

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)



123rd MAINE LEGISLATURE

SECOND REGULAR SESSION-2008

Legislative Document

No. 2280

H.P. 1645

House of Representatives, March 26, 2008

**An Act To Clarify and Improve the Laws Governing the Formation
of Regional School Units**

(EMERGENCY)

Reported by Representative NORTON of Bangor for the Joint Standing Committee on Education and Cultural Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47.

Reference to the Committee on Education and Cultural Affairs suggested and ordered printed under Joint Rule 218.

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

1 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the
2 existing school administrative units will no longer apply to the proposed regional
3 school unit."

4 **Sec. 3. 20-A MRSA §1464, sub-§4** is enacted to read:

5 **4. Application of collective bargaining agreements.** On or after the operational
6 date of a regional school unit established pursuant to section 1463, subsection 1 but
7 before the completion of negotiations for a single regional school unit-wide collective
8 bargaining agreement for the regional school unit-wide bargaining unit as described in
9 subsection 3, the wages, hours and working conditions of an employee of the regional
10 school unit who is in a bargaining unit and who is reassigned to a different position that is
11 or, upon the completion of the merger of bargaining units, will be included in the same
12 regional school unit-wide bargaining unit are determined by the terms of the existing
13 collective bargaining agreement that applies to the position to which the employee is
14 reassigned, except as provided in this subsection.

15 A. If the application of the existing collective bargaining agreement would cause a
16 reduction in the employee's wage or salary rate, the employee's wage or salary rate
17 must be maintained at the rate the employee was paid immediately prior to the
18 reassignment until the completion of negotiations for a single regional school unit-
19 wide collective bargaining agreement for the regional school unit-wide bargaining
20 unit as described in subsection 3 or the applicable collective bargaining agreement or
21 any interim successor agreement requires a higher wage or salary rate for the
22 employee, whichever occurs sooner.

23 B. If the application of the existing collective bargaining agreement would cause a
24 reduction in the amount that is paid by the regional school unit for premiums for
25 health insurance for the employee and the employee's dependents, the regional school
26 unit's payment must be maintained at the amount that was paid immediately prior to
27 the reassignment until the completion of negotiations for a single regional school
28 unit-wide collective bargaining agreement for the regional school unit-wide
29 bargaining unit as described in subsection 3 or the applicable collective bargaining
30 agreement or any interim successor agreement requires a higher payment, whichever
31 occurs sooner.

32 C. If the application of the existing collective bargaining agreement provides for
33 coverage under a different health insurance plan, the employee may elect to retain
34 coverage under the health insurance plan in which the employee was enrolled
35 immediately prior to reassignment if the eligibility provisions of the plan permit until
36 the completion of negotiations for a single regional school unit-wide collective
37 bargaining agreement for the regional school unit-wide bargaining unit as described
38 in subsection 3.

39 **Sec. 4. 20-A MRSA §1479, sub-§3, ¶B**, as enacted by PL 2007, c. 240, Pt.
40 XXXX, §13, is amended to read:

41 B. The regional school unit may negotiate ~~the~~ a new contract pursuant to chapter
42 115.

1 **Sec. 5. 20-A MRSA §1479, sub-§4**, as enacted by PL 2007, c. 240, Pt. XXXX,
2 §13, is amended to read:

3 **4. Absence of contract; maintenance of school choice opportunities.** ~~A student~~
4 ~~who resides in a school administrative unit that does not maintain that student's grade~~
5 ~~from kindergarten to grade 12, and that does not enter into a contract for the education of~~
6 ~~its students pursuant to this chapter, has the option of attending a public school in another~~
7 ~~school administrative unit or private school approved for tuition purposes subject to the~~
8 ~~provisions of chapter 219 if that option was available from the previous school unit for~~
9 ~~the area in which that student resides. A school administrative unit that neither maintains~~
10 a school nor contracts for school privileges pursuant to chapter 115 shall continue to pay
11 tuition, in accordance with chapter 219, for a student who resides in the school
12 administrative unit at the public school or the private school approved for tuition
13 purposes of the parent's choice at which the student is accepted, calculated in accordance
14 with subsection 5.

15 **Sec. 6. 20-A MRSA §1479, sub-§5**, as enacted by PL 2007, c. 240, Pt. XXXX,
16 §13, is amended to read:

17 **5. Additional expense.** ~~If, pursuant to subsection 4, a student attends a public~~
18 ~~school in another school administrative unit or private school approved for tuition~~
19 ~~purposes subject to the provisions of chapter 219, and the number of secondary school~~
20 ~~students from one or more municipalities in a regional school unit that attend a public~~
21 ~~school in a different school administrative unit or an approved private school is less than~~
22 ~~all the secondary school students in the regional school unit, the sending municipality of~~
23 ~~the regional school unit is responsible for the additional expense calculated under this~~
24 ~~subsection. In a regional school unit where some but not all of the students are attending~~
25 school pursuant to this section, the sending municipality is responsible for the additional
26 expense as calculated in accordance with this subsection.

