

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)

H. of S.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31

L.D. 2314

Date: 4-11-08

(Filing No. S-614)

Reproduced and distributed under the direction of the Secretary of the Senate.

STATE OF MAINE
SENATE
123RD LEGISLATURE
FIRST SPECIAL SESSION

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314, Bill, "An Act To Amend School Funding Laws"

Amend the bill by striking out everything after the title and before the summary and inserting the following:

Emergency preamble. Whereas, acts and resolves of the Legislature do not become effective until 90 days after adjournment unless enacted as emergencies; and

Whereas, certain financial barriers have been identified that may delay the implementation of the school district reorganization law, Public Law 2007, chapter 240, Part XXXX; and

Whereas, reorganization planning committees are engaged in negotiating proposed reorganization plans that, upon approval of the Commissioner of Education, are expected to be submitted to voters in affected municipalities across the State on or before June 10, 2008; and

Whereas, the removal of these financial barriers can reasonably be expected to enable reorganization planning committees to successfully negotiate and submit proposed reorganization plans in a timely manner; and

Whereas, in the judgment of the Legislature, these facts create an emergency within the meaning of the Constitution of Maine and require the following legislation as immediately necessary for the preservation of the public peace, health and safety; now, therefore,

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

PART A

Sec. A-1. 20-A MRSA §1305-C, as enacted by PL 2007, c. 240, Pt. XXXX, §11, is amended to read:

SENATE AMENDMENT

H. of S.

1 **§1305-C. Mandatory budget validation and cost center summary budget form**

2 Notwithstanding any other law, school administrative district budgets developed after
3 January 1, 2008 must conform to the format and referendum procedures for regional
4 school units as set forth in sections ~~1305-A and 1305-B~~ 1485 and 1486. A school
5 administrative district is deemed to be a regional school unit solely for the purpose of
6 developing a budget pursuant to sections 1485 and 1486.

7 **Sec. A-2. 20-A MRSA §1452**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
8 amended to read:

9 **§1452. Application of general law; core functions of a regional school unit**

10 Notwithstanding any provision of law to the contrary, schools operated by the
11 regional school units established in accordance with this chapter are the official schools
12 of the participating municipalities. The provisions of general law relating to public
13 education apply to these schools. State funds for public schools must be paid directly to
14 the treasurer of a regional school unit. The core functions for which a regional school unit
15 is responsible include without limitation:

16 **1. Employment of superintendent.** Employment and discharge of a superintendent
17 pursuant to section 1001, subsection 3 and chapter 101, subchapter 2;

18 **2. Performance of business functions.** Administration of accounting, payroll,
19 financial management, purchasing insurance and auditing;

20 **3. Special education administration.** Administration of special education duties of
21 school administrative units under chapter 303;

22 **4. Transportation.** Administration of transportation;

23 **5. Core curriculum.** Adoption of a core curriculum, standardized testing and
24 assessments aligned with the system of learning results established in section 6209;

25 **6. Budget.** Adoption of the regional school unit budget;

26 **7. Reporting.** Reporting required by state or federal law or regulation;

27 **8. Employment.** Functioning as the employer of all employees working within the
28 regional school unit for collective bargaining purposes and for all other purposes,
29 including but not limited to those contained in section 1464, in Title 26, chapter 9-A and
30 in all state and federal laws regulating the rights and duties of employers and employees;

31 **9. School calendar.** Establishment of a common school calendar, subject to local
32 variations permitted by the regional school unit board; and

33 **10. Adoption of policies.** Adoption of policies for all schools in the regional school
34 unit pursuant to section 1001, subsection 1-A, except that the local school committee may
35 adopt policies not in conflict with the regional school unit policies.

36 **Sec. A-3. 20-A MRSA §1461-A** is enacted to read:

37 **§1461-A. Transitional powers and duties of initial regional school unit board**

38 As used in this section, unless the context indicates otherwise, "regional school unit
39 board" means the initial regional school unit board elected pursuant to section 1472-A.

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 From the time of election of the regional school unit board to July 1st of the regional
2 school unit's first operational year, the regional school unit board shall establish interim
3 rules of procedures and shall elect officers who shall serve until officers are elected at a
4 meeting following the operational date of the regional school unit. The regional school
5 unit board's powers and duties during this period are governed by this section.

6 **1. Selection of superintendent.** The regional school unit board shall select a
7 superintendent for the regional school unit in accordance with section 1051 to carry out
8 the duties specified in section 1055. During the interim period, the salary, office and other
9 expenses of the superintendent, as well as the costs of the regional school unit board,
10 including insurance, must be allocated to the school administrative units by the cost-
11 sharing formula established in accordance with section 1481-A and included in the
12 reorganization plan for the regional school unit.

13 **2. Budget preparation and approval.** The regional school unit board shall prepare
14 the annual budget for the first operational year of the regional school unit in time for its
15 presentation to and consideration by the regional school unit board in accordance with
16 subchapter 4. Specific duties may be assigned to existing personnel with the approval of
17 the employing school administrative unit. The regional school unit board shall complete
18 the budget development process and recommend a budget for consideration by the
19 legislative body responsible for final budget approval and the residents of the regional
20 school unit. The budget format, approval procedures and assessments for the regional
21 school unit's first operational year budget must be in accordance with this chapter.

22 **3. Authorization.** The regional school unit board is authorized to take all other
23 actions provided under state law to prepare the regional school unit to become operational
24 on July 1st for the first operational year, including the authority to open and maintain
25 accounts, to incur expenses to be allocated among the regional school unit's member
26 school administrative units in accordance with the reorganization plan for the regional
27 school unit and to file applications for school construction projects and revolving
28 renovation fund loans and other available funding.

29 **4. Fiscal agent.** The regional school unit board is authorized to expend start-up
30 funds for the regional school unit. A school administrative unit within the regional
31 school unit may serve as a fiscal agent and may expend any start-up funds on behalf of
32 the new regional school unit prior to the regional school unit's operational date without
33 calling for a special meeting of the local legislative body.

34 **Sec. A-4. 20-A MRSA §1472, sub-§2, ¶C,** as enacted by PL 2007, c. 240, Pt.
35 XXXX, §13, is amended to read:

36 C. A plan may not permit the voting power of any director to exceed by more than
37 2% 5% the percentage of voting power the director would have if all 1,000 votes
38 were apportioned equally among the directors.

39 **Sec. A-5. 20-A MRSA §1472-A** is enacted to read:

40 **§1472-A. Election of initial regional school unit board**

41 **1. Election; interim secretary; duties.** Within 30 days of the issuance of a
42 certificate of organization for the regional school unit by the state board pursuant to
43 section 1461, subsection 7, the members of the school boards of the school administrative

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 units within the regional school unit shall conduct a joint meeting for the purposes of
2 electing an interim secretary of the regional school unit and determining a date for the
3 election of the initial regional school unit board. The interim secretary shall notify the
4 municipal officers of the member municipalities of the regional school unit of the date of
5 the election. The election must be conducted in accordance with section 1473, subsection
6 2, except that the election duties of the secretary and the regional school unit board must
7 be performed by the interim secretary. The duties of the interim secretary include:

8 A. Notifying the municipal officers of the date of the election;

9 B. Furnishing nomination papers at least 10 days before the deadline for filing
10 nomination papers;

11 C. Receiving completed nomination papers in accordance with section 1473,
12 subsection 2;

13 D. Preparing and distributing election ballots in accordance with section 1473,
14 subsection 2;

15 E. Receiving the town clerk's certification of the results of the voting in each
16 member municipality;

17 F. Tabulating the town clerk's certification of the results of the voting in each
18 member municipality;

19 G. Accepting any recount petitions that may have been filed pursuant to section
20 1473, subsection 2, paragraph C; and

21 H. Totaling the votes cast for each candidate and notifying the clerk in each
22 municipality, the candidates and the commissioner of the final results of the voting
23 and the names and addresses of the persons elected as directors.

24 2. Initial meeting. In accordance with section 1473, subsection 1, the clerk of each
25 municipality within the regional school unit shall forward the names and addresses of the
26 directors elected to represent that municipality to the state board with other data regarding
27 their election as the state board may require. On receipt of the names and addresses of all
28 of the directors, the state board shall set a time, place and date for the first meeting of the
29 directors and give notice to the directors in writing, sent by registered or certified mail,
30 return receipt requested, to the addresses provided by the municipalities.

31 **Sec. A-6. 20-A MRSA §1472-B** is enacted to read:

32 **§1472-B. Staggered initial terms**

33 Notwithstanding section 1471, subsection 2, the initial directors elected to a regional
34 school unit board shall meet and draw lots for their term lengths as specified in this
35 section.

36 **1. Municipalities with annual elections.** In municipalities with annual elections,
37 1/3 of the directors serve one-year terms, 1/3 of the directors serve 2-year terms and 1/3
38 of the directors serve 3-year terms. If the number of directors is not evenly divisible by 3,
39 the first remaining director serves a 3-year term and the 2nd remaining director serves a
40 2-year term.

R. S.

1 **2. Municipalities with biennial elections.** In municipalities with biennial elections,
2 half of the directors serve 4-year terms and half of the directors serve 2-year terms. If the
3 number of directors is not divisible by 2, the remaining director serves a 4-year term.

