

MAINE STATE LEGISLATURE

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Date: 6-5-07

(Filing No. H-435)

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
123RD LEGISLATURE
FIRST REGULAR SESSION**

HOUSE AMENDMENT "K" to COMMITTEE AMENDMENT "A" to H.P. 383, L.D. 499, Bill, "An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009"

Amend the amendment by striking out all of Part XXXX and inserting the following:

PART XXXX

Sec. XXXX-1. 20-A MRSA c. 114 is enacted to read:

CHAPTER 114

REGIONAL COLLABORATION

§2601. Definitions

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings.

1. Administrative, instructional and noninstructional functions. "Administrative, instructional and noninstructional functions" includes, but is not limited to, system administration, school administration, special education, transportation and buses and facilities maintenance.

2. Collaborative agreement. "Collaborative agreement" means an agreement to share the responsibility for and cost of the delivery of certain administrative, instructional and noninstructional functions. "Collaborative agreements" includes, but is not limited to:

- A. Shared purchasing or contract agreements;
- B. Agreements for shared staff or staff training;
- C. Agreements to share technology or technology support;
- D. Agreements to provide special education programs and support services;
- E. Agreements to share accounting, payroll and financial management services;

- 1 F. Agreements to coordinate transportation routing and vehicle maintenance;
 2 G. Agreements to share food service planning and purchasing; and
 3 H. Agreements to coordinate energy and facilities management.

4 **§2602. Development of collaborative agreements**

5 A school administrative unit may enter into collaborative agreements with other
 6 school administrative units and, whenever possible, with local and county governments
 7 and State Government, to achieve efficiencies and reduce costs in the delivery of
 8 administrative, instructional and noninstructional functions.

9 **Sec. XXXX-2. 20-A MRSA §15680, sub-§1, ¶A,** as enacted by PL 2003, c.
 10 504, Pt. A, §6, is amended to read:

11 A. System administration. The per-pupil amount for "system administration" is the
 12 actual system administration expenditures, as defined in the State's accounting
 13 handbook for local school systems, for the most recent year available excluding
 14 expenditures for leases and the purchase of land and buildings, less revenues to
 15 system administration for services to other governments and refunds from a statewide
 16 school management association, divided by the average October and April enrollment
 17 counts for that fiscal year and then inflated to an estimated allocation year level by a
 18 10-year average increase in the Consumer Price Index or other comparable index.
 19 Beginning in school year 2008-2009, this per-pupil amount must be based on school
 20 year 2005-2006 system administration expenditures then reduced by 50% and
 21 inflated to an estimated allocation year level by a 10-year average increase in the
 22 Consumer Price Index or other comparable index;

23 **Sec. XXXX-3. 20-A MRSA §15680, sub-§1, ¶B,** as enacted by PL 2003, c.
 24 504, Pt. A, §6, is amended to read:

25 B. Operation and maintenance of plant. The per-pupil amount for "operation and
 26 maintenance of plant" is the actual operation and maintenance of plant expenditures,
 27 as defined in the State's accounting handbook for local school systems, for the most
 28 recent year available excluding expenditures for leases and the purchase of land and
 29 buildings, divided by the average October and April enrollment counts for that fiscal
 30 year and then inflated to an estimated allocation year level by a 10-year average
 31 increase in the Consumer Price Index or other comparable index. For school year
 32 2008-2009, the resulting per-pupil amount must be reduced by 5%;

33 **Sec. XXXX-4. 20-A MRSA §15681-A, sub-§2-A** is enacted to read:

34 **2-A. Reduction for fiscal year 2008-09.** For fiscal year 2008-09, the commissioner
 35 shall reduce by 5% the allocation for special education costs as described in subsection 2.
 36 These calculated special education costs for school administrative units for fiscal year
 37 2008-09 are subject to the appeals procedure described in subsection 2.

38 **Sec. XXXX-5. 20-A MRSA §15681-A, sub-§3-A** is enacted to read:

39 **3-A. Reduction for fiscal year 2008-09.** For fiscal year 2008-09, the commissioner
 40 shall reduce by 5% the allocation for transportation costs as described in subsection 3.

1 These calculated transportation costs for school administrative units for fiscal year 2008-
 2 09 are subject to the appeals procedure described in subsection 3.