27 A. For each secondary school student who attends a public school in another school
28 administrative unit, the sending municipality in a regional school unit is responsible
29 for an amount equal to the ~~number of secondary school students from that regional~~
30 ~~school unit multiplied by the amount that the receiving regional school unit's tuition~~
31 ~~rate pursuant to section 5805 difference in tuition in cases when it exceeds the~~
32 ~~amount of the sending regional school unit's tuition rate pursuant to calculated in~~
33 ~~accordance with section 5805.~~

34 B. For each secondary school student who attends a private school approved for
35 tuition purposes subject to the provisions of chapter 219, the sending municipality in
36 a regional school unit is responsible for an amount equal to ~~the number of secondary~~
37 ~~school students from the regional school unit attending the private school multiplied~~
38 ~~by the amount that the private school's tuition rate pursuant to section 5806, or the~~
39 ~~tuition rate per the contract, if less, the difference in tuition in cases when it exceeds~~
40 ~~the amount of the sending regional school unit's tuition rate pursuant to calculated in~~
41 ~~accordance with section 5805.~~

42 Any Municipalities exercising school choice pursuant to this section are responsible for a
43 local contribution in accordance with section 15688 and the additional expense may not

1 ~~be included in the regional school unit budget when determining each member~~
2 ~~municipality's local contribution calculated in accordance with this subsection.~~

3 ~~Any additional expense must be paid by the responsible municipality in equal monthly~~
4 ~~amounts unless the regional school unit and the member municipality agree to another~~
5 ~~payment schedule.~~

6 **Sec. 7. 20-A MRSA §1481-A** is enacted to read:

7 **§1481-A. Application**

8 For the purposes of this subchapter, the term "regional school unit" means a school
9 administrative unit as defined in section 1, subsection 26.

10 This section is repealed July 1, 2009.

11 **Sec. 8. 20-A MRSA §1486, sub-§2**, as enacted by PL 2007, c. 240, Pt. XXXX,
12 §13, is amended to read:

13 **2. Validation referendum procedures.** The budget validation referendum must be
14 held on or before the ~~10th~~ 14th calendar day, other than Saturday, Sunday or a legal
15 holiday, following the scheduled date of the regional school unit budget meeting. The
16 referendum may not be held on a Saturday, Sunday or legal holiday. The vote at
17 referendum is for the purpose of approving or rejecting the total regional school unit
18 budget approved at the regional school unit budget meeting. The regional school unit
19 board shall provide printed information to be displayed at polling places to assist voters in
20 voting. That information is limited to the total amounts proposed by the regional school
21 unit board for each cost center summary budget category article, the amount approved at
22 the regional school unit budget meeting, a summary of the total authorized expenditures
23 and, if applicable because of action on an article under section 15690, subsection 3,
24 paragraph A, a statement that the amount approved at the regional school unit budget
25 meeting includes locally raised funds ~~over and above the regional school unit's local~~
26 ~~contribution to the total cost of funding public education from kindergarten to grade 12 as~~
27 ~~described in the Essential Programs and Services Funding Act that exceed the maximum~~
28 state and local spending target pursuant to section 15671-A, subsection 5.

29 **Sec. 9. 20-A MRSA §1486, sub-§3**, as enacted by PL 2007, c. 240, Pt. XXXX,
30 §13, is amended to read:

31 **3. Budget validation referendum voting.** The method of calling and voting at a
32 budget validation referendum is as provided in sections 1503 and 1504, except as
33 otherwise provided in this subsection or as is inconsistent with other requirements of this
34 section.

35 **A.** A public hearing is not required before the vote.

36 ~~**B.** The warrant for a regional school unit budget meeting to be followed by a budget~~
37 ~~validation referendum may be a consolidated warrant covering both.~~

1 C. The warrant and absentee ballots must be delivered to the municipal clerk ~~at least~~
2 ~~7 days before~~ no later than the day after the date of the regional school unit budget
3 meeting.

4 D. Absentee ballots received by the municipal clerk may not be processed or counted
5 unless received on the day after the conclusion of the regional school unit budget
6 meeting and before the close of the polls.

7 E. All envelopes containing absentee ballots received before the day after the
8 conclusion of the regional school unit budget meeting or after the close of the polls
9 must be marked "rejected" by the municipal clerk.

