

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1037

H. P. 868

House of Representatives, February 26, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative Davis of Monmouth.

Cosponsor: Representative Beaulieu of Portland.

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED AND EIGHTY-ONE

AN ACT Concerning Secondary Vocational Education.

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

Sec. 1. 20 MRSA § 2351-a, sub-§ 3 is enacted to read:

3. **Budget failure.** "Budget failure" means a budget total that is less than the sum of the state allocation for vocational education in that unit, and may expend revenue provided pursuant to section 2356-G, subsection 11.

Sec. 2. 20 MRSA §§ 2355-A and 2355-B are enacted to read:

§ 2355-A. **Powers and duties of the State Board of Education**

1. **State plan.** The State Board of Education shall approve or disapprove the state plans for vocational education.

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

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

3. Boundaries of centers and regions. The board:

A. Shall have the final authority to define the boundaries of vocational regions and centers; and

B. May, in accordance with the procedures established in section 2355-B, approve:

- (1) Changes in existing boundaries;**
- (2) Changes in the status of a center to a region or a region to a center;**
- (3) The dissolution of existing regions and centers;**
- (4) The creation of new regions or centers; and**
- (5) The creation of alternative methods of delivering vocational education.**

§ 2355-B. Procedures for changing existing methods for the delivery of vocational education

1. Development of a plan. One or more school boards or the commissioner may prepare a plan for reorganizing the delivery of vocational education in an existing vocational region or vocational center area. The plan shall:

- A. Describe the problem with the existing method of delivering vocational education in the region or vocational area;**
- B. Present an alternative method of delivering vocational education;**
- C. Present a method for the disposal of any joint property and indebtedness;**
- D. Provide, through the governing body responsible for the delivery of vocational education, for a minimum of 2 public hearings; and**
- E. Provide any other information requested by the board.**

2. State Board of Education approval. The board:

A. Shall request the commissioner to:

- (1) Assess the impact of the plan on the delivery of vocational education in the vocational region or center area involved;**
- (2) Assess the fiscal impact on the State; and**
- (3) Submit a written report of his findings to the board. In his report the commissioner may suggest revisions to the plan or an alternative plan; and**

B. May request additional information from the region or center involved or individual school administrative units within these regions or center areas.

3. Approval of plan. If the plan is approved by the board, the school administrative unit or units requesting the change shall hold a public hearing in each unit to present the plan. The vocational director and the cooperative board or

advisory committee and center school board shall be invited to participate at the public hearing or hearings.

4. **After public hearing.** After the public hearings the school board or boards in the unit or units requesting a change shall submit the proposal to the voters in their school administrative unit or units in accordance with the relevant provisions for holding elections in section 225, Titles 21 and 30.

5. **Approval by a 2/3 vote.** If approved by a 2/3 vote in each school administrative unit requesting the change, the board shall issue a certificate of approval.

Sec. 3. 20 MRSA § 2356-A, sub-§ 2, as repealed and replaced by PL 1977, c. 205, § 2, is repealed.

Sec. 4. 20 MRSA § 2356-A, sub-§ 5, as amended by PL 1979, c. 691, § 13, is further amended by adding at the end a new sentence to read:

The advisory committee may develop a cooperative agreement delineating the duties and powers of the advisory committee and a formula for sharing costs.

Sec. 5. 20 MRSA § 2356-A, sub-§ 6, as repealed and replaced by PL 1977, c. 205, § 2, is repealed and the following enacted in its place:

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.

A. The director shall meet such qualifications as may be prescribed by the State Board of Education.

B. The director shall serve as chief administrative officer of the center and its satellites and have all the authority and obligations of a secondary school principal in the school administrative unit operating the center.

Sec. 6. 20 MRSA § 2356-G, sub-§ 1, last ¶, as repealed and replaced by PL 1975, c. 513, § 10, is repealed.

Sec. 7. 20 MRSA § 2356-G, sub-§ 2 as repealed and replaced by PL 1975, c. 513, § 10, is repealed.

Sec. 8. 20 MRSA § 2356-G, sub-§ 3, 3rd ¶, as amended by PL 1977, c. 205, § 10, is further amended by adding after the 2nd sentence a new sentence to read:

At least one representative from each representative unit within a vocational region shall be a member of a school board or committee within that representative unit.

Sec. 9. 20 MRSA § 2356-G, sub-§ 6, as last amended by PL 1979, c. 387, § 2, is further amended by adding after the first paragraph a new paragraph to read:

The cooperative board may select either the referendum method provided in section 225, the regular budget approval method outlined in this subsection or the district meeting method outlined in paragraph B for submitting the budget to the

member units of the region. The first district budget vote must be held before July 1st after the effective date of this paragraph. The cooperative board shall submit their revised budgets for a vote on or before August 1st of each year.

Sec. 10. 20 MRSA § 2356-G, sub-§ 6, 4th ¶, 5th sentence, as repealed and replaced by PL 1977, c. 205, § 15, is repealed and the following enacted in its place:

Approval of the regional budget shall be determined by the majority vote of the citizens within the region.

Sec. 11. 20 MRSA § 2356-G, sub-§ 7, as enacted by PL 1975, c. 513, § 10, is amended by adding at the end a new paragraph to read:

For the purpose of appropriating money to repay bonds each school administrative unit shall include as part of the debt service portion of its regular school budget an amount sufficient to cover that school administrative unit's share of debt service. Debt service shall not be included in the vocational region's budget article.

Sec. 12. 20 MRSA § 2356-G, sub-§§ 11 and 12 are enacted to read:

11. Budget failure. The following provisions apply in the event of a budget failure.

A. If a budget failure exists after August 1st, the cooperative board shall submit to the State Board of Education a financial statement with an operational plan indicating how the program will be phased out.

B. When a budget failure exists, the State shall pay directly to the cooperative board the sum of each unit's state share of the vocational education allocation of the units within the region.

12. Sale of vocational region capital assets. The following provisions apply to the sale of vocational region capital assets.

A. Vocational regions have the right in case of a shutdown to sell buildings and equipment owned by the vocational region when the sale is approved by the State Board of Education.

B. The proceeds of the sale shall first be used to reduce any outstanding indebtedness.

C. Any remaining receipts shall be used to meet outstanding obligations.

D. Any remaining surplus shall be returned to the Department of Educational and Cultural Services.

STATEMENT OF FACT

The purpose of this bill is to provide for the reorganization of vocational education centers and vocational regions and the governance and financing of vocational education.