3 **Sec. XXXX-6. Legislative intent and policy.** This Part establishes the process
 4 for increasing the efficiency and effectiveness of school administrative units by providing
 5 a process for reorganizing them into collaborative administrative school units by assisting
 6 units to develop more efficient structures for providing administrative services. For
 7 purposes of this section, "high-performing school unit" means a unit of school
 8 administration whose average performance score is higher than would be expected based
 9 on that community's characteristics and the prior achievement of students within that unit
 10 of school administration.

11 **1. Meetings to be convened in each career and technical education region.** Not
 12 later than July 15, 2008, the Commissioner of Education, or the commissioner's designee,
 13 shall convene one or more meetings in each of the career and technical education regions
 14 in the State to present information about the requirements of this Part regarding
 15 collaboration among school administrative units.

16 A. The Commissioner of Education shall provide notice of the meeting or meetings
 17 to municipal officials and school officials from the municipalities and school
 18 administrative units within the region, as well as to the general public.

19 B. In addition to other information presented at the meeting, the Commissioner of
 20 Education shall provide one or more maps showing the suggested alignment of
 21 municipalities and other school administrative units designed to increase efficiency
 22 and improve educational quality.

23 C. Maps presented by the Commissioner of Education and alignment options
 24 considered by school administrative unit representatives must reflect:

25 (1) The intent that school administrative units existing on the effective date of
 26 this Act collaborate in units of at least 2,500 resident students except where
 27 circumstances justify an exception to that size requirement. When circumstances
 28 justify an exception to the requirement of 2,500 students, the unit must serve as
 29 close to 2,500 students as possible and in no case, except for offshore islands and
 30 schools operated by tribal school committees, may it serve fewer than 1,200
 31 students.

32 **2. Notice of intent.** By December 31, 2008, each school administrative unit shall
 33 file with the Commissioner of Education:

34 A. A notice of intent to engage in planning and negotiations with other school
 35 administrative units for the purpose of developing a collaboration plan to achieve the
 36 system administration efficiency goals of a high-performing school unit; or

37 B. A notice of intent to submit an alternative plan that meets the requirements of a
 38 high-performing school unit. An alternative plan may be submitted only by a unit that
 39 is:

40 (1) An offshore island;

41 (2) A school operated by a tribal school committee pursuant to the Maine
 42 Revised Statutes, Title 30, section 6214; or

1 (3) A school administrative unit that serves more than 2,500 students, or 1,200
2 students where circumstances justify an exception to the requirement of 2,500
3 students.

4 The Commissioner of Education shall respond to each notice of intent by March 15,
5 2009, indicating whether the intended action complies with the requirements of this Part.

6 **3. Collaboration planning committee.** Municipalities that intend to engage in
7 planning and negotiation to create a collaborative school unit shall form a collaboration
8 planning committee.

9 A. For each proposed regional school unit, the Commissioner of Education shall
10 provide guidelines for the formation of a collaboration planning committee including
11 representation from the school administrative units in existence on the effective date
12 of this Part, member municipalities and members of the general public who are
13 residents of the proposed collaborative school unit. The guidelines must include roles
14 and responsibilities of the committee, timelines for submission of the plan, the format
15 for reporting the collaboration plan and evaluation criteria for approval of the plan.

16 B. Collaboration planning committees shall hold one or more public meetings to
17 gather input from community members and to determine the sentiment of the public.

18 **4. Submission of plans.** By October 31, 2009, each school administrative unit shall
19 submit to the Commissioner of Education either:

20 A. Its proposed collaboration plan for participating school units; or

21 B. Its proposed plans for reducing the cost of services within the school
22 administrative unit to meet the requirements of a high-performing school unit.

23 **5. Content.** A collaboration plan must include:

24 A. The units of school administration to be participating in the proposed plan;

25 B. The size, composition and apportionment of the governing body;

26 C. A transition plan that addresses the development of a budget for the first school
27 year of the collaboration process;

28 D. Documentation of the public meeting or public meetings held to prepare or review
29 the collaboration plan;

30 E. An explanation of how units that approve the collaboration plan will proceed if
31 one or more of the proposed members of the school administrative units fail to
32 approve the plan;

33 F. An estimate of the cost savings to be achieved through formation of a collaborative
34 school administrative unit process and how costs will be reduced; and

35 G. Such other matters as the governing bodies of the school administrative units in
36 existence on the effective date of this Part may determine to be necessary.