10 F. ~~If the school budget does not exceed the maximum state and local spending target~~
11 ~~pursuant to section 15671-A, subsection 5, the~~ The article to be voted on must be in
12 the following form:

13 (1) "Do you favor approving the (name of regional school unit) budget for the
14 upcoming school year that was adopted at the latest regional school unit budget
15 meeting?

16 Yes No"

17 ~~G. If the school budget exceeds the maximum state and local spending target~~
18 ~~pursuant to section 15671-A, subsection 5, the article to be voted on for a budget that~~
19 ~~includes locally raised funds over and above the regional school unit's local~~
20 ~~contribution to the total cost of funding public education from kindergarten to grade~~
21 ~~12 as described in the Essential Programs and Services Funding Act must be in the~~
22 ~~following form:~~

23 (1) ~~"Do you favor approving the (name of regional school unit) budget for the~~
24 ~~upcoming school year that was adopted at the latest regional school unit budget~~
25 ~~meeting and that includes locally raised funds that exceed the required local~~
26 ~~contribution as described in the Essential Programs and Services Funding Act?"~~

27 Yes No

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

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

30 **Sec. 10. 20-A MRSA §1487**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
31 amended to read:

32 **§1487. Failure to pass budget**

33 If a budget for the operation of a regional school unit is not approved prior to July
34 1st, the latest budget ~~as submitted by the regional school unit board~~ approved at a
35 regional school unit budget meeting and submitted to the voters for validation at a
36 referendum in accordance with section 1486 is automatically considered the budget for
37 operational expenses for the ensuing year until a final budget is approved, except that,
38 when the regional school unit board delays the regional school unit budget meeting, the
39 operating budget must be approved within 30 days of the date the commissioner notifies
40 the regional school unit board of the amount allocated to the regional school unit under
41 section 15689-B, or the latest budget submitted by the regional school unit board

1 becomes the operating budget for the next school year until a budget is approved at a
2 regional school unit budget meeting and validated at a referendum. If the budget of a
3 regional school unit is not approved and validated before July 1st and the officers of any
4 affected municipality determine that the property taxes must be committed in a timely
5 manner to the collector pursuant to Title 36, section 709, the municipal assessor or
6 assessors may commit the property taxes on the basis of the latest budget approved at a
7 regional school unit budget meeting and submitted to the voters for validation at a
8 referendum in accordance with section 1486.

9 **Sec. 11. 20-A MRSA §1506, sub-§1, ¶A**, as enacted by PL 2007, c. 240, Pt.
10 XXXX, §13, is amended to read:

11 A. "Existing debt" means any bond, note, loan agreement, lease-purchase agreement
12 or other debt instrument issued prior to July 1, 2008 for the purposes of funding
13 public schools and career and technical education regions, or for refinancing such
14 debt, that remains outstanding at the time of a reorganization pursuant to this chapter.
15 "Existing debt" does not include routine payables or commercial contract obligations.

16 **Sec. 12. 20-A MRSA §1506, sub-§1, ¶B**, as enacted by PL 2007, c. 240, Pt.
17 XXXX, §13, is amended to read:

18 B. "Original education unit" means:

- 19 (1) A previous education unit that has existing debt; ~~or~~
20 (2) A municipality that has existing debt incurred on behalf of a previous
21 education unit; or
22 (3) A previous education unit within a career and technical education region as
23 defined by section 8301-A that has existing debt.

24 **Sec. 13. 20-A MRSA §15671-A, sub-§2, ¶B**, as amended by PL 2007, c. 240,
25 Pt. XXXX, §24, is further amended to read:

26 B. For property tax years beginning on or after April 1, 2005, the commissioner shall
27 calculate the full-value education mill rate that is required to raise the statewide total
28 local share. The full-value education mill rate is calculated for each fiscal year by
29 dividing the applicable statewide total local share by the applicable statewide
30 valuation. The full-value education mill rate must decline over the period from fiscal
31 year 2005-06 to fiscal year 2008-09 and may not exceed 9.0 mills in fiscal year 2005-
32 06 and may not exceed 8.0 mills in fiscal year 2008-09. The full-value education mill
33 rate must be applied according to section 15688, subsection 3-A, paragraph A to
34 determine a municipality's local cost share expectation. Full-value education mill
35 rates must be derived according to the following schedule.

36 (1) For the 2005 property tax year, the full-value education mill rate is the
37 amount necessary to result in a 47.4% statewide total local share in fiscal year
38 2005-06.

39 (2) For the 2006 property tax year, the full-value education mill rate is the
40 amount necessary to result in a 46.14% statewide total local share in fiscal year
41 2006-07.