4 The directors shall serve their terms as determined under this section and any
5 additional period until the next regular election of the municipalities. Thereafter, the
6 directors' terms of office are as established in section 1471.

7 **Sec. A-7. 20-A MRSA §1478,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
8 repealed and the following enacted in its place:

9 **§1478. Local school committees**

10 **1. Formation.** A reorganization plan under section 1461 or a regional school unit
11 board may authorize the formation of a local school committee for a member
12 municipality established in accordance with chapter 111, subchapter 1.

13 **2. Delegation of functions.** A reorganization plan that has been approved in
14 accordance with subchapter 2 or a regional school unit board may delegate a local school
15 committee to perform any duties, functions and services other than those reserved to the
16 regional school unit under subchapter 1. The core functions provided by a regional
17 school unit pursuant to section 1452 may be supplemented at the expense of any member
18 municipality.

19 **3. Budget responsibility.** A reorganization plan that has been approved in
20 accordance with subchapter 2 or a regional school unit board may authorize a local school
21 committee to present to the board a proposed budget for the local school in a form that is
22 consistent with section 1485. The proposed local school budget must be submitted in
23 time to be included in the budget for the regional school unit. Proposed expenditures that
24 are not included in the regional school unit budget may be separately appropriated by the
25 municipality to be expended by the regional school unit in accordance with the
26 appropriation. Supplemental municipal appropriations for education are not subject to
27 section 1486.

28 **4. Title to property.** School property overseen by a local school committee may be
29 owned either by the municipality or by the regional school unit as long as there is a clear
30 allocation of responsibilities for management of all of the school property in the regional
31 school unit.

32 **Sec. A-8. 20-A MRSA §1481,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
33 repealed.

34 **Sec. A-9. 20-A MRSA §1481-A** is enacted to read:

35 **§1481-A. Finances**

36 **1. Apportionment of costs for regional school unit.** A regional school unit may
37 raise money, in addition to the local contribution pursuant to section 15690, subsection 1,
38 for establishing and maintaining public schools, erecting buildings and providing
39 equipment for educational purposes. The additional costs of operating a regional school
40 unit must be shared among all municipalities within the regional school unit by the same

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 local share percentages for each municipality resulting from the determination of the local
2 contribution under section 15688.

3 **2. Existing cost-sharing agreement.** Notwithstanding subsection 1, a cost-sharing
4 agreement in existence on June 7, 2007 that was adopted pursuant to Public Law 2005,
5 chapter 2 or pursuant to a private and special law remains in existence unless the parties
6 to the agreement modify or terminate the agreement:

7 A. As part of a reorganization to regional school units under this chapter; or

8 B. As a result of a negotiated agreement between the parties to the cost-sharing
9 agreement.

10 **3. Method included in reorganization plan.** Notwithstanding subsection 1, a
11 regional school unit may use a method of cost sharing that was included in a
12 reorganization plan developed pursuant to section 1461 or Public Law 2007, chapter 240,
13 Part XXXX, section 36 as long as the method complies with this subsection.

14 A. The costs of operating a regional school unit must be shared among all
15 municipalities within the unit in one of the following ways.

16 (1) Under a property valuation method, municipalities in a unit shall share costs
17 in the same proportion as each municipality's property fiscal capacity as defined
18 in section 15672, subsection 23 is to the unit's property fiscal capacity.

19 (2) Under an alternate method of cost sharing, municipalities in a unit shall share
20 costs based on:

21 (a) The number of resident pupils in each town;

22 (b) The property fiscal capacity of each member municipality as defined in
23 section 15672, subsection 23;

24 (c) Any combination of divisions (a) and (b); or

25 (d) Any other factor or combination of factors that may, but need not,
26 include divisions (a) or (b).

27 B. A process of amending the cost-sharing formula must be included in the
28 reorganization plan.

29 Notwithstanding any provision of law to the contrary, a cost-sharing agreement in
30 existence on June 7, 2007 that was adopted pursuant to Public Law 2005, chapter 2 or
31 pursuant to a private and special law may not be construed to preempt the formation of a
32 regional school unit under this chapter. Notwithstanding any provision of law to the
33 contrary, a cost-sharing agreement between 2 or more municipalities in existence on June
34 7, 2007 that was adopted prior to June 7, 2007 may not be construed to preempt the
35 formation of a regional school unit under this chapter.

36 Notwithstanding any provisions of law to the contrary, a municipality within a
37 regional school unit may raise money and direct the spending of the funds to any school
38 within the regional school unit.

39 **Sec. A-10. 20-A MRSA §1482-A** is enacted to read:

H. 88

1 **§1482-A. Budget meeting**

2 A regional school unit board shall hold a regional school unit budget meeting at a
3 time it determines.

4 **1. Warrant.** The budget meeting must be called by a warrant. The warrant must:

5 A. Be signed by a majority of the regional school unit board;

6 B. Specify the time and place of the meeting;

7 C. Include the proposed school budget and other articles the regional school unit
8 board chooses to place before the voters, excluding authorization to borrow money
9 for school construction purposes;

10 D. Specify the state and local shares of the state-local allocation and local leeway
11 and additional expenditures without state participation; and

12 E. Be directed to a resident of the regional school unit by name ordering the resident
13 to notify all voters within the regional school unit to assemble at the time and place
14 appointed.

15 **2. Notice.** An attested copy of the warrant must be posted by the person to whom it
16 is directed in some conspicuous public place in each of the municipalities within the
17 regional school unit at least 7 days before the meeting. The person who gives notice of
18 the meeting shall make a return of the posting on the warrant stating the manner of notice
19 in each municipality and the time when it was given.

20 **3. Requested articles.** If requested by a written petition of at least 10% of the
21 number of voters voting for the gubernatorial candidates in the last gubernatorial election
22 in each municipality within the regional school unit, the regional school unit board shall
23 place specific articles, not in conflict with existing state statutes, in the warrants for
24 consideration at the next annual regional school unit budget meeting. To be included in
25 the warrant, a petition must be received by the regional school unit board at least 15 days
26 before the date set for the budget meeting. When placed on the warrant, the articles must
27 be considered before action relating to the appropriation of money for the operation of
28 schools may be taken.

29 **Sec. A-11. 20-A MRSA §1482-B** is enacted to read:

30 **§1482-B. Annual budget meeting procedures**

31 The following procedures must be used at a regional school unit annual budget
32 meeting.

33 **1. Election of moderator.** The secretary of the regional school unit board or the
34 chair of the regional school unit board when the secretary is absent shall open the annual
35 budget meeting and call for the election of a moderator, receive and count votes for the
36 moderator and swear in the moderator.

37 **2. Appointing ballot clerks.** The moderator shall appoint from the certified voting
38 list the ballot clerks necessary for the efficient operation of the annual budget meeting.
39 The moderator shall swear in the clerks.

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 **3. Budget consideration.** The superintendent of the regional school unit shall
2 thoroughly explain the budget. The voters must have an opportunity to be heard. The
3 voters may change only items dealing with:

- 4 A. The expenses necessary to operate the regional school unit;
- 5 B. Appropriations for the reserve fund; and
- 6 C. Appropriations for the contingency fund and school construction purposes.

7 **4. Approval.** A majority vote of those voters present and voting is necessary for the
8 approval of the annual budget.

9 **5. Voting lists.** Registration of voters for the annual budget meeting must be held in
10 each member municipality in accordance with Title 21-A, section 122.

11 A. Prior to the annual budget meeting, the municipal clerks of the member
12 municipalities shall supply to the regional school unit board certified corrected copies
13 of the registered voters of their municipalities.

14 B. The certified corrected copies under paragraph A must be used in determining the
15 voters who are eligible to vote at the annual budget meeting.

16 **6. Written ballot.** An article must be voted on by written ballot if at least 10% of
17 those present and voting vote to use a written ballot. The department, in consultation
18 with municipal and school officials and with organizations representing those officials,
19 shall develop and distribute guidelines to assist regional school unit annual budget
20 meeting moderators in explaining and implementing this subsection.

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

23 A. "Existing debt" means any bond, note, loan agreement, lease-purchase agreement
24 or other debt instrument issued prior to July 1, 2008 1st of the first operational year of
25 the new unit for the purposes of funding public schools, or for refinancing such debt,
26 that remains outstanding at the time of a reorganization pursuant to this chapter.
27 "Existing debt" does not include routine payables or commercial contract obligations.