37 **6. Parameters.** In developing a collaboration plan for school administrative units in
38 existence on the effective date of this Part, the governing bodies of school administrative
39 units shall work within the following parameters.

- 1 A. The proposed regional school unit must serve not fewer than 2,500 students,
2 except where circumstances relating to the following factors justify an exception:
- 3 (1) Geography, including physical proximity and the size of the current school
4 administrative unit;
- 5 (2) Demographics, including student enrollment trends and the composition and
6 nature of communities in the regional school unit;
- 7 (3) Economics, including existing collaborations to be preserved or enhanced
8 and opportunities to deliver commodities and services to be maximized;
- 9 (4) Transportation;
- 10 (5) Population density; or
- 11 (6) Other unique circumstances including the need to preserve existing or
12 developing relationships, meet the needs of students, maximize educational
13 opportunities for students and ensure equitable access to rigorous programs for
14 all students.
- 15 When circumstances justify an exception to the requirement of 2,500 students, the
16 unit must serve as close to 2,500 students as possible and in no case, except for
17 offshore islands and schools operated by tribal school committees, may it serve fewer
18 than 1,200 students.
- 19 B. The proposed collaboration unit, viewed in conjunction with surrounding
20 proposed units, may not result in one or more municipalities being denied the option
21 to join a collaborative school unit.
- 22 C. The plan must provide comprehensive programming for all students from
23 kindergarten to grade 12 and must include at least one publicly supported secondary
24 school.
- 25 D. The plan must reorganize administrative functions, duties and noninstructional
26 personnel in order that the following be accomplished:
- 27 (1) The projected expenditures of the collaborative school unit in fiscal year
28 2009-10 for transportation, special education and facilities and maintenance must
29 be 5% less than the projected transportation, special education and facilities and
30 maintenance expenditures of each of the participating school administrative units
31 in fiscal year 2008-09; and
- 32 (2) The projected expenditures of the collaborating school units in fiscal year
33 2009-10 for system administration must be no more than the legislatively
34 approved essential programs and services system administration rate established
35 for fiscal year 2008-09.
- 36 **7. Review and approval of plans.** If the Commissioner of Education finds that a
37 plan for collaboration meets the requirements of this Part, the commissioner shall notify
38 the municipalities and school administrative units and they shall proceed.
- 39 A. If the Commissioner of Education finds that a plan for collaboration is not
40 consistent with the purposes and goals of this Part, the commissioner shall return the
41 plan to the governing bodies of those school administrative units by December 15,
42 2009 with specific suggestions for modification of the plan.

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1 B. Upon the return of a collaboration plan by the Commissioner of Education, the
2 governing bodies of the school administrative unit shall revise the proposed plan for
3 collaboration to address the commissioner's findings and submit a revised plan for
4 collaboration not more than 30 days after the commissioner returns the plan for
5 revision.

6 C. The Commissioner of Education shall approve or disapprove the revised plan for
7 collaboration not more than 14 days after it is refiled by the unit.

8 **Sec. XXXX-7. Role of the Department of Education.** In order to provide for
9 the orderly implementation of this Part, the Department of Education shall:

10 1. **Prepare models.** Prepare one or more models for the collaboration of school
11 administrative units in existence on the effective date of this Part, consistent with the
12 provisions of section 6, subsection 3;

13 2. **Assist in collection and presentation of data.** Assist all of the governing bodies
14 of school administrative units in existence on the effective date of this Part in the
15 collection and presentation of data pertinent to the charge established by this Part;

16 3. **Assist in meetings and caucuses.** Assist in the organization of the meetings and
17 caucuses convened by the governing bodies of the school administrative units in
18 existence on the effective date of this Part to prepare collaboration plans as provided in
19 subsection 1;

20 4. **Provide facilitation services.** Make available, upon request, facilitation services
21 to the governing bodies of the school administrative units in existence on the effective
22 date of this Part to ensure the ability of those school administrative units to fulfill the
23 charges required by this Part;

24 5. **Adjust EPS rates.** Adjust essential programs and services rates for
25 transportation, facilities and maintenance, special education and system administration
26 expenditures to reflect the ongoing efficiencies resulting from the collaboration of school
27 administrative units in existence on the effective date of this Part; and

28 6. **Submit report.** Submit a report to the Joint Standing Committee on Education
29 and Cultural Affairs no later than February 1, 2008 that describes the compliance of the
30 participating school administrative units in existence on the effective date of this Part
31 with the requirements of this Part.