1 (3) For the 2007 property tax year, the full-value education mill rate is the
2 amount necessary to result in a 45.56% statewide total local share in fiscal year
3 2007-08.

4 (4) ~~Except as provided in subparagraph (6), for~~ For the 2008 property tax year
5 and subsequent tax years, the full-value education mill rate is the amount
6 necessary to result in a 45.0% statewide total local share in fiscal year 2008-09
7 and after.

8 ~~(6) For school administrative units that do not conform to the requirements of~~
9 ~~chapter 103-A for the 2009 property tax year, the full-value education mill rate is~~
10 ~~the amount necessary to result in a 46.14% statewide total local share in fiscal~~
11 ~~year 2009-10 and after.~~

12 **Sec. 14. 20-A MRSA §15696, sub-§1, ¶C**, as enacted by PL 2007, c. 240, Pt.
13 XXXX, §33, is amended to read:

14 C. The school administrative unit is not eligible for a transition adjustment under
15 section 15686 or any comparable year-over-year transition amount; ~~and~~

16 **Sec. 15. 20-A MRSA §15696, sub-§1, ¶D**, as enacted by PL 2007, c. 240, Pt.
17 XXXX, §33, is amended to read:

18 D. The school administrative unit receives less favorable consideration for approval
19 and funding for school construction pursuant to rules of the state board; and

20 **Sec. 16. 20-A MRSA §15696, sub-§1, ¶E** is enacted to read:

21 E. The school administrative unit's full-value education mill rate pursuant to section
22 15671-A is increased by 2% for the purpose of calculating the school administrative
23 unit's required contribution to meet the local share of education costs established
24 pursuant to section 15688, subsection 3-A.

25 **Sec. 17. PL 2007, c. 240, Pt. XXXX, §36, sub-§8** is amended to read:

26 **8. Referendum on reorganization plan.** The municipal officers of each
27 municipality in a proposed reorganized school administrative unit shall place a warrant
28 article substantially as follows on the ballot of a municipal referendum conducted in
29 accordance with the referendum procedures applicable to the school administrative unit
30 of which the municipality is a member. A referendum must be held on or before January
31 15, 2008 for a reorganization plan that was submitted by December 15, 2007 and that the
32 Commissioner of Education found meets the requirements of this Part. A referendum
33 ~~must~~ may be held on June 10, 2008 or on or before January 30, 2009 for any plan
34 received or revised after December 15, 2007 and subsequently found by the
35 Commissioner of Education to meet the requirements of this Part.

36 "Article: Do you favor approving the school administrative reorganization plan
37 prepared by the (insert name) Reorganization Planning Committee to reorganize
38 (insert names of affected school administrative units) into a regional school unit, with
39 an effective date of _____?"

40 Yes/No"

1 The following statement must accompany the article:

2 "Explanation:

3 A "YES" vote means that you approve of the (municipality or school administrative
4 unit) joining the proposed regional school unit, which will be provided with the
5 following incentives:

6 More favorable consideration in approval and funding of school construction
7 projects; and

8 Eligibility for additional financial support for reorganization costs.

9 A "NO" vote means that you do not approve of the (municipality or school
10 administrative unit) joining a regional school unit, which will result in the existing
11 (municipality or school administrative unit) receiving the following penalties:

12 Less favorable consideration in approval and funding of school construction
13 projects; and

14 A reduction in state funding of education costs in an amount estimated to be
15 \$ _____ for school year 200__ and \$ _____ for school year 200__, with the
16 possibility of ongoing penalties for continued failure to join an approved regional
17 school unit. Reductions in state education funding will likely result in an
18 increased mill rate expectation to meet the local share of education costs."

19 The Department of Education shall pay the cost of a referendum conducted before or on
20 January ~~15, 2008~~ 30, 2009.

21 **Sec. 18. PL 2007, c. 240, Pt. XXXX, §36, sub-§11** is amended to read:

22 **11. Result of disapproval at January 2008 referendum.** A school administrative
23 unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a
24 subsequent referendum on or before ~~November 4, 2008~~ January 30, 2009 may restart the
25 process to form a regional school unit with the same or other school administrative units
26 and may seek assistance from the Department of Education to prepare another
27 reorganization plan.

28 A. Subsequent reorganization plans must meet the same requirements as for
29 reorganization plans filed prior to the January 2008 referendum, except that the
30 timelines are adjusted to reflect a July 1, 2009 reorganization date.

31 B. The penalties set forth in Title 20-A, section 15696 apply to any school
32 administrative unit that fails to approve a reorganization plan on or before ~~November~~
33 4, 2008 January 30, 2009 and to implement that plan by July 1, 2009.

