

# MAINE STATE LEGISLATURE

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# 120th MAINE LEGISLATURE

## SECOND REGULAR SESSION-2002

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Legislative Document

No. 2143

S.P. 791

In Senate, February 27, 2002

### **An Act Regarding the Local Governance of School Administrative Units.**

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Reported by Senator MITCHELL for the Joint Standing Committee on Education and Cultural Affairs pursuant to Joint Order, S.P. 773.

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

A handwritten signature in cursive script that reads "Pamela L. Cahill".

PAMELA L. CAHILL  
Secretary of the Senate

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

2           **Sec. 1. 20-A MRSA §1, sub-§1-A** is enacted to read:

4           1-A. Agent. "Agent" means an individual appointed to serve  
6 in the capacity of a superintendent.

8           **Sec. 2. 20-A MRSA §1, sub-§6-A** is enacted to read:

10           6-A. Courses of study. "Courses of study" means the  
12 courses of study for the elementary and secondary schools that  
14 are in alignment with the system of learning results as  
established in section 6209 and consistent with the requirements  
of this Title.

16           **Sec. 3. 20-A MRSA §1, sub-§27**, as enacted by PL 1981, c. 693,  
§§5 and 8, is repealed.

18           **Sec. 4. 20-A MRSA §1001, sub-§1-A** is enacted to read:

20           1-A. Adoption of policies. They shall adopt policies that  
22 govern the school administrative units.

24           **Sec. 5. 20-A MRSA §1001, sub-§§2 and 3**, as enacted by PL 1981,  
c. 693, §§5 and 8, are amended to read:

26           **2. Management of school property.** They shall ~~manage~~ are  
28 responsible for the management of the schools and shall provide  
30 for their custody and care, including repairs and insurance on  
school buildings and all school property in the school  
administrative units.

32           **3. Selection of superintendent.** They shall select a  
34 superintendent in accordance with section 1051 to carry out the  
duties specified in section 1055.

36           **Sec. 6. 20-A MRSA §1001, sub-§6**, as amended by PL 2001, c.  
38 454, §7, is further amended to read:

40           **6. Courses of study.** They shall adopt ~~and--direct~~ the  
42 ~~general~~ courses of study in alignment with the system of learning  
results as established in section 6209 and in accordance with the  
requirements of this Title.

44           **Sec. 7. 20-A MRSA §1001, sub-§10-A**, as enacted by PL 1983, c.  
46 859, Pt. C, §§3 and 7, is amended to read:

48           **10-A. Educational materials.** They shall ~~approve-a-uniform~~  
~~system-of-textbooks~~ adopt a policy governing the selection of

2 ~~educational materials. A--textbook--thus--approved--may--not--be~~  
3 ~~changed--for--3--years--unless--by--vote--of--the--school--board.~~

4 **Sec. 8. 20-A MRSA §1001, sub-§14**, as enacted by PL 1993, c.  
5 423, §1, is amended by amending the first paragraph to read:

6  
7 **14. Insurance purchase by competitive bidding.** Except as  
8 otherwise provided by waiver, a school board shall ~~purchase~~  
9 ~~oversee the purchasing of~~ insurance by competitive bidding. On  
10 each insurance policy, a competitive bid must be sought at least  
11 once every 5 years. To take advantage of commercial package  
12 policies in the marketplace, a school board shall group  
13 qualifying lines of insurance into a single competitive bid  
14 process. Each policy secured by competitive bidding must be  
15 issued with a 3-year policy term or, if this is not possible, a  
16 commitment for 3 one-year policy terms must be secured with an  
17 option for 2 additional one-year policy terms, subject to annual  
18 review and adjustment.

19  
20 **Sec. 9. 20-A MRSA §1001, sub-§14, ¶C**, as enacted by PL 1993,  
21 c. 423, §1, is amended by amending subparagraph (2), first  
22 paragraph to read:

23  
24 (2) In the same time frame, the school board shall  
25 ~~also develop~~ approve a request for proposal, referred  
26 to in this paragraph as the "proposal." The proposal  
27 must contain at a minimum:

28  
29 **Sec. 10. 20-A MRSA §1001, sub-§16**, as enacted by PL 1999, c.  
30 351, §2, is amended to read:

31  
32 **16. Crisis response plan.** ~~Working with local public safety,~~  
33 ~~mental health and law enforcement officials, they shall develop a~~  
34 ~~crisis response plan~~ They shall annually approve a plan developed  
35 by the school unit administration working with local public  
36 safety, mental health and law enforcement officials to deal with  
37 crises and potential crisis situations involving violent acts by  
38 or against students in each school in the school administrative  
39 unit.