28 **Sec. A-13. 20-A MRSA §1506, sub-§4,** as enacted by PL 2007, c. 240, Pt.
29 XXXX, §13, is amended to read:

30 **4. Debt of original education units.** After July 1, 2008, 1st of the first operational
31 year of the new unit for each original education unit with existing debt that has
32 reorganized into a new unit, if the new unit has not agreed to assume liability to pay that
33 existing debt, the regional school unit board shall serve as agent for purposes of that
34 existing debt and has full authority to:

- 35 A. Sue and be sued in the name of the original education unit with respect to the
- 36 existing debt;
- 37 B. Determine the debt service due each fiscal year on any existing debt;
- 38 C. As applicable, allocate to each member of the original education unit the
- 39 member's share of the annual debt service for the existing debt of the original
- 40 education unit in addition to each member's share of costs of the new unit;

SENATE AMENDMENT

H. 6.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

- 1 D. Collect the allocation for debt service on the existing debt from the original
 - 2 education unit or, as applicable, from each member of the original education unit in
 - 3 addition to each member's share of costs of the new unit;
 - 4 E. Pay the debt service on the existing debt of the original education unit when due;
 - 5 and
 - 6 F. Take all other actions necessary and proper with respect to the existing debt.
- 7 Allocations between members of the original education unit to pay the debt service for
- 8 the existing debt must be made on the basis of the cost-sharing formula of the original
- 9 education unit in effect on July 1, 2007, as applied to the year of allocation. In the case of
- 10 state-subsidized debt service, the provisions of subsection 3 apply. Amounts to pay the
- 11 debt service on the existing debt of the original education units must be included in the
- 12 budget that the regional school unit board of a new unit submits for approval. If the
- 13 original education unit is divided between different new units that have not agreed to
- 14 assume liability to pay the existing debt, the commissioner shall require that the
- 15 reorganization plan of one of those new units provide for that new unit to serve as agent
- 16 for purposes of the existing debt of the original education unit. That new unit, as agent,
- 17 has the authority provided by this subsection, except that the new unit shall notify the
- 18 other new units containing members of the original education unit of the amounts they
- 19 must assess and collect from their members who were members of the original education
- 20 unit, and those other new units shall perform the functions in subsection 4, paragraphs C
- 21 and D with respect to their members, and shall pay the appropriate amounts over to the
- 22 new unit serving as agent.

23 **Sec. A-14. 20-A MRSA §1512, sub-§6**, as enacted by PL 2007, c. 240, Pt.
24 XXXX, §13, is amended to read:

25 **6. Multiple municipalities.** If a school proposed for closure is ~~an elementary~~ a
26 school that serves students from more than one municipality, the article set forth in
27 subsection 1 must be submitted to the voters in each of the municipalities that sent all
28 ~~elementary~~ students from that municipality to the school. If the article is approved by a
29 majority of the voters in each of the municipalities, the school is not closed and the
30 municipalities share in the costs under this section in the same proportion as they share
31 the current operating costs of the school.

32 **Sec. A-15. 20-A MRSA §1701-C**, as enacted by PL 2007, c. 240, Pt. XXXX,
33 §16, is amended to read:

34 **§1701-C. Mandatory budget validation and cost center summary budget form**

35 Notwithstanding any other law, community school district budgets developed after
36 January 1, 2008 must conform to the format and referendum procedures for regional
37 school units as set forth in sections 1701-A and 1701-B 1485 and 1486. A community
38 school district is deemed to be a regional school unit solely for the purpose of developing
39 a budget pursuant to sections 1485 and 1486.

40 **Sec. A-16. 20-A MRSA §2303**, as amended by PL 1987, c. 737, Pt. C, §§52 and
41 106 and PL 1989, c. 6; c. 9, §2; and c. 104, Pt. C, §§8 and 10, is further amended to read:

H. 8

1 **§2303. Additional school committee members**

2 Notwithstanding section 2302, a municipality may vote at its annual meeting to have
3 5 up to 7 members on the school committee.

4 **1. Vote.** The municipality may vote to ~~have a 5-member board~~ expand its school
5 committee at:

6 A. Its annual meeting; or

7 B. ~~At a A~~ special town meeting held at least 30 days before the annual meeting, if a
8 municipality has accepted Title 30-A, section 2528, relative to secret ballot.

9 **2. Election of additional members.** The municipality may, at its annual meeting,
10 elect by ballot ~~3~~ additional school committee members to serve with the ~~2~~ members
11 whose terms have not expired.

12 **Sec. A-17. 20-A MRSA §2307**, as enacted by PL 2007, c. 240, Pt. XXXX, §21, is
13 amended to read:

14 **§2307. School budgets**

15 Notwithstanding any other law, municipal school budgets developed after January 1,
16 2008 must follow the same school budget requirements as regional school units pursuant
17 to chapter 103-A, except as described in subsections 1 and 2. A municipal school unit is
18 deemed to be a regional school unit solely for the purpose of developing a budget
19 pursuant to chapter 103-A.

20 **1. Budget meeting.** In charter municipalities the budget meeting required by section
21 1485, subsection 3 must be a meeting of the municipal council or other municipal
22 legislative body established by the charter with authority to approve the budget.

23 **2. Municipal charter.** In charter municipalities where the municipal charter confers
24 upon a municipal council or other municipal legislative body the authority to determine
25 the total amount of the school budget and confers upon the school committee or school
26 board the authority to direct the expenditure of those funds for school purposes, the
27 municipal council or other municipal legislative body shall determine the total amount of
28 the school budget to be submitted to a budget validation referendum and the school
29 committee or school board shall determine the allocation of the approved school budget
30 among the cost centers of the cost center summary budget format.

31 **Sec. A-18. 20-A MRSA §5203, sub-§4**, as enacted by PL 1981, c. 693, §§5 and
32 8, is repealed and the following enacted in its place:

33 **4. Exception; no elementary school.** A school administrative unit that neither
34 maintains an elementary school nor contracts for elementary school privileges pursuant to
35 chapter 115 shall pay the tuition, in accordance with chapter 219, at the public school or
36 the approved private school of the parent's choice at which the student is accepted.

37 **Sec. A-19. 20-A MRSA §5204, sub-§4**, as amended by PL 1985, c. 797, §32, is
38 further amended to read:

39 **4. No secondary school.** ~~Secondary students whose parents reside in a A school~~
40 ~~administrative unit which that~~ neither maintains a secondary school nor contracts for

R. & S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 secondary school privileges ~~may attend a private school approved for tuition purposes, a~~
2 ~~public school in an adjoining unit which accepts tuition students, or a school approved for~~
3 ~~tuition purposes in another state or country upon permission of officials of the receiving~~
4 ~~school. The school administrative unit where the students' parents reside shall pay tuition~~
5 ~~in the amount up to the legal tuition rate as defined in chapter 219 pursuant to chapter 115~~
6 ~~shall pay the tuition, in accordance with chapter 219, at the public school or the approved~~
7 ~~private school of the parent's choice at which the student is accepted.~~

8 **Sec. A-20. 20-A MRSA §6051, sub-§1, ¶C**, as enacted by PL 1985, c. 797, §36,
9 is amended to read:

10 C. A determination of whether or not the annual financial ~~report~~ data submitted to
11 the department is correct;

12 **Sec. A-21. 20-A MRSA §6051, sub-§4**, as amended by PL 2005, c. 683, Pt. A,
13 §25, is further amended to read:

14 **4. Initial report to commissioner.** On or before ~~December~~ November 1st, the
15 school board shall provide the commissioner with:

16 C. Written determination of whether or not proper budgetary controls are in place;

17 D. A written determination of whether or not the annual financial ~~report~~ data
18 submitted to the department is correct, including submission of an audited
19 reconciliation of the annual financial ~~report~~ data prepared and certified by the auditor;
20 and

21 E. A written determination as to whether the school administrative unit has
22 complied with applicable provisions of the Essential Programs and Services Funding
23 Act.

24 **Sec. A-22. 20-A MRSA §6051, sub-§6**, as enacted by PL 2001, c. 344, §9, is
25 amended to read:

26 **6. Report to commissioner.** Within ~~9~~ 6 months after the end of the audit period, the
27 school board shall provide the commissioner with:

28 A. A copy of the audit report;

29 B. Accountability of all revenues and expenditures;

30 C. Written assurance that the audit has been conducted in accordance with
31 applicable state and federal laws relating to financial and compliance audits; and

32 D. Any other information that the commissioner may require.

33 **Sec. A-23. 20-A MRSA §15688, sub-§3-A, ¶B-1**, as enacted by PL 2007, c.
34 240, Pt. XXXX, §30, is repealed.

35 **Sec. A-24. 20-A MRSA §15688, sub-§3-A, ¶C**, as amended by PL 2007, c.
36 240, Pt. XXXX, §30, is further amended to read:

37 C. For a school administrative district, community school district or regional school
38 unit composed of more than one municipality, the unit's contribution to the total cost
39 of education is the lesser of:

SENATE AMENDMENT

R. of S.

- 1 (1) The total cost as described in subsection 1; and
- 2 (2) The sum of the totals calculated for each member municipality pursuant to
- 3 paragraph B, subparagraph (2), ~~plus the total calculated pursuant to paragraph B-~~
- 4 ~~1 if applicable.~~

5 **Sec. A-25. 20-A MRSA §15689, sub-§1-B** is enacted to read:

6 **1-B. Adjustments to state contributions to member municipalities in regional**
 7 **school units.** The minimum state allocation provisions of subsection 1, paragraph B are
 8 applicable for each case in which the school administrative units in existence prior to the
 9 operational date of the new regional school unit received an adjustment under subsection
 10 1, paragraph B for fiscal year 2007-08 or fiscal year 2008-09. For each regional school
 11 unit eligible under this subsection, the minimum state allocation provisions of subsection
 12 1, paragraph B are applicable for each member municipality that was a member of the
 13 eligible school administrative units in existence prior to the operational date of the new
 14 regional school unit.