34 **Sec. 19. PL 2007, c. 240, Pt. XXXX, §36, sub-§12** is amended to read:

35 **12. Reformulation of SAD as RSU.** Not later than ~~December 1, 2008~~ February 27,
36 2009, the Commissioner of Education shall notify any school administrative district that
37 has not voted to form a regional school unit on or before ~~November 4, 2008~~ January 30,
38 2009 that the school administrative district must be recreated as a regional school unit
39 under Title 20-A, chapter 103-A, effective July 1, 2009. Notwithstanding any other

1 provision of law, a school administrative district ~~may~~ must be changed to a regional
2 school unit upon notice to the State Board of Education and may accomplish this without
3 dissolving the school administrative district. A school administrative district that is
4 changed to a regional school unit without dissolving the school administrative district is
5 subject to Title 20-A, chapter 103-A and any other provision of law relating to regional
6 school units but for all other legal purposes:

7 A. Remains the same legal entity, including but not limited to with respect to all
8 contracts, duties, liabilities, rights and privileges of the school administrative district
9 and any debt, whether bond, note or other evidence of indebtedness, issued by or for
10 the school administrative district; and

11 B. In order to avoid any costs associated with changing its name, may keep and
12 continue to use the same name, including the term "school administrative district," for
13 official purposes, including, but not limited to, in all its contracts and debt
14 instruments. Keeping its name for official purposes does not in any manner affect its
15 status as a regional school unit for purposes of Title 20-A, chapter 103-A and any
16 other provision of law relating to regional school units.

17 **Sec. 20. PL 2007, c. 240, Pt. XXXX, §42, first ¶** is amended to read:

18 **Sec. 42. Transfer of property and assets; regional school units approved**
19 **after January 15, 2008.** This section applies to a regional school unit that is approved
20 after January 15, 2008 and before ~~November 5, 2008~~ January 31, 2009.

21 **Sec. 21. PL 2007, c. 240, Pt. XXXX, §43, sub-§3** is amended to read:

22 **3. Transfer of governing authority; regional school units approved after**
23 **January 15, 2008.** This subsection applies to regional school units approved after
24 January 15, 2008 and before ~~November 5, 2008~~ January 31, 2009. The regional school
25 unit board of directors, on the date established in subsection 1, shall assume responsibility
26 for the management and control of the public schools and programs within the school
27 administrative units in existence prior to July 1, 2009 that are within the regional school
28 unit. Those school administrative units in existence prior to July 1, 2009, on the date
29 established in subsection 1, have no further responsibility for the operation or control of
30 the public schools and programs within the school administrative unit except those
31 pursuant to section 1481.

32 **Sec. 22. PL 2007, c. 240, Pt. XXXX, §43, sub-§5** is amended to read:

33 **5. Transfer of teachers and employees.** Except as limited by paragraph A, for
34 regional school units approved prior to January 16, 2008, all teachers and school
35 employees who are employed by a participating school administrative unit on June 30,
36 2008 must be transferred to and employed by the regional school unit as of July 1, 2008.
37 Except as limited by paragraph A, for regional school units approved after January 15,
38 2008 and before ~~November 5, 2008~~ January 31, 2009, all teachers and school employees
39 who are employed by participating school administrative units on June 30, 2009 must be
40 transferred and employed by the regional school unit as of July 1, 2009. Except as
41 limited by paragraph B, the regional school unit shall assume all of the legal obligations

1 and duties that the participating school administrative units owed to their employees,
2 including but not limited to those obligations and duties arising under federal law, state
3 law, collective bargaining agreements and individual employment contracts. It is the
4 intent of this Part to neither decrease nor increase the rights and benefits of transferred
5 employees or the employer. The regional school unit shall also maintain and honor any
6 agreements, contracts or policies regarding the rights and benefits of retirees and former
7 employees created by a participating school administrative unit that is dissolved as a
8 result of its inclusion within a regional school unit.

9 A. For regional school units approved prior to January 16, 2008, teachers or other
10 employees whose employment terminates by application of law or contract or by
11 action of a participating school administrative unit before July 1, 2008 may not be
12 transferred. For regional school units approved after January 15, 2008 and before
13 ~~November 5, 2008~~ January 31, 2009, teachers or other employees whose employment
14 terminates by application of law or contract or by action of a participating school
15 administrative unit before July 1, 2009 may not be transferred.

16 B. Teachers and other employees who are transferred to the regional school unit
17 prior to the completion of the applicable probationary period for their position have
18 the length of their probationary period calculated from the date of their most recent
19 date of employment by the participating school administrative unit.

