

MAINE STATE LEGISLATURE

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124th MAINE LEGISLATURE

FIRST REGULAR SESSION-2009

Legislative Document

No. 1203

H.P. 828

House of Representatives, March 26, 2009

**An Act To Allow Certain School Units To Reorganize without
Meeting Minimum Student Population Requirements without Being
Penalized**

(EMERGENCY)

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

Millicent M. MacFarland
MILLICENT M. MacFARLAND
Clerk

Presented by Representative SUTHERLAND of Chapman.
Cosponsored by Senator ALFOND of Cumberland and
Representatives: FINCH of Fairfield, JOHNSON of Greenville, LOVEJOY of Portland,
McFADDEN of Dennysville, NELSON of Falmouth.

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, approved school reorganization plans and alternative plans have left
4 certain school administrative units no opportunity to participate in a contiguous regional
5 school unit or alternative organizational structure; and

6 Whereas, certain school administrative units that are not able to participate in a
7 contiguous regional school unit or alternative organizational structure may nonetheless be
8 subject to statutory penalties; 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; or

32 (g) An unsuccessful prior attempt to reorganize into a regional school unit
33 that meets minimum student population requirements.

34 When circumstances justify an exception to the size requirement of 2,500
35 students, the unit must serve as close to 2,500 students as possible and in no case,
36 except for coastal islands and schools operated by tribal school committees and
37 units that have been unsuccessful in reorganizing into a regional school unit that

1 meets minimum student population requirements, may it serve fewer than 1,200
2 students.

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

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

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

10 **Sec. 2. 20-A MRSA §15696**, as amended by PL 2007, c. 668, §§39 to 41 and c.
11 695, Pt. A, §23, is further amended to read:

12 **§15696. Penalties for nonconforming school administrative units**

13 **1. Authorized adjustments.** Notwithstanding any other provision of this Title,
14 except for school administrative units that file alternative plans pursuant to Public Law
15 2007, chapter 240, Part XXXX, section 36, subsection 2-A, the following adjustments to
16 the calculation of subsidy under chapter 606-B are required beginning July 1, 2009 for a
17 school administrative unit that is not a conforming school administrative unit:

18 A. The school administrative unit is eligible for only 50% of the minimum state
19 allocation under section 15689, subsection 1;

20 B. The school administrative unit's total cost of education is reduced by adjusting the
21 cost component for system administration under section 15680, subsection 1,
22 paragraph A by half;

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

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

27 E. The school administrative unit's full-value education mill rate pursuant to section
28 15671-A is increased by 2% for the purpose of calculating the school administrative
29 unit's required contribution to meet the local share of education costs established
30 pursuant to section 15688, subsection 3-A.

31 **Sec. 3. PL 2007, c. 240, Pt. XXXX, §36, sub-§2-A** is enacted to read:

32 **2-A. Unsuccessful prior reorganization attempt.** Notwithstanding subsection 2,
33 paragraph B, a school administrative unit that has been unsuccessful in reorganizing into
34 a regional school unit that meets minimum student population requirements may file a
35 notice of intent to submit an alternative plan.

36 **Sec. 4. PL 2007, c. 240, Pt. XXXX, §36, sub-§6, ¶A** is amended to read:

37 A. The proposed regional school unit must serve not fewer than 2,500 students,
38 except where circumstances relating to the following factors justify an exception:

- 1 (1) Geography, including physical proximity and the size of the current school
2 administrative unit;
- 3 (2) Demographics, including student enrollment trends and the composition and
4 nature of communities in the regional school unit;
- 5 (3) Economics, including existing collaborations to be preserved or enhanced
6 and opportunities to deliver commodities and services to be maximized;
- 7 (4) Transportation;
- 8 (5) Population density, including the rural nature of our communities;
- 9 (6) Other unique circumstances including the need to preserve existing or
10 developing relationships, meet the needs of students, maximize educational
11 opportunities for students and ensure equitable access to rigorous programs for
12 all students; or
- 13 (7) If, after performing due diligence to develop a regional plan that meets the
14 2,500 students enrollment requirement, a school administrative unit is unable to
15 achieve the enrollment goal due to the decision of geographically proximate
16 school administrative units to participate in a different regional unit or a school
17 administrative unit has been unsuccessful in reorganizing into a regional school
18 unit that meets the enrollment requirement.

19 When circumstances justify an exception to the requirement of 2,500 students, the
20 unit must serve at least 1,200 students, except for offshore islands and schools
21 operated by tribal school committees and units that have been unsuccessful in
22 reorganizing into a regional school unit that meets minimum student population
23 requirements, which may serve fewer than 1,200 students.

24 **Sec. 5. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2007, c.
25 668, §47, is further amended to read:

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

31 A. Subsequent reorganization plans must meet the same requirements as for
32 reorganization plans filed prior to the January 2008 referendum, except that the
33 timelines are adjusted to reflect a July 1, 2009 reorganization date. School
34 administrative units that file alternative plans pursuant to subsection 2-A are exempt
35 from this requirement.

36 B. ~~The~~ Except for school administrative units that file alternative plans pursuant to
37 subsection 2-A, the penalties set forth in Title 20-A, section 15696 apply to any
38 school administrative unit that fails to approve a reorganization plan on or before
39 January 30, 2009 and to implement that plan by July 1, 2009.

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

SUMMARY

This bill authorizes school administrative units to submit alternative plans in situations when they have been unsuccessful in reorganizing into a regional school unit that meets minimum student population requirements. This bill also eliminates penalties that would otherwise apply to such school administrative units.