

MAINE STATE LEGISLATURE

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119th MAINE LEGISLATURE

FIRST REGULAR SESSION-1999

Legislative Document

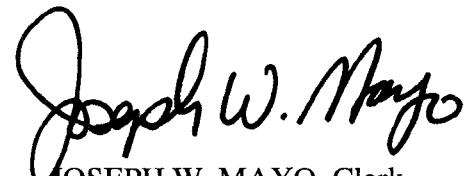
No. 1958

H.P. 1360

House of Representatives, March 23, 1999

An Act to Establish Educational Excellence for the Towns of Mechanic Falls, Minot and Poland.

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


JOSEPH W. MAYO, Clerk

Presented by Representative SNOWE-MELLO of Poland.
Cosponsored by Senator BENNETT of Oxford and
Representatives: HEIDRICH of Oxford, KASPRZAK of Newport, MACK of Standish,
MENDROS of Lewiston.

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

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Sec. 1. P&SL 1995, c. 53, §8 is amended to read:

Sec. 8. Joint committee organization. Except as otherwise provided in this Act, contracts for school privileges must be established between the Town of Poland and the towns of Mechanic Falls and Minot in accordance with the Maine Revised Statutes, Title 20-A, section 2703. Title 20-A applies to all aspects of the governance and operation of Poland Regional High School and Bruce M. Whittier Middle School, referred to in this section as the "Poland Middle-High School," except as modified in this section.

As a part of the tuition contracts, a joint committee is established. The joint committee consists of 5 members from the seated school committee in the Town of Poland and one from each of the school committees in the towns of Minot and Mechanic Falls. This joint committee shall meet independently from the school committee in the Town of Poland and has the following powers and duties:

1. To select and employ teachers for the secondary school in the Town of Poland. The joint committee may employ noncertified persons to teach at the school, as long as certified personnel are employed to teach at least 90% of the total hours of teaching time. The nonrenewal or termination of a teacher's or administrator's contract must be for just cause as determined by a 5/7 vote of the full joint committee, after providing the affected teacher or administrator a reasonable opportunity to meet with the joint committee to present any information or comments the affected teacher or administrator may have. Before recommending nonrenewal of a teaching contract, the superintendent shall ensure that the affected teacher's performance has been reviewed and evaluated by the principal and has been reviewed, if the teacher so requests, by a peer review and assistance committee that includes other teachers. The vote of the joint committee on nonrenewal or termination of a teacher or administrator is final and binding on all affected parties, absent fraud or a finding by a court of competent jurisdiction that the joint committee's action was arbitrary and capricious, and is not subject to contract grievance procedures or arbitration;

- 2. To set teachers' salaries;
- 3. To arrange for the course of studies;
- 4. To supervise the instruction; and

2 5. To adopt, amend and enforce rules pertaining to the
educational activities of the secondary school in the Town of
Poland.

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6 If the tuition contract between the Town of Poland and the Town
of Minot or between the Town of Poland and the Town of Mechanic
8 Falls is terminated, membership on the joint committee from the
Town of Minot or from the Town of Mechanics Falls, as the case
10 may be, is forfeited as of the date that the tuition contract is
terminated.

12 The joint committee is the employer of teachers in grades 9
to 12. The joint committee is considered a joint employer of
14 teachers in grades 7 and 8 who are employed by the Poland School
Committee on the opening date of the school and who are assigned
16 by the Poland School Committee to teach at the Poland Middle-High
School. Teachers who are assigned to the Poland Middle-High
18 School continue to be subject to all provisions of Title 20-A and
to all existing collective bargaining contracts and successor
20 contracts negotiated by the Poland School Committee,
notwithstanding the provisions of this Act to the contrary,
22 unless the teachers state in writing that the teachers wish to be
employed solely by the joint committee and to be governed in
24 their employment for all purposes by this Act.

26 The Poland Middle-High School budget or any amendment or
supplement to the budget must be voted on at the annual or a
28 special town meeting in the Town of Poland.

30 In accepting secondary tuition students, the joint committee
may charge tuition at whatever rate is agreed upon by the sending
32 school, without regard to any limit on the maximum allowable
tuition pursuant to Title 20-A, except that this does not apply
34 to tuition charges for students from Mechanic Falls or Minot.

36 SUMMARY

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40 This bill modifies the provisions of the special act of the
Legislature enabling the towns of Poland, Minot and Mechanic
42 Falls to combine to build a new school for grades 7 to 12 in
Poland to serve as the secondary school for all 3 towns. It was
44 developed by a local committee, constituted by the Poland School
Committee, that considered various education reform proposals and
46 conducted public forums in all 3 towns. This legislation
represents the results of that local effort. The purpose of this
48 bill is to provide for a governance structure for the new school
that will permit a joint committee, in its discretion, to pursue
50 education reforms that can produce a better education for the
students of those 3 communities. The bill also permits the joint
committee to employ noncertified personnel on a limited basis and

2 to employ or cease to employ personnel without the burdens
presently imposed by tenure laws and contract grievance
4 procedures. In a nonbinding referendum carried out November 3,
1998, in the towns of Mechanic Falls, Minot and Poland to
6 consider the reform proposals developed by the committee, 57% of
those voting favored the proposal to grant the joint school
8 committee this greater level of local control over who teaches
the students at the new school. The concept of allowing limited
10 use of noncertified personnel to enrich the curriculum for the
students was supported by 53% of the voters. This bill protects
12 employees, however, by expressly requiring just cause for any
personnel action involving nonrenewal of contract or termination
14 of a principal or teacher. It also requires a 5/7 vote of the
joint committee for nonrenewal or termination and requires peer
16 review and assistance before nonrenewal of a teacher's contract
if the teacher so requests. Finally, the bill grandfatheres
18 teachers employed by the Poland School Committee who are
transferred to the new school unless the teacher voluntarily
20 elects otherwise in writing. The bill also permits the Town of
Poland to charge tuition higher than the legal rate of tuition
22 for secondary students coming from towns other than Minot or
Mechanic Falls by agreement with the sending school unit. In the
24 straw vote of the 3 towns, this proposal was favored by more than
73% of those voting.