40  
41 **Sec. 11. 20-A MRSA §1051, sub-§1**, as amended by PL 1991, c.  
42 655, §1, is further amended to read:

43  
44 **1. Eligibility requirements.** Only those persons who hold a  
45 state certificate of superintendence grade, issued in accordance  
46 with chapter 501 or 502, ~~may--be~~ are eligible to become  
47 superintendents. Members of the school board ~~may~~ are not be  
48 eligible to become superintendent in the school administrative  
49 unit that they represent. Superintendents' certificates ~~may~~ must  
50 be revoked in accordance with section 13020. Grounds for  
revocation include, but are not limited to, the employment or

2 retention of uncertified personnel in a school administrative  
unit in violation of this Title or of any rules adopted pursuant  
to this Title.

4  
6 **Sec. 12. 20-A MRSA §1051, sub-§2**, as enacted by PL 1981, c.  
693, §§5 and 8, is amended to read:

8 **2. Appointment.** The school board shall elect, by majority  
vote of the full membership, the superintendent. The school  
10 board, upon notification by the commissioner, shall meet ~~during~~  
no later than December 31st of the year preceding the expiration  
12 of the superintendent's contract, at a day and place determined  
by the ~~chairman~~ chair of the school board. When a vacancy  
14 occurs, the school board shall meet as soon as possible to choose  
a superintendent.

16  
18 **Sec. 13. 20-A MRSA §1053, sub-§§1 and 2**, as enacted by PL 1981,  
c. 693, §§5 and 8, are amended to read:

20 **1. School unions.** The union committee shall ~~determine~~  
establish a policy to guide the relative amount of service to be  
22 performed by the superintendent in each unit, ~~--including--the~~  
~~minimum-number-of-visits-to-be-made-each-term-to-each-school.~~

24  
26 **2. Community school district.** In community school  
districts, the district school committee shall also ~~determine~~  
establish a policy to guide the relative amount of service to be  
28 performed by the superintendent in each school administrative  
unit.

30  
32 **Sec. 14. 20-A MRSA §1055, first ¶**, as enacted by PL 1981, c.  
693, §§5 and 8, is amended to read:

34 The superintendent is responsible for the ongoing  
administration of the school administrative unit and for ensuring  
36 that the operation of the schools conforms to policies and rules  
as adopted by the school board and to state laws and rules. The  
38 superintendent ~~shall-be~~ also is the ex officio secretary of the  
school board and school building committee chosen by the  
40 administrative unit and shall perform duties as the school board  
or school building committee direct.

42  
44 **Sec. 15. 20-A MRSA §1055, sub-§1**, as amended by PL 1985, c.  
797, §13, is further amended to read:

46 **1. Records, orders, vouchers.** The superintendent shall is  
responsible for:

- 2 A. ~~Keep~~ Keeping a permanent record of all the votes, orders  
and proceedings;
- 4 B. ~~Place~~ Placing all orders for materials and supplies  
6 purchased by vote of the school building committee or school  
board;
- 8 C. ~~Keep~~ Keeping all financial records and accounts; and
- 10 D. ~~Issue~~ Issuing vouchers showing the correctness of bills  
12 contracted on account of school appropriations.

14 **Sec. 16. 20-A MRSA §1055, sub-§§2 to 5**, as enacted by PL 1981,  
c. 693, §§5 and 8, are amended to read:

16 **2. Inspect schools; annual report.** The superintendent  
18 shall is responsible for:

20 A. ~~Inspect~~ Inspecting the schools and ~~review~~ reviewing the  
operating rules, the discipline and the proficiency of the  
22 students;

24 B. ~~Visit~~ Visiting each school at least the minimum number  
of times each term required by the school board or union  
26 committee as established by the policy adopted under section  
1053; and

28 C. ~~Annually, make and send~~ reporting to the commissioner a  
written report of the condition of the schools for the prior  
30 year, ~~including a statement of the condition of school  
buildings, the progress made by the students and an  
evaluation of the methods of instruction and government~~ on  
the progress of the comprehensive education plan required  
32 under section 4502, subsection 6.