32 **Sec. XXXX-8. Notification of allocation of funding to school**
33 **administrative units.** Notwithstanding the Maine Revised Statutes, Title 20-A, section
34 15689-B, subsection 2, paragraph A, the notice by the Commissioner of Education to
35 school boards of the estimated amount of state funds to be allocated to the school
36 administrative unit for school years 2008-2009 and 2009-2010 must be provided not later
37 than March 31st.

38 **Sec. XXXX-9. Adjustment for collaborative school unit start-up costs.**
39 The Commissioner of Education shall establish an adjustment for fiscal year 2008-09 to
40 support the start-up costs associated with the collaboration of school administrative units
41 in accordance with the Maine Revised Statutes, Title 20-A, section 2602.

1 **Sec. XXXX-10. Department to conduct review.** The Department of Education
2 shall conduct a review of unfunded state mandates pertaining to school systems. In
3 conducting its review, the department shall:

4 1. Prepare a comprehensive listing of the state mandates placed on school
5 administrative units;

6 2. Identify for each listed mandate the precise legal origin of the mandate, whether
7 state law or rule or a combination of both, or any originating authority. The department
8 shall also provide notice and analysis of federal mandates that contribute to or conflict
9 with specific state mandates on school administrative units;

10 3. Identify the statewide local government costs of each listed mandate within the
11 limits of practicability; and

12 4. Identify the characteristics of each listed mandate. Identified characteristics may
13 include, but are not limited to, the following:

14 A. Archaic or unnecessary features or features lacking significant public purpose;

15 B. Inadequate funding;

16 C. Disproportionate efforts for the public policy benefit;

17 D. Coordination between federal law and regulation and state law and rule;

18 E. Subjection to excessive administrative oversight; and

19 F. An insufficient structure to predict, measure or control local costs.

20 No later than December 15, 2007, the department shall submit a report that includes
21 its findings and recommendations, including suggested legislation, for presentation to the
22 joint standing committee of the Legislature having jurisdiction over education matters. In
23 its proposed implementing language, the department may include proposals to repeal,
24 modify, redesign, effectively coordinate or delay the implementation of any of the listed
25 mandates, as may be appropriate. Following receipt and review of the report, the joint
26 standing committee of the Legislature having jurisdiction over education matters may
27 submit a bill to the Second Regular Session of the 123rd Legislature.

28 **Sec. XXXX-11. Reports; implementing legislation for regional school**
29 **administrative unit consolidation.** No later than January 15, 2008, the
30 Commissioner of Education shall submit to the Joint Standing Committee on Education
31 and Cultural Affairs an initial report that contains recommendations and any proposed
32 legislation necessary to require that all school budgets be approved at referendum and to
33 implement regional school administrative unit consolidation, including legislation to
34 convert school administrative districts and community school districts to the regional
35 school unit form of governance on July 1, 2010. Following receipt and review of the
36 initial report, the Joint Standing Committee on Education and Cultural Affairs may
37 submit legislation to the Second Regular Session of the 123rd Legislature. No later than
38 January 31, 2009, the Commissioner of Education shall submit to the joint standing
39 committee of the Legislature having jurisdiction over education matters a final report that
40 contains recommendations and any proposed legislation necessary to fully implement this
41 Part including proposed legislation to repeal the laws governing school administrative
42 districts and community school districts. Following receipt and review of the final report,

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1 the joint standing committee of the Legislature having jurisdiction over education matters
 2 may submit legislation to the First Regular Session of the 124th Legislature.