20 **Sec. 23. PL 2007, c. 240, Pt. XXXX, §43, sub-§6, ¶A** is amended to read:

21 A. On July 1, 2008 for regional school units approved prior to January 16, 2008 and
22 on July 1, 2009 for regional school units approved after January 15, 2008 and before
23 ~~November 5, 2008~~ January 31, 2009, the regional school unit board of directors shall
24 assume all of the obligations, duties, liabilities and rights of the participating school
25 administrative units for all purposes under Title 26, chapter 9-A. The regional school
26 unit is considered a single employer. Notwithstanding any other provision of law, the
27 responsibilities of the regional school unit include:

28 (1) Continued recognition of all bargaining agents that represented any
29 bargaining units of employees who were employed by a participating school
30 administrative unit, pending completion of merger proceedings described in this
31 section;

32 (2) Assumption and continued observance of all collective bargaining
33 agreements between such bargaining agents and a participating school
34 administrative unit, which agreements continue in effect for the remainder of
35 their unexpired term unless the bargaining agent and regional school unit
36 mutually agree otherwise; and

37 (3) Collective bargaining for an initial or successor collective bargaining
38 agreement in any bargaining unit in which a collective bargaining agreement is
39 not in effect on the operational date and for any interim agreement that may be
40 required to align expiration dates in a regional school unit-wide bargaining unit,
41 as described in this subsection.

42 **Sec. 24. PL 2007, c. 240, Pt. XXXX, §43, sub-§6, ¶B** is amended to read:

1 B. As early as possible but no later than August 31, 2011 for regional school units
2 approved prior to January 15, 2008 and no later than August 31, 2012 for regional
3 school units approved after January 15, 2008 and before ~~November 2, 2008~~ January
4 31, 2009, all bargaining units must be structured on a regional school unit-wide basis.
5 Bargaining units that existed in the participating school administrative units shall
6 merge in accordance with the procedures and criteria in this section. Merger into
7 regional school unit-wide bargaining units is not subject to approval or disapproval of
8 employees.

9 (1) Merger into regional school unit-wide bargaining units must be completed
10 according to the schedule contained in this subsection, and no later than the latest
11 expiration date of any collective bargaining agreement that was in effect on the
12 operational date, which covered any employees in the merged unit.

13 (2) There must be one unit of teachers and, to the extent they are currently
14 included in bargaining units, other certified professional employees, excluding
15 principals and other administrators.

16 (3) Any additional bargaining units in a regional school unit must be structured
17 as follows:

18 (a) In the initial establishment of such units, units must be structured
19 primarily on the basis of the existing pattern of organization, maintaining the
20 grouping of employee classifications into bargaining units that existed prior
21 to the creation of the regional school unit and avoiding conflicts among
22 different bargaining agents to the extent possible.

23 (b) In the event of a dispute regarding the classifications to be included
24 within a regional school unit-wide bargaining unit, the current bargaining
25 agent or agents or the regional school unit may petition the Maine Labor
26 Relations Board to determine the appropriate unit in accordance with this
27 section and Title 26, section 966, subsections 1 and 2.

28 (4) When there is the same bargaining agent in all bargaining units that will be
29 merged into a regional school unit-wide bargaining unit, the units must be
30 merged as of the operational date, and the regional school unit shall recognize the
31 bargaining agent as the representative of the merged unit.

32 (5) When all bargaining units that will be merged into a regional school unit-
33 wide bargaining unit are represented by separate local affiliates of the same state
34 labor organization, the units must be merged as of the operational date. The
35 identity of the single affiliate that will be designated the bargaining agent for the
36 merged unit must be selected by the existing bargaining agents and the state labor
37 organization. Upon completion of the merger and designation of the bargaining
38 agent and notification by the state organization to the regional school unit, the
39 regional school unit shall recognize the designated bargaining agent as the
40 representative of employees in the merged unit. If necessary, the parties will then
41 execute a written amendment to any collective bargaining agreement then in
42 effect to change the name of the bargaining agent to reflect the merger.

43 (6) Where there are bargaining units that will be merged into a regional school
44 unit-wide bargaining unit in which there are employees who are not represented

1 by any bargaining agent and other employees who are represented either by the
2 same bargaining agent or separate local affiliates of the same state labor
3 organization, the units must be merged as of the operational date as long as a
4 majority of employees who compose the merged unit were represented by the
5 bargaining agent prior to the merger. The procedures for merger of separate local
6 affiliates of the same state labor organization described in subparagraph (5) must
7 be followed if applicable. If prior to the merger a bargaining agent did not
8 represent a majority of employees who compose the merged unit, a bargaining
9 agent election must be conducted by the Maine Labor Relations Board pursuant
10 to subparagraph (8).