15 **Sec. A-26. PL 2007, c. 240, Pt. XXXX, §36, sub-§6, ¶A-1** is enacted to read:

16 A-1. Notwithstanding the requirements of paragraph A, the Commissioner of
 17 Education may authorize a unit to serve 1,200 or fewer students but not less than
 18 1,000 students in an isolated rural community if the proposed regional school unit
 19 meets at least one of the following criteria:

- 20 (1) The proposed regional school unit comprises 3 or more school administrative
 21 units in existence prior to July 1, 2008;
- 22 (2) The member municipalities of the proposed regional school unit are
 23 surrounded by approved regional school units and there are no other school
 24 administrative units available to join the proposed regional school unit; or
- 25 (3) The member municipalities of the proposed regional school unit include 2 or
 26 more isolated small schools that are eligible for an isolated small school
 27 adjustment pursuant to the Maine Revised Statutes, Title 20-A, section 15683,
 28 subsection 1, paragraph F.

29 In cases where the Commissioner of Education denies the creation of a regional
 30 school unit that serves 1,200 or fewer students but not less than 1,000 students, the
 31 school administrative units may appeal to the State Board of Education.

32 **Sec. A-27. Delay of budget validation referendum process for fiscal year**
 33 **2008-09.** Notwithstanding the Maine Revised Statutes, Title 20-A, sections 1305-C,
 34 1701-C and 2307 and the provisions of Title 20-A, section 1486, subsections 1 to 3, the
 35 use of the budget validation referendum in regional school unit budgets is delayed until
 36 the development of school budgets after January 1, 2009 for 2009-2010 school budgets.
 37 The municipal school unit's municipal officers or the governing body of a school
 38 administrative district or community school district shall determine whether the school
 39 administrative unit may use the budget validation referendum process for their 2008-2009
 40 school budgets.

H. of S.

1 2008 that are within the regional school unit. Those school administrative units in
2 existence prior to July 1, 2008, on the date established in subsection 1, have no further
3 responsibility for the operation or control of the public schools and programs within the
4 school administrative unit except those pursuant to section 1481.

5 **3. Transfer of governing authority; regional school units approved after**
6 **January 15, 2008.** This subsection applies to regional school units approved after
7 January 15, 2008 and before ~~November 5, 2008~~ January 16, 2009. The regional school
8 unit board of directors, on the date established in subsection 1, shall assume responsibility
9 for the management and control of the public schools and programs within the school
10 administrative units in existence prior to July 1, 2009 that are within the regional school
11 unit. Those school administrative units in existence prior to July 1, 2009, on the date
12 established in subsection 1, have no further responsibility for the operation or control of
13 the public schools and programs within the school administrative unit except those
14 pursuant to section 1481.

15 **4. Transfer of school accounts.** Notwithstanding Title 20-A, section 15004 or any
16 charter of a municipal school unit, school administrative district or community school
17 district, the balance remaining in the school accounts of the former municipal school unit,
18 school administrative district or community school district within the regional school unit
19 must be paid to the treasurer of the regional school unit and verified through the annual
20 audit process pursuant to Title 20-A, chapter 221, subchapter 2. The balance from each of
21 the former municipal school unit, school administrative district or community school
22 district must be used to reduce that unit's or district's local contribution to the regional
23 school unit. Payment may be made in equal monthly installments during the
24 implementation year.

25 **5. Transfer of teachers and employees.** Except as limited by paragraph A, for
26 regional school units approved prior to January 16, 2008, all teachers and school
27 employees who are employed by a participating school administrative unit on June 30,
28 2008 must be transferred to and employed by the regional school unit as of July 1, 2008.
29 Except as limited by paragraph A, for regional school units approved after January 15,
30 2008 and before ~~November 5, 2008~~ January 16, 2009, all teachers and school employees
31 who are employed by participating school administrative units on June 30, 2009 must be
32 transferred and employed by the regional school unit as of July 1, 2009. Except as
33 limited by paragraph B, the regional school unit shall assume all of the legal obligations
34 and duties that the participating school administrative units owed to their employees,
35 including but not limited to those obligations and duties arising under federal law, state
36 law, collective bargaining agreements and individual employment contracts. It is the
37 intent of this Part to neither decrease nor increase the rights and benefits of transferred
38 employees or the employer. The regional school unit shall also maintain and honor any
39 agreements, contracts or policies regarding the rights and benefits of retirees and former
40 employees created by a participating school administrative unit that is dissolved as a
41 result of its inclusion within a regional school unit.

42 A. For regional school units approved prior to January 16, 2008, teachers or other
43 employees whose employment terminates by application of law or contract or by
44 action of a participating school administrative unit before July 1, 2008 may not be
45 transferred. For regional school units approved after January 15, 2008 and before
46 ~~November 5, 2008~~ January 16, 2009, teachers or other employees whose employment

1 terminates by application of law or contract or by action of a participating school
2 administrative unit before July 1, 2009 may not be transferred.

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

7 **6. Collective bargaining.** The following provisions apply:

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

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

19 (2) Assumption and continued observance of all collective bargaining
20 agreements between such bargaining agents and a participating school
21 administrative unit, which agreements continue in effect for the remainder of
22 their unexpired term unless the bargaining agent and regional school unit
23 mutually agree otherwise; and

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

29 B. As early as possible but no later than August 31, 2011 for regional school units
30 approved prior to January 15, 2008 and no later than August 31, 2012 for regional
31 school units approved after January 15, 2008 and before ~~November 2, 2008~~ January
32 16, 2009, all bargaining units must be structured on a regional school unit-wide basis.
33 Bargaining units that existed in the participating school administrative units shall
34 merge in accordance with the procedures and criteria in this section. Merger into
35 regional school unit-wide bargaining units is not subject to approval or disapproval of
36 employees.

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

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

- 1 (3) Any additional bargaining units in a regional school unit must be structured
- 2 as follows:
- 3 (a) In the initial establishment of such units, units must be structured
- 4 primarily on the basis of the existing pattern of organization, maintaining the
- 5 grouping of employee classifications into bargaining units that existed prior
- 6 to the creation of the regional school unit and avoiding conflicts among
- 7 different bargaining agents to the extent possible.
- 8 (b) In the event of a dispute regarding the classifications to be included
- 9 within a regional school unit-wide bargaining unit, the current bargaining
- 10 agent or agents or the regional school unit may petition the Maine Labor
- 11 Relations Board to determine the appropriate unit in accordance with this
- 12 section and Title 26, section 966, subsections 1 and 2.
- 13 (4) When there is the same bargaining agent in all bargaining units that will be
- 14 merged into a regional school unit-wide bargaining unit, the units must be
- 15 merged as of the operational date, and the regional school unit shall recognize the
- 16 bargaining agent as the representative of the merged unit.
- 17 (5) When all bargaining units that will be merged into a regional school unit-
- 18 wide bargaining unit are represented by separate local affiliates of the same state
- 19 labor organization, the units must be merged as of the operational date. The
- 20 identity of the single affiliate that will be designated the bargaining agent for the
- 21 merged unit must be selected by the existing bargaining agents and the state labor
- 22 organization. Upon completion of the merger and designation of the bargaining
- 23 agent and notification by the state organization to the regional school unit, the
- 24 regional school unit shall recognize the designated bargaining agent as the
- 25 representative of employees in the merged unit. If necessary, the parties will then
- 26 execute a written amendment to any collective bargaining agreement then in
- 27 effect to change the name of the bargaining agent to reflect the merger.
- 28 (6) Where there are bargaining units that will be merged into a regional school
- 29 unit-wide bargaining unit in which there are employees who are not represented
- 30 by any bargaining agent and other employees who are represented either by the
- 31 same bargaining agent or separate local affiliates of the same state labor
- 32 organization, the units must be merged as of the operational date as long as a
- 33 majority of employees who compose the merged unit were represented by the
- 34 bargaining agent prior to the merger. The procedures for merger of separate local
- 35 affiliates of the same state labor organization described in subparagraph (5) must
- 36 be followed if applicable. If prior to the merger a bargaining agent did not
- 37 represent a majority of employees who compose the merged unit, a bargaining
- 38 agent election must be conducted by the Maine Labor Relations Board pursuant
- 39 to subparagraph (8).
- 40 (7) When there are unexpired collective bargaining agreements with different
- 41 expiration dates in the merged bargaining units described in subparagraphs (4),
- 42 (5) and (6), all contracts must be honored to their expiration dates unless
- 43 mutually agreed to otherwise by the public employer and the bargaining agent.
- 44 Collective bargaining agreements must be bargained on an interim basis in any

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 merged bargaining unit so that all collective bargaining agreements expire on the
2 same date.

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

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

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

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

18 (d) The obligation to bargain with existing bargaining agents continues from
19 the operational date until the determination of the bargaining agent of the
20 regional school unit-wide bargaining unit under this subsection; but in no
21 event may any collective bargaining agreement that is executed after the
22 operational date extend beyond the expiration date of the agreement having
23 the latest expiration date among the bargaining units that will be merged into
24 the regional school unit-wide bargaining unit that was in effect on the
25 operational date.