36 **3. Financial and building report.** ~~The~~ At least annually,  
the superintendent shall ~~keep~~ send an accurate account of school  
38 finances and ~~send a written report, at least once a term, and an  
accurate report on the condition of school facilities~~ to each  
40 school board member. The report shall include a financial  
statement and a statement of the repair, cleanliness and sanitary  
42 arrangements of school buildings and outbuildings.

44 **4. Educational materials.** ~~The~~ superintendent shall select  
textbooks, ~~supplies and apparatus with the approval of the school  
46 board and shall make all these purchases under rules adopted by  
the school board~~ is responsible for carrying out the policies of  
48 the school board established pursuant to section 1001, subsection  
10-A for the selection and purchase of all educational materials.

50

2           **5. Distribution and accounting of supplies.** The  
superintendent shall assure ensure that all necessary apparatus  
and supplies are seasonably distributed to each school,  
4 accurately accounted for and economically used.

6           **Sec. 17. 20-A MRSA §1055, sub-§10,** as enacted by PL 1981, c.  
693, §§5 and 8, is amended to read:

8           **10. Supervise school employees.** The superintendent shall  
10 ~~direct and supervise the work~~ is responsible for the evaluation  
of all teachers and other employees of the school administrative  
12 unit.

14           **Sec. 18. 20-A MRSA §1205, sub-§2,** as enacted by PL 1981, c.  
693, §§5 and 8, is amended to read:

16           **2. Transfer of governing authority.** The school directors  
18 shall, on the date established in subsection 1, assume  
responsibility for the management and control of the public  
20 schools within the former school administrative units within the  
district and these former school administrative units shall on  
22 that date have no further responsibility for the operation or  
control of the public schools within the district.

24           **Sec. 19. 20-A MRSA §1256, sub-§3,** as amended by PL 1983, c.  
26 485, §11, is further amended to read:

28           **3. Operating schools.** May operate authorize and oversee  
the operation of elementary schools;

30           **Sec. 20. 20-A MRSA §1256, sub-§7, ¶B,** as amended by PL 1987,  
32 c. 737, Pt. C, §§39 and 106 and PL 1989, c. 6, c. 9, §2, c. 104,  
Pt. C, §§8 and 10, is further amended to read:

34           B. If the gift is in trust, the board shall ~~deposit~~ cause  
36 the trust funds to be deposited or ~~invest those trust funds~~  
invested according to Title 30-A, chapter 223, subchapter  
38 III-A.

40           (1) Unless prohibited by a trust instrument, the  
district may treat any 2 or more trust funds as a  
42 single fund for the purposes of investment.

44           (2) After deduction for management expenses, any  
interest earned or capital gains realized shall must be  
46 prorated among the various trust funds.

48           (3) Property or securities included in the corpus of a  
trust fund shall must be retained where the trust  
50 instrument so provides.

2 (4) Unless otherwise specified in the trust  
instrument, only the annual income from the trust fund  
4 may be spent.

6 (5) If the district fails to comply with the terms of  
the trust instrument, the trust fund reverts to the  
8 donor or the donor's heirs.

10

## SUMMARY

12

This bill is reported out to the Senate by the Joint  
14 Standing Committee on Education and Cultural Affairs pursuant to  
Joint Order 2001, S.P. 773. The bill proposes to implement the  
16 recommendations of the interim report of the Task Force on School  
Governance convened by the State Board of Education at the  
18 request of the Joint Standing Committee on Education and Cultural  
Affairs during the First Regular Session of the 120th Legislature.

20

The bill proposes to clarify that the primary role and  
22 responsibilities of school board members are to serve as  
policymakers for the school administrative units and that the  
24 role and responsibilities of school superintendents are to serve  
as education leaders and administrators for the school  
26 administrative units. The bill proposes to accomplish this by  
amending provisions of the education statutes to clarify the  
28 respective roles and responsibilities of school board members and  
school superintendents in governing and administering local  
30 school administrative units.