11 (7) When there are unexpired collective bargaining agreements with different
12 expiration dates in the merged bargaining units described in subparagraphs (4),
13 (5) and (6), all contracts must be honored to their expiration dates unless
14 mutually agreed to otherwise by the public employer and the bargaining agent.
15 Collective bargaining agreements must be bargained on an interim basis in any
16 merged bargaining unit so that all collective bargaining agreements expire on the
17 same date.

18 (8) When bargaining units with different bargaining agents must be merged into
19 a single regional school unit-wide bargaining unit pursuant to this subsection, the
20 bargaining agent of the merged bargaining unit must be selected in accordance
21 with Title 26, section 967, except as modified in this subparagraph.

22 (a) A petition for an election to determine the bargaining agent must be filed
23 with the Maine Labor Relations Board by any of the current bargaining
24 agents or the regional school unit.

25 (b) The petition must be filed not more than 90 days prior to the expiration
26 date of the agreement having the latest expiration date among the bargaining
27 units that will be merged into the regional school unit-wide bargaining unit.

28 (c) The election ballot may contain only the names of the bargaining agents
29 of bargaining units that will be merged into the regional school unit-wide
30 bargaining unit and the choice of "no representative," but no other choices.
31 No showing of interest is required from any such bargaining agent other than
32 its current status as representative.

33 (d) The obligation to bargain with existing bargaining agents continues from
34 the operational date until the determination of the bargaining agent of the
35 regional school unit-wide bargaining unit under this subsection; but in no
36 event may any collective bargaining agreement that is executed after the
37 operational date extend beyond the expiration date of the agreement having
38 the latest expiration date among the bargaining units that will be merged into
39 the regional school unit-wide bargaining unit that was in effect on the
40 operational date.

41 (e) The Maine Labor Relations Board shall expedite to the extent practicable
42 all petitions for determination of the bargaining agent in the regional school
43 unit-wide bargaining unit filed pursuant to this subsection.

1 (f) The bargaining units must be merged into a regional school unit-wide
2 bargaining unit as of the date of certification of the results of the election by
3 the Maine Labor Relations Board, or the expiration of the collective
4 bargaining agreements in the unit, whichever occurs later.

5 **Sec. 25. Report; review of reorganization timelines.** The Department of
6 Education shall conduct a review of the results of referenda votes on proposed
7 reorganization plans and the status of the reorganization of school administrative units as
8 regional school units consistent with the July 1, 2009 implementation timeline established
9 in Public Law 2007, chapter 240. In conducting the review, the department shall:

10 A. Collect data and analyze the results of the referenda votes on proposed
11 reorganization plans;

12 B. Review the extent to which each school administrative unit that did not meet the
13 timelines for reorganization did not submit or did not receive approval for an alternative
14 plan that meets the requirements of Public Law 2007, chapter 240, Part XXXX, section
15 36, subsection 6, paragraph A due to the fact that the proposal would not meet the 1,200
16 minimum student enrollment requirement for an alternative plan;

17 C. Recommend appropriate criteria or flexibility for the granting of a waiver when
18 extenuating circumstances preclude a school administrative unit from meeting the
19 requirements of Public Law 2007, chapter 240, Part XXXX, section 36 by July 1, 2009,
20 including the authority necessary to extend timelines and waive penalties if an approved
21 plan of a reorganization planning committee cannot be implemented by July 1, 2009 and
22 the authority necessary to approve an alternative plan submitted by a reorganization
23 planning committee that meets the requirements of the law, except for the 1,200
24 minimum student number; and

25 D. Recommend clarifications to the law to specify the effect of the failure of voters in
26 an individual school administrative unit to approve a reorganization plan that results in
27 the school administrative unit not meeting the implementation timeline for
28 reorganization.

29 The Commissioner of Education shall report the findings and recommendations of
30 this review, including suggested legislation, to the joint standing committee of the
31 Legislature having jurisdiction over education matters by December 15, 2009. In its
32 recommendations, the department shall include proposals to extend or modify the current
33 implementation timelines and penalties. Following receipt and review of the report, the
34 joint standing committee of the Legislature having jurisdiction over education matters
35 may submit a bill to the First Regular Session of the 124th Legislature that extends or
36 modifies the current implementation timelines and penalties.

37 **Emergency clause.** In view of the emergency cited in the preamble, this
38 legislation takes effect when approved.