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

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

33 C. After the merger of bargaining units into a regional school unit-wide bargaining
34 unit, the bargaining agent of a regional school unit-wide bargaining unit and the
35 regional school unit shall engage in collective bargaining for a collective bargaining
36 agreement for the regional school unit-wide bargaining unit. In the collective
37 bargaining agreement for each regional school unit-wide bargaining unit, the
38 employment relations, policies, practices, salary schedules, hours and working
39 conditions throughout the regional school unit must be made uniform and consistent
40 as soon as practicable.

41 (1) In the event that the parties are unable to agree upon an initial regional school
42 unit-wide collective bargaining agreement, they must use the dispute resolution
43 procedures pursuant to Title 26, section 965 to resolve their differences.

SENATE AMENDMENT

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

- 1 C. Administration of special education duties of local education units under chapter
- 2 303;
- 3 D. Administration of transportation;
- 4 E. Adoption of a core curriculum, standardized testing and assessment aligned with
- 5 the system of learning results established in section 6209;
- 6 F. Preparation of the regional school union budget;
- 7 G. Reporting required by state or federal law, rule or regulation;
- 8 H. Functioning as the employer of all employees performing the core functions and
- 9 performance of any additional functions delegated to the regional school union;
- 10 I. The establishment of a common school calendar, except that local education units
- 11 may adopt local variations from the regional school union calendar;
- 12 J. Adoption of common policies for all schools in the regional school union pursuant
- 13 to section 1001, subsection 1-A, except that the local education units may adopt local
- 14 variations from the regional school union policies; and
- 15 K. Apportionment of costs of the regional school union among its local education
- 16 units in accordance with a cost-sharing formula established by its approved
- 17 reorganization plan and certification to the treasurer of each local education unit and
- 18 to the commissioner of the amounts to be paid.

19 **5. Delegation of additional functions.** A reorganization plan or the legislative
20 bodies of the local education units in a regional school union may delegate functions in
21 addition to those set out in subsection 4 to the regional school union committee.

22 **6. Title to property.** A reorganization plan may provide that title to real and
23 personal property in local education units may be either transferred to the regional school
24 union or retained by the local education unit, as long as the plan clearly allocates the
25 responsibilities for the management of school property under section 1001, subsection 2
26 between the regional school union committee and the school board of the local education
27 unit.

28 **§2002. Regional school union committee**

29 **1. Formation.** In accordance with an approved reorganization plan, the school
30 boards of the local education units composing a regional school union shall form a
31 regional school union committee. The school board of a local education unit in a regional
32 school union shall designate one or more of its members to serve on the regional school
33 union committee as provided in the reorganization plan.

34 **2. Term of office.** The term of office of regional school union committee members
35 must be determined by the approved reorganization plan.

36 **3. Compensation.** Compensation for attendance at a regional school union
37 committee meeting must be between \$10 and \$25 per meeting for each member.
38 Whenever the committee members recommend increasing their compensation, they shall
39 submit their recommendation to the voters in the regional school union for approval.

SENATE AMENDMENT

1 A. On notification by the regional school union committee, the municipal officers
2 shall, at the next regular or special town meeting or city election, prepare a warrant or
3 ballot for the purpose of voting on the proposed increase. The question must be in the
4 following form.

5 "Do you favor paying a member of the regional school union committee
6 compensation at the rate of \$..... for each meeting that member attends?"

7 B. An increase in compensation is not effective unless approved by a majority of the
8 voters voting on the question set out in paragraph A.

9 **4. Secretary and treasurer.** The superintendent serves as secretary and treasurer of
10 the regional school union committee and shall give a bond to the regional school union
11 committee of a sum and with the sureties as the regional school union determines. The
12 bond must be deposited with the chair of the regional school union committee. The
13 expense of that bond must be paid by the regional school union. The bond premium,
14 compensation paid committee members for attendance at meetings and expenses of the
15 regional school union must be paid from funds of the regional school union by the
16 treasurer on vouchers presented and certified by the superintendent and approved by a
17 majority of the regional school union committee or a finance committee duly elected
18 annually by that committee. Notwithstanding section 1055, a superintendent of a regional
19 school union may designate another person with State of Maine administrative
20 certification to perform the duties of secretary of the school board of a local education
21 unit.

22 **5. Oath of office.** Before a newly elected member's first regional school union
23 committee meeting, that member must take the following oath or affirmation before a
24 dedimus justice or notary public.

25 "I do swear that I will faithfully discharge to the best of my abilities the
26 duties incumbent on me as a regional school union committee member of (name of
27 regional school union) according to the Constitution of Maine and laws of this State, so
28 help me God."

29 A. A member shall take the oath or affirmation and return a certificate documenting
30 that the oath or affirmation has been taken to the secretary of the regional school
31 union committee to place in the regional school union committee records.

32 B. If a member is conscientiously scrupulous of taking an oath, the word "affirm"
33 may be used instead of "swear" and the words "this I do under the pains and penalty
34 of perjury" may be used instead of the words "so help me God."

35 **6. Election of officers.** The regional school union committee shall elect a chair and
36 vice-chair and other officers as may be necessary.

37 **§2003. Methods of apportionment**

38 **1. Method B: weighted votes.** Under the method of representation referred to as
39 "Method B," members cast weighted votes.

40 A. The reapportionment committee under section 2024 shall apportion 1,000 votes
41 among all the members of the committee. The ratio of the number of votes cast by the
42 members representing a school administrative unit or municipality in relation to the

H. 8. 8.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 number 1,000 must be the same ratio to the nearest whole number as the population
2 of the school administrative unit or municipality is in relation to the population of all
3 the school administrative units and municipalities in the regional school union, as
4 determined by the latest Federal Decennial Census or Federal Estimated Census.

5 B. To ensure the use of whole numbers, the 1,000 votes apportioned among the
6 committee members may not be increased or decreased by more than 5 votes.

7 C. A plan may not permit the voting power of any member to exceed by more than
8 5% the percentage of voting power the member would have if all 1,000 votes were
9 apportioned equally among the members.

10 D. For a local education unit represented by 2 or more members, the votes cast by
11 them must be divided equally among them.

12 2. Method D: other. Under the method of representation referred to as "Method D,"
13 members are selected by any method other than that set forth in subsection 1 that meets
14 the requirements of the one-person, one-vote principle.

15 **§2004. Appropriation for regional school union expenses**

16 Local education units shall appropriate for regional school union expenses their share
17 of the costs of the regional school union in accordance with a cost-sharing formula
18 established by its approved reorganization plan. The proportion to be paid by a local
19 education unit must be paid out of the appropriation made for the support or maintenance
20 of public schools.

21 **§2005. Rules**

22 The state board may adopt rules to carry out this chapter. Rules adopted under this
23 section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

24 **SUBCHAPTER 2**

25 **FORMATION OF REGIONAL SCHOOL UNION**

26 **§2011. Formation of a regional school union; reorganization planning and approval**

27 The residents of 2 or more school administrative units may form a regional school
28 union that is a body politic and corporate pursuant to this section.

29 1. Notice of intent. Each school administrative unit shall file with the commissioner
30 a notice of intent to engage in planning and negotiations with other school administrative
31 units for the purpose of developing a reorganization plan to form a regional school union
32 under this chapter. The commissioner shall respond to each notice of intent providing
33 information regarding the process and whether the intended action complies with the
34 requirements of this chapter.

35 2. Reorganization planning committee. The school administrative units that intend
36 to engage in planning and negotiation to create a regional school union shall form a
37 reorganization planning committee.

H. S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

- 1 A. For each proposed regional school union, the commissioner shall provide
2 guidelines for the formation of a reorganization planning committee including
3 representation from the school administrative units included in the notice of intent,
4 member municipalities and members of the general public who are residents of the
5 proposed regional school union. The guidelines must include roles and
6 responsibilities of the committee, timelines for submission of the plan, the format for
7 reporting the reorganization plan and evaluation criteria for approval of the plan.
- 8 B. Reorganization planning committees shall hold one or more public meetings to
9 gather input from community members and to determine the sentiment of the public.
- 10 **3. Submission of plans.** Each school administrative unit shall submit to the
11 commissioner its proposed reorganization plan for consolidation into a regional school
12 union that meets the requirements of paragraphs A and B.
- 13 A. A reorganization plan must include:
- 14 (1) The local education units to be included in the proposed reorganized regional
15 school union;
- 16 (2) The size, composition and apportionment of the governing body;
- 17 (3) The method of voting of the governing body;
- 18 (4) The powers and duties of the regional school union;
- 19 (5) The disposition of real and personal school property;
- 20 (6) The disposition of existing school indebtedness and lease-purchase
21 obligations;
- 22 (7) The assignment of school personnel contracts, school collective bargaining
23 agreements and other school contractual obligations;
- 24 (8) The disposition of existing school funds and existing financial obligations,
25 including undesignated fund balances, trust funds, reserve funds and other funds
26 appropriated for school purposes;
- 27 (9) A transition plan that addresses the development of a budget for the first
28 school year of the regional school union and interim personnel policies;
- 29 (10) Documentation of the public meeting or public meetings held to prepare or
30 review the reorganization plan;
- 31 (11) An explanation of how units that approve the reorganization plan will
32 proceed if one or more of the proposed members of the regional school union fail
33 to approve the plan;
- 34 (12) An estimate of the cost savings to be achieved by the formation of a
35 regional school union and how these savings will be achieved;
- 36 (13) A method of sharing regional school union costs among its member local
37 education units and a process of amending the cost-sharing formula; and

SENATE AMENDMENT

A. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 (14) Such other matters as the governing bodies of the school administrative
2 units in existence on the effective date of this chapter may determine to be
3 necessary.

