

MAINE STATE LEGISLATURE

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125th MAINE LEGISLATURE

FIRST REGULAR SESSION-2011

Legislative Document

No. 1307

H.P. 959

House of Representatives, March 24, 2011

An Act To Amend and Clarify Certain Education Statutes

Submitted by the Department of Education pursuant to Joint Rule 204.
Reference to the Committee on Education and Cultural Affairs suggested and ordered printed.

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST
Clerk

Presented by Representative RICHARDSON of Carmel.
Cosponsored by Senator LANGLEY of Hancock and
Representatives: JOHNSON of Greenville, LOVEJOY of Portland.

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

2 **Sec. 1. 20-A MRS §1252, sub-§2, ¶C**, as amended by PL 1983, c. 806, §15, is
3 further amended to read:

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

7 **Sec. 2. 20-A MRS §1479, first ¶**, as enacted by PL 2007, c. 240, Pt. XXXX,
8 §13, is amended to read:

9 A regional school unit shall maintain a program that includes kindergarten to grade
10 12 except for the school administrative districts that did not operate kindergarten to grade
11 12 that were reformulated into regional school units in accordance with Public Law 2007,
12 chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007,
13 chapter 668, section 48.

14 **Sec. 3. 20-A MRS §1486, sub-§1**, as amended by PL 2009, c. 571, Pt. QQQ,
15 §1, is further amended to read:

16 **1. Budget validation.** Following development of the annual regional school unit
17 budget and approval at a regional school unit budget meeting as provided in section 1485,
18 a referendum must be held in the regional school unit as provided in this section to allow
19 the voters to validate or reject the total budget adopted at the regional school unit budget
20 meeting.

21 Every 3 years, the voters in a regional school unit shall consider continued use of the
22 budget validation referendum process. The warrant at the budget validation referendum
23 in the 3rd year following adoption or continuation of the referendum process must
24 include an article by which the voters of the school administrative ~~district~~ unit may
25 indicate whether they wish to continue the process for another 3 years. The warrant for
26 the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant.
27 A vote to continue retains the process for 3 additional years. A vote to discontinue the
28 process ends its use beginning with the following budget year and prohibits its
29 reconsideration for at least 3 years.

30 An article to consider reinstatement of the budget validation referendum process may be
31 placed on a warrant for a referendum vote by either a majority vote of the regional school
32 unit board or a written petition filed with the regional school unit board by at least 10% of
33 the number of voters voting in the last gubernatorial election in the municipalities in the
34 school administrative ~~district~~ unit. The regional school unit board shall place the article
35 on the next scheduled warrant or an earlier one if determined appropriate by the regional
36 school unit board. If adopted by the voters, the budget validation referendum process
37 takes effect beginning in the next budget year or the following budget year if the adoption
38 occurs less than 90 days before the start of the next budget year. Once approved by the
39 voters, the budget validation referendum process may not be changed for 3 years.

40 **Sec. 4. 20-A MRS §1511**, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is
41 amended to read:

1 **§1511. Supermajority vote to close school in the regional school unit**

2 A school operated within the regional school unit may not be closed for lack of need
3 unless closure of the school is approved at a regular or special meeting of the regional
4 school unit board by an affirmative vote of 2/3 of the elected membership or voting
5 power of the regional school unit board. A regional school unit must proceed in
6 accordance with section 1512 for elementary schools or for secondary schools if the
7 regional school unit has more than one secondary school. For regional school units with
8 only one member municipality, section 1512 does not apply and the regional school unit
9 must proceed in accordance with section 4102, subsection 4, paragraph B-1.

10 **Sec. 5. 20-A MRSA §2953, first ¶**, as amended by PL 2005, c. 153, §4, is
11 repealed.

12 **Sec. 6. 20-A MRSA §2953, sub-§1**, as amended by PL 2005, c. 153, §4, is
13 repealed.

14 **Sec. 7. 20-A MRSA §4102, sub-§4**, as amended by PL 2007, c. 539, Pt. C, §1
15 and affected by §23 and amended by PL 2007, c. 599, §1 and affected by §3, is further
16 amended to read:

17 **4. Voter approval.** Before a school board may close a school building pursuant to
18 subsection 3, voter approval shall be obtained as follows.

19 A. Elementary schools in school administrative districts, regional school units and
20 community school districts may only be closed if approved by the voters in
21 accordance with the procedures set out in section 1512 for regional school units.

22 B. Secondary schools in school administrative districts, regional school units and
23 community school districts ~~and either elementary or secondary schools in other~~
24 ~~school administrative units may be closed without voter approval, unless the school~~
25 ~~board is presented with a written petition, within 30 days of the board's decision to~~
26 ~~close the school, by 10% of the number of voters in the school administrative unit~~
27 ~~who voted at the last gubernatorial election, then a special referendum shall be called~~
28 ~~pursuant to:~~ may be closed only if approved by the voters in accordance with the
29 procedures set out in section 1512 for regional school units.