3 **Sec. XXXX-12. Report; school costs information.** No later than January 15,
 4 2008, the Commissioner of Education shall report to the Joint Standing Committee on
 5 Education and Cultural Affairs the latest cost information for each school unit in the State
 6 that delineates costs per student by essential programs and services category including the
 7 school unit population. The commissioner shall include the specific cost standards that
 8 would apply for a high-performing school unit for each of the essential programs and
 9 services categories based on a 1,200 pupil school unit and a 2,500 or greater pupil school
 10 unit. The commissioner shall include in this analysis the identification of the system
 11 administrative costs for each of the school units. The commissioner shall assess the
 12 school units based on total costs per pupil and school administrative costs per pupil as
 13 compared to the standard for a high-performing school unit. The format of the report
 14 must outline the following expenditures per pupil:

- 15 1. Regular instruction;
- 16 2. Special education;
- 17 3. Career and technical education;
- 18 4. Other instruction, including summer school and extracurricular instruction;
- 19 5. Student and staff support;
- 20 6. System administration;
- 21 7. School administration;
- 22 8. Transportation and buses;
- 23 9. Facilities maintenance;
- 24 10. Debt service and other commitments;
- 25 11. All other expenditures, including school lunch; and
- 26 12. Total expenditure per pupil.

27 **Sec. XXXX-13. Approval of school budget.** Notwithstanding any provision
 28 of law to the contrary, beginning January 31, 2009, all school administrative unit budgets
 29 must be approved by the voters in the respective units to include school administrative
 30 unit budgets based on the essential programs and services funding model. The school
 31 administrative unit board shall provide to voters a reasonably detailed breakdown for
 32 each major subcategory within each budget category. The Department of Education shall
 33 adopt routine technical rules pursuant to the Maine Revised Statutes, Title 5, chapter 375,
 34 subchapter 2-A defining and establishing the content of those informational
 35 subcategories.

36 **1. Budget approval.** A school administrative unit's cost center summary budget
 37 must be approved at a budget validation referendum as provided in section 14.

38 **2. Transfer between budget cost center lines.** During the year for which the
 39 budget is approved using the cost center summary budget format, the school
 40 administrative unit board may transfer an amount not exceeding 5% of the total

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1 appropriation for any cost center to another cost center or among other cost centers
2 without voter approval.

3 **Sec. XXXX-14. Budget validation referendum.** Notwithstanding any
4 provision of law to the contrary, after January 31, 2009, the procedure for approval of the
5 annual budget of a school administrative unit must be in accordance with this section and
6 section 13.

7 **1. Budget validation.** Following development of the annual school administrative
8 unit budget and approval at a school administrative unit budget meeting as provided in
9 the Maine Revised Statutes, Title 20-A, section 1485, a referendum must be held in the
10 school administrative unit as provided in this section to allow the voters to validate or
11 reject the total budget.

12 **2. Validation referendum procedures.** The budget validation referendum must be
13 held to coincide with the existing municipal and fiscal year budget cycle. The vote at
14 referendum is for the purpose of approving or rejecting the total school administrative
15 unit budget approved by the school administrative unit legislative body. The school
16 administrative unit board shall provide printed information to be displayed at polling
17 places to assist voters in voting. That information is limited to the total amounts
18 proposed by the school administrative unit board for each cost center summary budget
19 category article, the amount approved at the school administrative unit budget meeting, a
20 summary of the total authorized expenditures and, if applicable because of action on an
21 article under Title 20-A, section 15690, subsection 3, paragraph A, a statement that the
22 amount approved in the school administrative unit budget includes locally raised funds
23 over and above the school administrative unit's local contribution to the total cost of
24 funding public education from kindergarten to grade 12 as described in the Essential
25 Programs and Services Funding Act. The referendum question must clearly show the
26 comparison of the proposed budget and the essential programs and services funding for a
27 high-performing unit, highlighting the specific funding categories, and state that any
28 spending greater than essential programs and services standards will be paid by local
29 property taxes. In addition, the additional spending must be expressed in total dollar
30 commitment as well as projected impact on mill rate.

31 **3. Budget validation referendum voting.** The method of calling and voting at a
32 budget validation referendum is in accordance with this section.

33 A. A public hearing is not required before the vote.

34 B. The warrant for a school administrative unit budget meeting to be followed by a
35 budget validation referendum may be a consolidated warrant covering both.