4 B. In order for the plan to be approved by the commissioner, the governing bodies of
5 school administrative units must work within the parameters set out in this paragraph.

6 (1) The proposed regional school union must serve not fewer than 2,500
7 students, except when circumstances relating to the following factors justify an
8 exception:

9 (a) Geography, including physical proximity and the size of the current
10 school administrative units;

11 (b) Demographics, including student enrollment trends and the composition
12 and nature of communities in the regional school union;

13 (c) Economics, including existing collaborations to be preserved or enhanced
14 and opportunities to deliver commodities and services to be maximized;

15 (d) Transportation;

16 (e) Population density; or

17 (f) Other unique circumstances including the need to preserve existing or
18 developing relationships, meet the needs of students, maximize educational
19 opportunities for students and ensure equitable access to rigorous programs
20 for all students.

21 (2) When circumstances justify an exception to the size requirement of 2,500
22 students set forth in subparagraph (1), the regional school union must serve as
23 close to 2,500 students as possible and, except for coastal islands and schools
24 operated by tribal school committees, it may not serve fewer than 1,200 students,
25 except that, the commissioner may authorize a regional school union to serve
26 fewer than 1,200 students but not less than 1,000 students in isolated rural
27 communities if the proposed regional school union meets one of the following
28 criteria:

29 (a) The proposed regional school union comprises 3 or more school
30 administrative units in existence prior to July 1, 2008;

31 (b) The member local education units of the proposed regional school union
32 are surrounded by approved regional school units and there are no other
33 school administrative units available to join the proposed regional school
34 union; or

35 (c) The member local education units of the proposed regional school union
36 include 2 or more isolated small schools that are eligible for an isolated small
37 school adjustment pursuant to section 15683, subsection 1, paragraph F.

B. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 In cases in which the commissioner denies the creation of a regional school
2 union that has fewer than 1,200 but more than 1,000 students, the school
3 administrative units may appeal to the state board.

4 (3) The plan must provide for a core curriculum for all students from
5 kindergarten to grade 12 and must include at least one publicly supported
6 secondary school.

7 (4) The plan must include provisions for implementing section 2002.

8 (5) The plan may not displace teachers or students or close any schools existing
9 and operating during the school year immediately preceding reorganization.

10 **4. Review and approval of plans.** If the commissioner finds that a plan for
11 reorganization meets the requirements of this chapter, the commissioner shall notify the
12 municipalities and school administrative units, and they shall proceed with referendum as
13 set out in subsections 5 and 6.

14 **5. Referendum on reorganization plan.** The municipal officers of each
15 municipality in a proposed reorganized school administrative unit shall place a warrant
16 article substantially as follows on the ballot of a municipal referendum in accordance
17 with the referendum procedures applicable to the school administrative unit of which the
18 municipality is a member.

19 "Article: Do you favor approving the school reorganization plan prepared by the
20 (insert name) Reorganization Planning Committee to reorganize (insert names of
21 affected school administrative units) into a regional school union, with an effective
22 date of (insert date)?

Yes No"

24 The following statement must accompany the article:

25 "Explanation:

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

29 More favorable consideration in approval and funding of school construction
30 projects; and

31 Eligibility for additional financial support for reorganization costs.

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

35 Less favorable consideration in approval and funding of school construction projects;
36 and

37 A reduction in state funding of education costs in an amount estimated to be
38 \$..... for school year 20.... and \$..... for school year 20...., with ongoing
39 penalties for continued failure to join an approved regional school union. Reductions
40 in state education funding will result in an increased mill rate expectation to meet the
41 local share of education costs."

SENATE AMENDMENT

R. S.

1 6. Results of referendum. Each school administrative unit shall report the results of
2 the referendum to the department following the referendum election.

3 A. A reorganization plan is approved by a kindergarten to grade 12 school
4 administrative district or kindergarten to grade 12 community school district if the
5 majority of votes cast in the district is in favor of approval of the plan.

6 B. A reorganization plan is approved by the member municipalities of a community
7 school district that does not provide public education for the entire span of
8 kindergarten to grade 12 if the majority of votes cast in the member municipalities is
9 in favor of approval of the plan. Approval results in all member municipalities
10 joining the regional school union.

11 C. A municipal school unit, including a municipal school unit that is a member of a
12 school union, approves a reorganization plan if the majority of the votes cast in that
13 municipality is in favor of approval of the plan.

14 If a reorganization plan is approved by all of the affected school administrative units, or
15 by the school administrative units considered sufficient under the proposed reorganization
16 plan, the commissioner shall file notice of approval of the regional school union with the
17 state board.

18 7. Certificate of organization. If a plan or revised plan for reorganization has been
19 approved by the commissioner and approved by voters at the referendum, the state board
20 shall issue a certificate of organization to the school administrative units that are
21 reorganized into a regional school union.

22 **§2012. Transitional powers and duties of the regional school union committee**

23 Within 30 days of the issuance of a certificate of organization for the regional school
24 union by the state board, the school boards of the local education units shall appoint
25 members of the regional school union committee in accordance with the approved
26 reorganization plan. As used in this section, unless the context otherwise indicates,
27 "regional school union committee" means the initial regional school union committee
28 appointed pursuant to section 2002. From the time of appointment of the regional school
29 union committee to July 1st of the regional school union's first operational year, the
30 regional school union committee shall establish interim rules of procedure and shall elect
31 officers who shall serve until officers are elected at a meeting following the operational
32 date of the regional school union. The regional school union committee's powers and
33 duties during this period are governed by this section.

34 1. Selection of superintendent. The regional school union committee shall select a
35 superintendent for the regional school union in accordance with section 1051 to carry out
36 the duties specified in section 1055. During the interim period, the salary, office and
37 other expenses of the superintendent, as well as the costs of the regional school union
38 committee, including insurance, must be allocated to the local education units by the cost-
39 sharing formula included in the reorganization plan for the regional school union.

40 2. Budget preparation and approval. The regional school union committee shall
41 prepare the annual budget for the first operational year of the regional school union in
42 accordance with section 2001. Specific duties may be assigned to existing personnel with
43 the approval of the employing school administrative unit. The regional school union

R. of S.

1 committee shall complete the budget development process and approve a regional school
2 union budget. The budget format and assessments for the regional school union's first
3 operational year budget must be in accordance with this chapter.

4 **3. Authorization.** The regional school union committee is authorized to take all
5 other actions provided under state law to prepare the regional school union to become
6 operational on July 1st for the first operational year, including the authority to open and
7 maintain accounts, to incur expenses to be allocated among the regional school union's
8 member local education units in accordance with the reorganization plan for the regional
9 school union and to file applications for school construction projects and revolving
10 renovation fund loans and other available funding.

11 **4. Fiscal agent.** The regional school union committee is authorized to expend start-
12 up funds for the regional school union. A local education unit within the regional school
13 union may serve as a fiscal agent and may expend any start-up funds on behalf of the new
14 regional school union prior to the regional school union's operational date without calling
15 for a special meeting of the local legislative body.

16 **§2013. Transfer of property and assets**

17 Upon the formation of a regional school union pursuant to this subchapter, the
18 transfer of school property and assets is governed by this section.

19 **1. Regional school union committee.** Except as otherwise provided in a
20 reorganization plan, a regional school union committee established in this chapter shall
21 determine what school property of the municipal school units in existence prior to the
22 operational date of the new regional school union and of the school administrative units
23 in existence prior to the operational date of the new regional school union is necessary to
24 carry out the functions of the regional school union and shall request in writing that the
25 school board of each such school administrative unit or the municipal officers transfer
26 title of their school property and buildings to the regional school union committee.

27 **2. Transfer.** The municipal officers and school boards contacted pursuant to
28 subsection 1 shall make the transfer of property and assets notwithstanding any other
29 provision in the charter of the school administrative unit or municipality.

30 **§2014. Operational date and transfer of authority**

31 **1. Operational date.** A regional school union committee becomes operational on
32 the date set by the state board as provided in this chapter.

33 **2. Transfer of governing authority.** The regional school union committee, on the
34 date established pursuant to subsection 1, shall assume responsibility for the governance
35 of the regional school union.

36 **3. Transfer employees.** Except as limited by paragraph A, all school employees
37 who are employed by a school administrative unit that becomes a local education unit
38 within the regional school union and employees of a school administrative unit
39 performing the core functions and any delegated functions of a regional school union as
40 identified in the reorganization plan on the day prior to the date established pursuant to
41 subsection 1 must be transferred to and employed by the regional school union as of the
42 date established pursuant to subsection 1. Those employees not transferred to the

H. of S.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 regional school union continue to be employed by the local education units under the
2 same terms and conditions under which they were employed prior to the operational date.
3 The regional school union shall assume all of the legal obligations and duties that the
4 participating school administrative units owed to the transferred employees, including but
5 not limited to those obligations and duties arising under federal law, state law, collective
6 bargaining agreements and individual employment contracts. It is the intent of this
7 chapter to neither decrease nor increase the rights and benefits of transferred employees,
8 the employees employed by the local education units or the employer.