30 ~~(1) Section 1351 for school administrative districts;~~

31 ~~(2) Title 30-A, sections 2528 to 2532, for community school districts, except the~~
32 ~~school board shall issue a warrant specifying that the municipalities within the~~
33 ~~district place the petitioned article on the ballot, and shall prepare and furnish the~~
34 ~~required number of ballots for carrying out the election; and~~

35 ~~(3) Title 21-A and Title 30-A, respectively, for cities and towns.~~

36 B-1. Elementary or secondary schools in school administrative units that are not
37 school administrative districts, regional school units or community school districts
38 may be closed without voter approval, unless the school board is presented with a
39 written petition, within 30 days of the board's decision to close the school, by 10% of

1 the number of voters in the school administrative unit who voted at the last
2 gubernatorial election, in which case a special referendum must be called pursuant to:

3 (1) Section 1351 for school administrative districts;

4 (2) Title 30-A, sections 2528 to 2532, for community school districts, except the
5 school board shall issue a warrant specifying that the municipalities within the
6 district place the petitioned article on the ballot, and shall prepare and furnish the
7 required number of ballots for carrying out the election; and

8 (3) Title 21-A and Title 30-A, respectively, for cities and towns.

9 C. The article to be used shall be substantially in the following form:

10 "Article: Shall the school committee of (name of
11 town) (the board of directors of School Administrative District No.) be
12 authorized to close (name of school)?

13 Yes..... No.....

14 The additional cost of keeping the school open has been estimated by the school
15 committee (board of directors) to be \$ "

16 **Sec. 8. 20-A MRS §4102, last ¶**, as enacted by PL 2007, c. 240, Pt. XXXX,
17 §23, is repealed.

18 **Sec. 9. 20-A MRS §6004**, as amended by PL 2009, c. 508, §2, is further
19 amended to read:

20 **§6004. Student counts**

21 The following provisions apply to the annual counting of students.

22 **1. Duty of superintendent.** ~~By April 15th and October 15th~~ In accordance with
23 time schedules established by the commissioner, the superintendent of each school
24 administrative unit and the ~~principal administrator~~ principal administrator of each private school shall inform the
25 commissioner, in the format specified by and with the content required by the
26 commissioner, of the number of students attending their schools and in the case of public
27 schools the number of students residing in their school administrative unit. This
28 information ~~shall~~ must be supplied on forms provided by the commissioner.

29 **2. Student count.** Students ~~shall~~ must be counted as follows.

30 A. A student residing in the school administrative unit may be considered in
31 attendance on October 1st and April 1st ~~only~~ if the student is attending school on that
32 date. A student must be counted as a resident if the student meets the residence
33 requirement of chapter 213 and must be counted for subsidy if the student meets the
34 definition of "subsidizable pupils" under section 15672, subsection 32.

35 ~~(1) Attended school at least 75% of the time between October 1st and April 1st,~~
36 ~~if enrolled by October 1st; or~~

37 ~~(2) Attended school at least 75% of the time between the date of the student's~~
38 ~~first enrollment and April 1st, if not enrolled by October 1st.~~

1 Excused absences and absences due to illness ~~shall~~ may not be considered absences
2 under this subsection.

3 B. Students who attend school under section 5205, subsections 2, 3-A, 4, 5 and 6
4 must be counted in the school administrative unit in which they attend school.

5 D. Private schools may report privately funded students on October 1st. All publicly
6 funded students must be reported on October 1st and April 1st in the specified format
7 and with the specific content and in accordance with the time schedules established
8 by the commissioner.

9 **Sec. 10. 20-A MRSA §15917, sub-§1**, as enacted by PL 1995, c. 632, §3, is
10 repealed.

11 SUMMARY

12 This bill aligns the board of directors' weighted votes representation in Method B in
13 school administrative districts with the percentage in regional school units.

14 It exempts certain reformulated school administrative districts that did not operate a
15 kindergarten to grade 12 program from the requirement to maintain such a program.

16 It corrects certain references to school administrative districts to refer to school
17 administrative units.

18 It clarifies that the vote regarding the closure of an elementary or secondary school in
19 a regional school unit is required only when the school is closed for lack of need.

20 It provides that, for regional school units with only one member municipality, the
21 Maine Revised Statutes, Title 20-A, section 4102, subsection 4, paragraph B-1 applies as
22 it pertains to the closing of the regional school unit.

23 It repeals the annual audit requirement for the purpose of approving private schools
24 for tuition purposes.

25 It clarifies that elementary school and secondary school closures for regional school
26 units that have more than one secondary school must be in accordance with the
27 procedures in Title 20-A, section 1512.

28 It amends the language on annual student counts for school administrative units and
29 publicly funded students in private schools or programs for reporting dates to the
30 Department of Education according to time schedules that the Commissioner of
31 Education established. It also amends the laws governing student counts to require that
32 student counts are based on the number of students in attendance on October 1st and
33 April 1st.

34 It repeals an obsolete provision in the laws regarding school construction pertaining
35 to an inventory of public school facilities, which was completed as required.