36 C. The warrant and absentee ballots must be delivered to the municipal clerk at least
37 7 days before the date of the school administrative unit budget meeting.

38 D. Absentee ballots received by the municipal clerk may not be processed or counted
39 unless received after the conclusion of the school administrative unit budget meeting
40 and before the close of the polls.

41 E. All envelopes containing absentee ballots received before the conclusion of the
42 school administrative unit budget meeting or after the close of the polls must be
43 marked "rejected" by the municipal clerk.

1 F. If the school budget does not exceed the maximum state and local spending target
2 pursuant to Title 20-A, section 15671-A, subsection 5, the article to be voted on must
3 be in the following form:

4 (1) "Do you favor approving the (name of school administrative unit) budget for
5 the upcoming school year that was adopted at the latest school administrative unit
6 budget process?

7 Yes No"

8 G. If the school budget exceeds the maximum state and local spending target
9 pursuant to Title 20-A, section 15671-A, subsection 5, the article to be voted on for a
10 budget that includes locally raised funds over and above the school administrative
11 unit's local contribution to the total cost of funding public education from
12 kindergarten to grade 12 as described in the Essential Programs and Services Funding
13 Act must be in the following form:

14 (1) "Do you favor approving the (name of regional school unit) budget for the
15 upcoming school year that was adopted at the latest school administrative unit
16 budget meeting and that includes locally raised funds that exceed the required
17 local contribution as described in the Essential Programs and Services Funding
18 Act?

19 Yes No

20 A "YES" vote allows additional funds to be raised for K-12 public education.

21 A "NO" vote means additional funds cannot be raised for K-12 public education."

22 **4. Failure to approve budget.** If the voters do not validate the budget approved in
23 the school administrative unit budget meeting at the budget validation referendum vote,
24 the school administrative unit board shall hold another school administrative unit budget
25 meeting in accordance with this section and Title 20-A, section 1485 at least 10 days after
26 the referendum to vote on a budget approved by the school administrative unit board.
27 The budget approved at the school administrative unit budget meeting must be submitted
28 to the voters for validation at referendum in accordance with this section. The process
29 must be repeated until a budget is approved at a school administrative unit budget
30 meeting and validated at referendum. If a budget is not approved and validated before
31 July 1st of each year, section 15 applies.

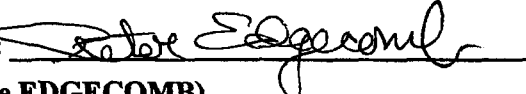
32 **Sec. XXXX-15. Failure to pass budget.** Notwithstanding any provision of law
33 to the contrary, if a budget for the operation of a school administrative unit is not
34 approved prior to July 1st, the latest budget as submitted by the school unit board is
35 automatically considered the budget for operational expenses for the ensuing year until a
36 final budget is approved, except that, when the school administrative unit board delays
37 the school administrative unit budget meeting, the operating budget must be approved
38 within 30 days of the date the Commissioner of Education notifies the school
39 administrative unit board of the amount allocated to the school administrative unit under
40 the Maine Revised Statutes, Title 20-A, section 15689-B, or the latest budget submitted
41 by the school administrative unit board becomes the operating budget for the next school
42 year.

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1 6. Requires the Department of Education to identify mandates.

2 **FISCAL NOTE REQUIRED**
3 **(See attached)**

4 **SPONSORED BY:** 
5 **(Representative EDGECOMB)**

6 **TOWN: Caribou**

HOUSE AMENDMENT



123rd MAINE LEGISLATURE

LD 499

LR 2452(26)

An Act Making Unified Appropriations and Allocations for the Expenditures of State Government, General Fund and Other Funds, and Changing Certain Provisions of the Law Necessary to the Proper Operations of State Government for the Fiscal Years Ending June 30, 2008 and June 30, 2009

Fiscal Note for House Amendment "K" to Committee Amendment "A"

Sponsor: Rep. Edgcomb of Caribou

Fiscal Note Required: Yes

Fiscal Note

No net fiscal impact

Fiscal Detail and Notes

This amendment does not affect General Fund appropriations during the 2008-2009 biennium and a balanced budget is maintained.