9 A. Employees whose employment terminates by application of law or contract or by
10 action of a participating school administrative unit before the date in subsection 1
11 may not be transferred.

12 B. Teachers and other employees who are transferred to the regional school union
13 prior to the completion of the applicable probationary period for their position have
14 the length of their probationary period calculated from the date of their most recent
15 date of employment by the participating school administrative unit.

16 4. Superintendent contracts. The contracts between the superintendents and any
17 school union whose members become local education units within the regional school
18 union and school administrative units that become local education units within the
19 regional school union are transferred on the date established pursuant to subsection 1 to
20 the regional school union committee. The regional school union committee shall
21 determine the superintendents' duties within the regional school unit.

22 **§2015. Addition of a school administrative unit to an existing regional school union**

23 A school administrative unit not originally a member of a regional school union may
24 be included in the regional school union in accordance with this section.

25 1. Notice of intent. A school administrative unit shall file with the commissioner a
26 notice of intent to engage in planning and negotiations to join with a regional school
27 union under this chapter. The commissioner shall respond to each notice of intent and
28 provide information regarding the process and whether the intended action complies with
29 the requirements of this chapter.

30 2. Process to join a regional school union. A school administrative unit may join
31 an existing regional school union in the same manner required for the formation of a
32 regional school union under section 2011, except that section 2011, subsections 5, 6 and 7
33 do not apply.

34 3. Referendum for a school administrative unit to join an existing regional
35 school union. The municipal officers of each municipality in a proposed reorganized
36 school administrative union shall place a warrant article substantially as follows on the
37 ballot of a municipal referendum in accordance with the referendum procedures
38 applicable to the school administrative unit of which the municipality is a member.

39 "Article: Do you favor approving the school reorganization plan prepared by the
40 (insert name) Reorganization Planning Committee for school administrative unit
41 (insert name of affected school administrative unit) to join the regional school union
42 (insert name of regional school union), with an effective date of (insert date)?

43 Yes No"

A. 8. 8.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 The following statement must accompany the article:

2 "Explanation:

3 A "YES" vote means that you approve of the (insert name of municipality or school
4 administrative unit) joining the proposed regional school union. The financial
5 penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the existing
6 school administrative unit will no longer apply."

7 **4. Referendum on the admission of an additional school administrative unit to**
8 **an existing regional school union.** If the vote to join a regional school union under
9 subsection 3 was in the affirmative, the existing regional school union shall call a
10 regional school union referendum to vote on the following article.

11 "Article: Do you favor approving the school reorganization plan prepared by the
12 (insert name) Reorganization Planning Committee for school administrative unit
13 (insert name of affected school administrative unit) to join the regional school union
14 (insert name of regional school union), with an effective date of (insert date)?

15 Yes No"

16 The following statement must accompany the article:

17 "Explanation:

18 A "YES" vote means that you approve of the (insert name of municipality or school
19 administrative unit) joining the proposed regional school union. The financial
20 penalties under the Maine Revised Statutes, Title 20-A, section 15696 will no longer
21 apply to the existing school administrative unit."

22 The referendum must be conducted in accordance with the referendum procedures
23 applicable to regional school units, except that the duties of the regional school unit board
24 must be performed by the regional school union committee.

25 **5. Results of referendum.** A school administrative unit shall report the results of
26 the referendum to the department following the referendum election.

27 **A. For a referendum conducted pursuant to subsection 3:**

28 (1) A reorganization plan is approved by a kindergarten to grade 12 school
29 administrative district or kindergarten to grade 12 community school district if
30 the majority of votes cast in the district is in favor of approval of the plan;

31 (2) A reorganization plan is approved by a regional school union if the majority
32 of votes cast in the regional school union is in favor of approval of the plan;

33 (3) A reorganization plan is approved by the member municipalities of a
34 community school district that does not provide public education for the entire
35 span of kindergarten to grade 12 if the majority of votes cast in the member
36 municipalities is in favor of approval of the plan. Approval results in all member
37 municipalities joining the regional school union; and

38 (4) A municipal school unit, including a municipal school unit that is a member
39 of a school union, approves a reorganization plan if the majority of the votes cast
40 in that municipality is in favor of approval of the plan.

H. 3.

1 B. For a referendum conducted pursuant to subsection 4, a reorganization plan is
2 approved by a regional school union if the majority of votes cast in the regional
3 school union is in favor of approval of the plan.

4 If a reorganization plan is approved by the affected school administrative unit, the
5 commissioner shall file notice of approval with the state board.

6 6. Amended certificate of organization. If a plan for reorganization has been
7 approved by the commissioner and approved by voters at the referendum under
8 subsections 3 and 4, the state board shall issue an amended certificate of organization to
9 the reorganized regional school union.

10 SUBCHAPTER 3

11 REGIONAL SCHOOL UNION GOVERNANCE

12 §2021. Powers and duties

13 The regional school union committee:

14 1. Regional school union name. May select an unofficial name for the regional
15 school union;

16 2. Finance committee. May elect a finance committee of 3 or more members, who
17 must be regional school union committee members;

18 3. Bylaws. Shall adopt bylaws for the regulation of the affairs of the regional school
19 union committee and the conduct of its business; and

20 4. Gifts. May accept and receive money or other property, outright or in trust, for
21 any specified benevolent or educational purpose. The regional school union committee
22 shall comply with this subsection in accepting gifts.

23 A. If the regional school union committee receives written notice from a prospective
24 donor or a representative of the donor of a proposed gift, the regional school union
25 committee shall submit the matter to its next regular meeting or shall call a special
26 meeting and shall, within 10 days after the meeting, send written notice to the
27 prospective donor or representative of its acceptance or rejection.

28 B. If the gift is in trust, the regional school union committee shall cause the trust
29 funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-
30 A.

31 (1) Unless prohibited by a trust instrument, the regional school union may treat
32 any 2 or more trust funds as a single fund for the purposes of investment.

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

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

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

3 (5) If the regional school union fails to comply with the terms of the trust
4 instrument, the trust fund is subject to reversion to the donor or the donor's heirs.

5 C. If the money or other property is a conditional gift for any specified benevolent or
6 educational purpose, this paragraph applies.

7 (1) When the donor's part of the agreement respecting the execution of the
8 conditional gift has been completed, the regional school union shall perpetually
9 comply with, and may raise money to carry into effect, the conditions upon
10 which it was made.

11 (2) Unless otherwise specified by its terms, a conditional gift of money must be
12 deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

13 **§2022. Quorum**

14 A majority of the regional school union committee in number and voting power
15 constitutes a quorum.

16 **§2023. Regional school union committee vacancies**

17 **1. Definition of vacancy.** A vacancy on a regional school union committee occurs:

18 A. When the term of office of a regional school union committee member expires;

19 B. When a regional school union committee member changes residency from the
20 local education unit represented. Evidence that an individual is registered to vote in a
21 municipality in a local education unit is prima facie evidence of that individual's
22 residency;

23 C. On the death of a regional school union committee member; or

24 D. When a regional school union committee member resigns from the regional
25 school union committee or from the school board of the local education unit the
26 member represents.

27 In addition to paragraphs A, B, C and D, except in municipalities having a municipal
28 charter, when a committee member is absent without excuse from 3 consecutive regular
29 committee meetings, the regional school union committee may declare that a vacancy
30 exists.

31 **2. Regional school union committee.** The regional school union committee shall
32 notify the school board of the local education unit of a vacancy within 14 days after
33 receiving notice of the vacancy.

34 **3. Filling vacancies.** A vacancy on a regional school union committee must be filled
35 by the school board whose member vacated the regional school union committee seat
36 within 30 days after receiving notice of the vacancy.

37 **§2024. Reapportionment**

38 The commissioner shall determine the necessity for reapportionment.

A. of B.

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 1. Duties of commissioner. The commissioner shall determine if a regional school
2 union is apportioned in accordance with the one-person, one-vote principle if:

- 3 A. The commissioner receives a request by the regional school union committee; or
- 4 B. The commissioner receives a petition signed by a number of regional school
5 union voters equal to at least 10% of the voters in the regional school union who
6 voted in the last gubernatorial election.

7 In addition to a determination initiated by a request pursuant to paragraph A or a petition
8 pursuant to paragraph B, the commissioner may, of the commissioner's own accord,
9 determine that a regional school union is not apportioned according to the one-person,
10 one-vote principle.

11 The commissioner shall make a determination under paragraph A or B within 30 days of
12 receiving the request or the petition.

13 2. Awaiting census results. If the commissioner receives a request within 12
14 months before a Federal Decennial Census or Federal Estimated Census, the
15 commissioner may wait until after the new census figures are available to make a
16 determination under subsection 1.

17 3. Findings and order. If the commissioner finds the regional school union
18 representation is not apportioned in accordance with the one-person, one-vote principle,
19 the commissioner, within 7 days of that decision, shall notify the superintendent of the
20 regional school union of the finding and order the superintendent to notify the school
21 board in each local education unit in the regional school union and the regional school
22 union committee to create a reapportionment committee. The superintendent's notification
23 must include the commissioner's notification, the information provided pursuant to
24 subsection 6 and the time and place for the first meeting of the committee, which must be
25 held not later than 20 days after the notification.

