

MAINE STATE LEGISLATURE

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FIRST REGULAR SESSION

ONE HUNDRED AND TENTH LEGISLATURE

Legislative Document

No. 1104

H. P. 934

House of Representatives, March 4, 1981

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

EDWIN H. PERT, Clerk

Presented by Representative McCollister of Canton.

Cosponsor: Representative Rolde of York.

STATE OF MAINE

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

AN ACT to Enable a Town within a School Administrative District to Withdraw or Change their Participation to a More Limited Community School District.

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

Sec. 1. 20 MRSA § 222, 7th to 17th ¶¶ and 23rd ¶, as last amended by PL 1973, c. 571, § 71, are repealed.

Sec. 2. 20 MRSA § 222-A is enacted to read:

§ 222-A. Withdrawal from a district

1. Methods of initiating withdrawal. Withdrawal from a School Administrative District may be initiated by:

A. A majority vote of the municipal officers in a municipality to develop a plan for withdrawal under procedures outlined in this section; or

B. A petition of 10% of a municipality's voters at the last gubernatorial election directing their municipal officers to develop and present a plan for withdrawal under procedures outlined in this section.

2. Contents of the plan. The plan shall:

A. Describe the problem with the existing method of delivering public education in the district;

- B. Present an alternative method of delivering public education; and
- C. Present a method for the disposal of any joint property and indebtedness acceptable to the bondholders.

3. Initial presentation of the plan. The plan shall be:

- A. Presented to the board of directors for their comments;
- B. Presented by the municipal officials at a public hearing in each of the municipalities initiating the plan held not less than 30 nor more than 45 days after submitting the plan to the board of directors. The directors shall be invited to participate in the public hearings; and
- C. Presented by the directors, along with their comments, at a public hearing for the remaining municipalities in the district. The hearing shall be held within 45 days of receipt of the plan by the directors.

4. Revision of the plan. The municipal officers, may after the last public hearing, revise the plan.

5. Initial voter approval. The municipal officers shall, within 30 days of the 2nd public hearing, seek approval by a majority vote of their municipality's legislative body.

6. Submission to the State Board of Education. If approved by a majority of the legislative body in each of the municipalities requesting to withdraw, the municipal officers shall, within 14 days of the vote, submit the plan to the State Board of Education along with a summary of the comments at the public hearing and any statement or reports the board of directors wishes to attach to the plan.

7. Board approval. The board:

A. Shall request the commissioner to:

- (1) Assess the impact of the plan on the delivery of education in the district;
- (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 district or any municipality within the district.

8. Final public hearing. If the municipality's plan, or the commissioner's revised or alternative plan, is approved by the board, each municipality requesting the change shall hold a public hearing to present the plan as approved. The board of directors and all municipal officers from other municipalities in the district shall be invited to participate at the public hearings.

9. Final municipal vote. After the public hearings, the municipalities requesting the change shall submit the proposal to the voters in their

municipalities in accordance with the relevant provisions for holding elections in section 225, Title 21 and Title 30.

10. Issuance of certificate of approval. If approved by a 2/3 vote in each municipality requesting the change, the board shall issue a certificate of approval.

Sec. 3. 20 MRSA § 381, sub-§ 2 as enacted by PL 1979, c. 482, § 3, is repealed.

Sec. 4. 20 MRSA § 381-A is enacted to read:

§ 381-A. Withdrawal from district

1. Methods of initiating withdrawal. Withdrawal from a community school district may be initiated by:

- A. A majority vote of the school board of a member school administrative unit to develop a plan for withdrawal under procedures outlined in this section; or
- B. A petition of 10% of a member school administrative unit's voters at the last gubernatorial election directing their school board to develop and present a plan for withdrawal under procedures outlined in this section.

2. Content of plan. The plan shall:

- A. Describe the problem with the existing method of delivering public education in the district;
- B. Present an alternative method of delivering public education; and
- C. Present a method for the disposal of any joint property and indebtedness acceptable to the bondholders.

3. Initial presentation of plan. The plan shall be:

- A. Presented to the directors of the community school board for their comments;
- B. Presented by the initiating unit's school board at a public hearing in the municipality not less than 30 nor more than 45 days after submitting the plan to the community school board. The directors of the community school board shall be invited to participate in the public hearings; and
- C. Presented by the directors of the community school board, along with their comments, at a public hearing for the remaining municipalities in the district. The hearing shall be held within 45 days of receipt of the plan by the directors.

4. Revision of plan. The initiating school board may, after the last public hearing, revise the plan.

5. Initial voter approval. The initiating school board shall, within 30 days of the 2nd public hearing, seek approval by a majority vote of the municipality's legislative body.

6. **Submission to State Board of Education.** If approved by a majority of the legislative body in each of the municipalities requesting to withdraw, the municipal officers shall, within 14 days of the vote, submit the plan to the State Board of Education along with a summary of the comments given at the public hearings and any statement or reports the board of directors of the community school board or any member school board wishes to attach to the plan.

7. **State Board of Education approval.** The State Board of Education:

A. Shall request the commissioner to:

- (1) Assess the impact of the plan on the delivery of education in the district;
- (2) Assess the fiscal impact on the State; and
- (3) Submit a written report of his findings to the State Board of Education. In his report, the commissioner may suggest revisions to the plan or an alternative plan; and

B. May request additional information from the district or any municipality within the district.

8. **Final public hearing.** If the municipality's plan, or the commissioner's revised or alternative plan, is approved by the State Board of Education, each municipality requesting the change shall hold a public hearing to present the plan as approved. The board of directors and all municipal officers from other municipalities in the district shall be invited to participate at the public hearings.

9. **Final municipal vote.** After the public hearings, the municipalities requesting the change shall submit the proposal to the voters in their municipalities in accordance with the relevant provisions for holding elections in section 225, Titles 20 and 30.

10. **Issuance of certificate of approval.** If approved by a 2/3 vote in each municipality requesting the change, the State Board of Education shall issue a certificate of approval.

STATEMENT OF FACT

This bill tries to clarify the process by which a municipality can withdraw from a School Administrative District or a community school district. It shifts the burden of devising an alternative plan from the State to the municipality. It gives the bondholder a voice in determining an alternative method of disposing of any outstanding indebtedness. It allows a municipality to withdraw on a 2/3 vote without securing a majority vote of the district. This protects the interests of small municipalities. It allows for all types of new arrangements, tuition students, unions, community school districts, that the withdrawing community may negotiate with other towns, but does not give the State Board of Education the authority to require any school administrative unit to enter into any arrangement with which it does not voluntarily agree.