1 **SUMMARY**

2 This bill is introduced by the Joint Standing Committee on Education and Cultural
3 Affairs pursuant to Public Law 2007, chapter 240, Part XXXX, section 47. The bill
4 makes the following changes to clarify and improve the laws governing the formation of
5 regional school units.

6 1. It provides that a kindergarten-to-grade-12 school administrative district that is
7 reformulated as a regional school unit without dissolving the school administrative
8 district may continue to use the same name and operate as the same legal entity; and it
9 amends the definition of "school administrative unit" to clarify that community school
10 districts and kindergarten-to-grade-8 school administrative districts that do not join a
11 regional school unit may remain in operation after July 1, 2009. The current law
12 reformulates all kindergarten-to-grade-12 school administrative districts as regional
13 school units by July 1, 2009 but is silent on the ability of community school districts and
14 kindergarten-to-grade-8 school administrative districts to remain operational after that
15 date.

16 2. It changes the deadline by which a referendum must be held to January 30, 2009
17 and changes dates that are linked to the referendum date by the same amount of time.
18 The current law governing the reorganization of school administrative units requires that
19 a referendum must be held on a proposed reorganization on or before November 4, 2008.

20 3. It provides consistent language across the allocated and unallocated provisions in
21 the law to clarify the budget referendum ballot question to be placed before the voters at a
22 budget validation referendum vote.

23 4. It clarifies and amends the budget approval and validation process provisions to:

24 A. Increase the number of days from the legislative body meeting to the referendum
25 validation from 10 days to 14 days;

26 B. Provide that absentee ballots may not be distributed until the day after the
27 regional school unit budget meeting;

28 C. In the event that a regional school unit budget has not been approved and
29 validated prior to the start of the fiscal year, authorize municipalities to levy taxes
30 based on the most recent school budget approved at the regional school unit budget
31 meeting until a budget is validated by voters; and

32 D. Eliminate the need for 2 separate ballot questions for the budget validation
33 referendum vote and combine information on 2 votes into one document provided
34 with the warrant for the referendum vote.

35 5. It clarifies the debt liability of the school administrative units that are members of
36 a career and technical education region, including the disposition of debt incurred for a
37 school construction or renovation project at a career and technical education region by the
38 school administrative units that are members of the career and technical education region.

39 6. It clarifies the financial responsibility for the preservation of school choice in a
40 new regional school unit when a member municipality continues to provide tuition for

1 students to attend a school outside of the new regional school unit. The provision
2 provides that the member municipality is responsible for providing appropriations for any
3 additional expense above the sending regional school unit tuition rate for students who
4 are educated outside of the regional school unit.

5 7. It clarifies the rights and obligations of regional school units concerning the
6 reassignment of teachers and other employees of the regional school unit in the
7 transitional period from the operational date of the regional school unit until the
8 completion of negotiations for a regional school unit-wide collective bargaining
9 agreement.

10 8. It replaces the so-called "53-86% penalty" for any school administrative unit that
11 fails to approve a reorganization plan on or before January 30, 2009 and to implement
12 that plan by July 1, 2009 with a penalty that provides that the school administrative unit's
13 full-value education mill rate pursuant to the Maine Revised Statutes, Title 20-A, section
14 15671-A is increased by 2% for the purpose of calculating the school administrative unit's
15 required contribution to meet the local share of education costs established pursuant to
16 Title 20-A, section 15688, subsection 3-A.

17 9. It directs the Department of Education to conduct a review of the results of
18 referenda votes on proposed reorganization plans and the status of the reorganization of
19 school administrative units as regional school units consistent with the July 1, 2009
20 implementation timeline. It also directs the department to develop recommendations
21 related to the circumstances and criteria under which the Commissioner of Education
22 could grant a waiver to a school administrative unit that has not complied with the
23 implementation timelines, including any necessary flexibility that would provide the
24 commissioner with the authority to adjust the timelines for complying with the law, to
25 waive penalties or to approve an alternative plan submitted by a reorganization planning
26 committee. It further directs the department to clarify what happens if voters of an
27 individual school administrative unit fail to approve a reorganization plan that results in
28 the school administrative unit's not meeting the implementation timeline for
29 reorganization.

30
31

FISCAL NOTE REQUIRED
(See attached)



Approved: 03/16/08 *mac*

123rd MAINE LEGISLATURE

LD 2280 LR 3490(01)

An Act To Clarify and Improve the Laws Governing the Formation of Regional School Units

Fiscal Note for Original Bill
Committee: Education and Cultural Affairs
Fiscal Note Required: Yes

Fiscal Note

Minor cost increase - General Fund

Fiscal Detail and Notes

Any additional cost to the Department of Education associated with conducting the required review and developing the required recommendations can be absorbed within existing budgeted resources.