26 4. Reapportionment committee membership. The reapportionment committee
27 consists of 2 members from each school board, chosen by the respective school boards.

28 5. Quorum. A majority of the reapportionment committee constitutes a quorum.

29 6. Duties of commissioner. The commissioner shall provide the superintendent of
30 the regional school union with the most recent Federal Decennial Census or Federal
31 Estimated Census figures for each local education unit in the regional school union and at
32 least one recommended apportionment plan.

33 7. Duties of the reapportionment committee. The reapportionment committee
34 shall:

- 35 A. Elect a chair and secretary and may adopt suitable rules of procedure;
- 36 B. Consider and by majority vote adopt a reapportionment plan including the method
37 of representation, total number of members and number of members representing
38 each local education unit; and
- 39 C. Within 90 days of the first meeting, send a report of its reapportionment plan to
40 the state board for approval. It may, within the 90-day limit, submit alternative plans
41 for apportionment.

SENATE AMENDMENT

A. 8.

- 1 **8. Commissioner approval.** The commissioner shall approve or disapprove the
2 reapportionment committee plan under subsection 7 within 30 days of receiving it.
- 3 **9. Failure to gain commissioner approval.** If a reapportionment plan has not been
4 adopted by the reapportionment committee or approved by the commissioner within the
5 time limits of subsection 7, the commissioner shall prepare a suitable plan.
- 6 **10. Putting the approved plan into effect.** On approval of a reapportionment plan,
7 the commissioner shall send a certified copy to the local education units and regional
8 school union committee. The original reapportionment plan must be retained in the
9 department files.
- 10 **A.** The reapportionment plan takes effect immediately upon approval. The
11 reapportionment committee shall determine the terms of the members to be elected at
12 the next annual municipal elections so as to comply with this chapter.
- 13 **B.** If the approved reapportionment plan requires a reduction of the number of
14 members to be elected in a municipality, the reduction must be achieved in
15 accordance with this paragraph.
- 16 (1) If possible, the reduction must be achieved by the voluntary resignation of
17 one or more of the members.
- 18 (2) If the reduction cannot be achieved in accordance with subparagraph (1), all
19 of the remaining existing members representing the local education unit shall
20 choose by lot which members' terms must terminate.
- 21 **C.** If the approved reapportionment plan requires that additional members be elected
22 in a local education unit, the local school committee shall fill the vacancies by
23 appointment. A new member serves until a successor is elected and qualified at the
24 next annual municipal election.
- 25 **D.** The reapportionment committee is dissolved after the approved reapportionment
26 plan is implemented.
- 27 **11. Duties of present members during reapportionment.** The regional school
28 union committee, during the reapportionment of its membership, serves as the legal
29 representative of the regional school union until the reapportionment is completed. The
30 committee shall carry out all business of the regional school union, including the
31 borrowing of funds that may be required during the period of reapportionment.
- 32 **12. State board review of commissioner's decisions.** A regional school union
33 committee or interested parties may request that the state board reconsider decisions
34 made by the commissioner under this section. The state board has the authority to
35 overturn a decision made by the commissioner. In exercising this power, the state board is
36 limited by this section.

37

SUBCHAPTER 4

২. ৯. ৩.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41

CONTRACTS

§2031. Bid procedure

1. Written bids. Bids must be in writing, sealed with the outside envelope or wrapper plainly marked "Bid, not to be opened until (appropriate date)" and mailed to or filed with the superintendent.

2. Time of opening. A member of the regional school union committee or an employee of the regional school union may not open a bid until the appointed time.

3. Public opening. At the time and place stated in the public notice, and open to the public, all bids must be opened by the superintendent or, in the superintendent's absence or disability, by any member of the regional school union committee designated for the purpose by the chair of the regional school union committee.

4. Reading. If any citizens who are not members of the regional school union committee or employees of the regional school union are present or if any representatives of the press are present, bids must at the time of opening either be made available for examination by them or must be read aloud in a manner to be heard plainly by those in attendance.

§2032. Void contracts

A contract made by the regional school union committee during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, is void, unless the regional school union committee has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the regional school union.

Sec. C-10. Reorganization planning. A regional school union, as established in the Maine Revised Statutes, Title 20-A, chapter 108, is deemed a regional school unit under Public Law 2007, chapter 240, Part XXXX, section 36 for all purposes including the goal for the number of regional units and the requirements with respect to the number of students in each regional unit. The Commissioner of Education shall apply the same criteria and shall allow the same exceptions for regional school unions as are applied to regional school units. A reorganization plan for a regional school union is also subject to the requirements of Public Law 2007, chapter 240, Part XXXX, section 36, subsection 6, paragraph F that the reorganization plan address how administrative functions, duties and noninstructional personnel will be reorganized so that the projected expenditures for system administration, transportation, special education and facilities and maintenance will not have an adverse impact on the instructional program. A reorganization plan for a regional school union is subject to the same approval and referendum requirements as provided in Public Law 2007, chapter 240, Part XXXX, section 36, subsections 8 and 9.

Sec. C-11. Application. Notwithstanding any provision of law to the contrary, this Part applies to school administrative units and reorganization planning committees that, on the effective date of this Part, are engaged in or are required to be engaged in school reorganization planning pursuant to Public Law 2007, chapter 240, Part XXXX.

R. 018

SENATE AMENDMENT "B" to H.P. 1675, L.D. 2314

1 Under the existing law governing the reorganization of school administrative units, a
2 referendum must be held on a proposed reorganization by November 4, 2008. Part B of
3 this amendment changes the deadline by which a referendum must be held to January 15,
4 2009 and changes dates that are linked to the referendum date by the same amount of
5 time.

6 Part C of this amendment authorizes regional school unions as an alternative to the
7 regional school unit method of school reorganization. A regional school union must
8 perform certain core functions, which include employment of a superintendent,
9 performance of all business functions, special education administration, transportation
10 administration, adoption of a core curriculum and all state and federal reporting. A
11 regional school union is formed in the same manner as a regional school unit by means of
12 a reorganization plan prepared by a reorganization planning committee, with approval of
13 the Commissioner of Education and approval at a referendum. Regional school unions
14 are subject to the same requirements as regional school units with respect to minimum
15 numbers of students, exceptions to minimum numbers of students, timelines for
16 submission of reorganization plans, operational date and applicable penalties. School
17 administrative units that form a regional school union become "local educational units"
18 with no further responsibility for the administrative functions, which are taken over by
19 the regional school union.

20
21
22
23
24

FISCAL NOTE REQUIRED
(See attached)

SPONSORED BY: *Dennis S. Damon*
(Senator DAMON)
COUNTY: Hancock

SENATE AMENDMENT



123rd MAINE LEGISLATURE

LD 2314

LR 3647(04)

An Act To Amend School Funding Laws

Fiscal Note for Senate Amendment "B"

Sponsor: Sen. Damon of Hancock

Fiscal Note Required: Yes

Fiscal Note

Potential future biennium cost increase - General Fund

Fiscal Detail and Notes

Providing school administrative units with the option of forming a regional school union that allows for the dispersion of decision making authority to local education units within the regional school union except for certain core functions may increase the total cost of K-12 public education in future biennia due to less savings being achieved versus what was anticipated in Public Law 2007, chapter 240, Part XXXX. The amount can not be determined at this time and will depend on the number of regional school unions established and the ability of regional school unions and local education units within the regional school union to implement efficiencies. Allowing for certain school administrative units to serve fewer than 1,200 students if the area it serves has fewer than 50 residents per square mile may also increase the total cost of K-12 public education in future biennia due to less than anticipated savings being achieved. Two areas which could impact future General Fund costs include special education and transportation.

Title 20-A, §15681-A, sub-§2(D) requires that school administrative units receive sufficient funds for special education to ensure that the SAUs meet the federal maintenance of effort requirement for receiving federal Individuals with Disabilities Act funds. The maintenance of effort requirement states that the total amount of state and local funds budgeted by the local education agency for expenditures in a current fiscal year for the education of children with disabilities must be at least equal to the total amount of state and local school funds actually expended for the education of children with disabilities in the most recent preceding fiscal year. Less savings being achieved versus what was anticipated in Public Law 2007, chapter 240, Part XXXX may require a higher level of state and local funding in order to fulfill the maintenance of effort requirement.

Title 20-A, §15681-A, sub-§3 requires that school administrative units receive no less than 90% of the most recent year's reported net transportation expenditures. Less savings being achieved versus what was anticipated in Public Law 2007, chapter 240, Part XXXX may require a higher level of funding in order to meet the statutory requirement.

Although this legislation will not impact the total state and local cost of funding K-12 public education, beginning in fiscal year 2008-09 it may affect the distribution of subsidy to local school administrative units with some units receiving more subsidy and some units receiving less subsidy. The impact to individual school administrative units can not be determined at this time.

Allowing for a one year delay in the implementation of the cost center summary budget approval and validation process may result in savings to school administrative districts, community school districts and municipal school units. The amount can not be determined at this time.