municipalities following the same procedures that are used for the calling of the regular annual budget meeting.

A. At the special budget meeting, the voters may authorize the school committee to make an assessment on the member towns or to borrow funds to obtain additional moneys for the operation of the district's schools.

B. Whenever the voters authorize the school committee to borrow for operational purposes to cover an emergency situation, the amount so authorized shall be added to the next annual assessment to the member towns.

9. **Format; voter determination.** The budget format shall be that prescribed by a majority of the school committee until such time as 20% of the number of registered voters, as certified by the several town clerks to the secretary of the district, vote on an appropriate warrant article prescribing the school budget format.

A. The format of the school budget may be determined by the voters of a community school district by adoption of an appropriate warrant article at a properly called meeting.

B. An article dealing with the budget format may be placed upon the next warrant if authorized by a majority vote of the school committee or if a written petition of a number of voters equal to at least 10% of the number of votes cast in the last gubernatorial election in each town comprising the district has been presented to the school committee.

10. **Change in format.** Any change in budget format shall be voted at least 90 days prior to the budget year for which that change is to be effective.

11. **Line item categories; transfer of funds.**

A. If it is voted to have the school budget prepared by specific line categories, each category shall be included in a separate warrant article.

B. Unless authorized by the voters, the school committee shall not have the authority to transfer funds between line item categories.

12. **State-local allocations.** To summarize the action taken on the school budget for the purposes of determining the district's state-local allocations, the articles prescribed in chapter 515 shall also be voted upon.

§ 380. District assessments

1. **District warrant.** In accordance with the budget approved by the voters at the annual budget meeting and in substantially the same form as the warrant of the Treasurer of State for taxes, the school committee shall issue its warrants to the assessors of each member town requiring them to assess upon the taxable estates within each town an amount which is each town's share of the district's costs.

2. **Town tax collector.** The assessors of each member town shall commit the assessment to the town's constable or collector who shall have all the authority and powers to collect the district's taxes as is vested in him by law to collect state, county and municipal taxes.

3. **Monthly installments.** The school committee shall notify the member towns of the monthly installments that will become payable during the fiscal year.

4. **Payment.** The treasurer of each town shall pay the amount of the tax assessed in the fiscal year against the town to the treasurer of the district. The payments shall be paid in accordance with the monthly installments authorized under subsection 3 and shall be made on or before the 20th of each month.

5. **Gifts.** A member town may use the proceeds from gifts or trust funds allocated for educational purposes to pay its share of the assessment.

6. **Failure of town to pay its share.** In the case of the failure on the part of the treasurer of a member town to pay the installment due, or any part thereof, on the dates required in the year in which the tax is levied, the treasurer of the district may issue his warrant for the amount of the tax, or so much thereof as shall then remain unpaid, to the county sheriff requiring him to levy by distress and sale on the real and personal property of any of the inhabitants of the district living in the town where that default takes place and the sheriff or any of his deputies shall execute the warrant. The same authority as is vested in county officials for the collection of county taxes under the Revised Statutes is vested in the school committee of a district in relation to the collection of taxes within each member town.

7. Delinquent payments to the Maine School Building Authority. If any community school district, which has financed school construction through the Maine School Building Authority, shall be delinquent in its payment to the authority, the department shall make payment to the authority on behalf of the community school district from any amounts properly payable to the district by the department, not exceeding the amount then presently due to the authority from the district and from the department to the district.

§ 381. Additions to and withdrawal from the district

1. Additions. The inhabitants of and territory within any town not originally in the district may be included upon vote of all the towns concerned in a manner similar to that prescribed for establishing the community school district in section 371 under such terms and arrangements as may be recommended by the community school district's school committee.

2. Withdrawal. When the inhabitants of a participating town have indicated their desire to withdraw from a community school district by a 2/3 vote of the legal voters in the town present and voting at a special meeting, called and held in the manner provided by law for calling and holding of town meetings, the withdrawal may be authorized by special Act of the Legislature upon such terms as shall be contained in the special Act. No withdrawal shall be permitted while the community school district has outstanding indebtedness.

3. Dissolution of School Administrative District. A School Administrative District may not dissolve under section 222 if it is a member of a community school district which has outstanding debt.

§ 382. Districts formed by Private and Special Acts of the Legislature

Whenever the provisions of this chapter conflict with the provisions of any Private and Special Act of the Legislature which created a community school district, then the provisions of the Private and Special Act shall control.

Sec. 3. Transitional rules and regulations. The Department of Educational and Cultural Services shall promulgate rules and regulations consistent with this Act and with the Maine Administrative Procedure Act, Title 5, chapter 375, to assist community school districts in their transition from operating under the provisions of Title 20, chapter 11 to operating under the provisions of Title 20, chapter 12.

Sec. 4. Effective date. This Act shall become effective on July 1, 1980.

STATEMENT OF FACT

This bill reorganizes the laws dealing with community school districts, defines the governance structure of a community school district and eliminates the confusion and inconsistencies contained in the present law governing community school districts.