

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 174

S.P. 60

January 21, 2009

An Act Regarding School Consolidation

(EMERGENCY)

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

A handwritten signature in cursive script that reads "Joy J. O'Brien".

JOY J. O'BRIEN
Secretary of the Senate

Presented by Senator BRYANT of Oxford.

Cosponsored by Representative MARTIN of Eagle Lake and

Senators: JACKSON of Aroostook, SCHNEIDER of Penobscot, Representatives: CROCKETT of Bethel, DAVIS of Sangerville, JOHNSON of Greenville, SUTHERLAND of Chapman.

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

3 **Whereas,** school administrative units are in the process of forming regional school
4 units; and

5 **Whereas,** each proposed regional school unit must serve the minimum number of
6 students designated in Maine law; and

7 **Whereas,** students residing in the unorganized territories must be counted for fair
8 implementation of the regionalization law; and

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

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

14 **Sec. 1. 20-A MRSA §1461, sub-§3, ¶B,** as enacted by PL 2007, c. 240, Pt.
15 XXXX, §13, is amended to read:

16 B. In order for the plan to be approved by the commissioner, the governing bodies of
17 school administrative units shall work within the following parameters.

18 (1) The proposed regional school unit must serve not fewer than 2,500 students,
19 except where circumstances relating to the following factors justify an exception:

20 (a) Geography, including physical proximity and the size of the current
21 school administrative unit;

22 (b) Demographics, including student enrollment trends and the composition
23 and nature of communities in the regional school unit;

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

26 (d) Transportation;

27 (e) Population density; or

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

32 When circumstances justify an exception to the size requirement of 2,500
33 students, the unit must serve as close to 2,500 students as possible and in no case,
34 except for coastal islands and schools operated by tribal school committees, may
35 it serve fewer than 1,200 students.

36 For purposes of this paragraph, the school administrative units proposing to form a
37 regional school unit may include in the student count for the proposed unit a number

1 equal to the number of students residing in the unorganized territories who attended a
2 school in one of the school administrative units during the year that the plan is
3 submitted for approval or during the school year prior to submission.

4 (2) The plan must provide comprehensive programming for all students from
5 kindergarten to grade 12 and must include at least one publicly supported
6 secondary school.

7 (3) The plan must be consistent with the policies set forth in section 1451.

8 (4) The plan may not displace teachers or students or close any schools existing
9 and operating during the school year immediately preceding reorganization,
10 except as permitted under section 1512.

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

13 **SUMMARY**

14 This bill allows school administrative units to count students who reside in the
15 unorganized territories and attend schools within those school administrative units when
16 submitting a plan for a regional school unit.