

MAINE STATE LEGISLATURE

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Majority

ROY ROES

L.D. 1742

Date: 3/12/12

(Filing No. H-757)

Majority

EDUCATION AND CULTURAL AFFAIRS

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STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
SECOND REGULAR SESSION

COMMITTEE AMENDMENT "A" to H.P. 1284, L.D. 1742, Bill, "An Act To Amend Education Laws"

Amend the bill in Part A by inserting after section 1 the following:

'Sec. A-2. 20-A MRSA §6051, sub-§1, ¶H, as enacted by PL 2009, c. 571, Pt. E, §12, is amended to read:

H. A determination of whether the school administrative unit has complied with budget content requirements pursuant to section 15693, subsection 1 and cost center summary budget format requirements pursuant to sections 1305-C, 1485, 1701-C and 2307; and

Sec. A-3. 20-A MRSA §6051, sub-§1, ¶I, as enacted by PL 2009, c. 571, Pt. E, §13, is amended to read:

I. A determination of whether the school administrative unit has exceeded its authority to expend funds, as provided by the total budget summary article-; and

Sec. A-4. 20-A MRSA §6051, sub-§1, ¶J is enacted to read:

J. A determination of whether the school administrative unit has complied with the applicable provisions of the unexpended balances requirements established under section 15004.'

Amend the bill in Part B in section 1 in subsection 4 in the 4th line (page 1, line 34 in L.D.) by striking out the following: "30" and inserting the following: '45'

Amend the bill in Part E in section 1 in subsection 9 in the last line (page 3, line 34 in L.D.) by inserting after the following: "expense." the following: 'For the purposes of this subsection, "foreign exchange student" means a student who has been approved for a J-1 visa to participate in the Exchange Visitor Program for secondary school students pursuant to the provisions of the federal Mutual Educational and Cultural Exchange Program under 22 United States Code, Chapter 33 and 22 Code of Federal Regulations, Section 62.25.'

COMMITTEE AMENDMENT

ROFS

1 Amend the bill in Part H in section 1 in §8101-A by striking out all of subsection 3
2 and inserting the following:

3 **3. Waivers.** Beginning with the 2012-2013 school year, a school administrative unit
4 that did not operate a gifted and talented program in the 2011-2012 school year may
5 apply to the commissioner for a one-year waiver of this requirement if full
6 implementation of this requirement presents an undue burden. The commissioner may
7 grant a school administrative unit a waiver upon receipt of an application from the school
8 administrative unit that includes the basis for the waiver request. Financial hardship is
9 one criterion the commissioner must consider in determining whether to grant a waiver.
10 The rules amended or adopted by the department under subsection 4 must establish
11 requirements applicable to the commissioner's authority to grant a one-year waiver to a
12 school administrative unit and must provide requirements for an extension of a one-year
13 waiver granted to a school administrative unit, including provisions that require that any
14 additional request for extensions must be submitted and reviewed on an annual basis.

15 **4. Rules.** The department shall amend or adopt routine technical rules as defined in
16 Title 5, chapter 375, subchapter 2-A establishing procedures and criteria for approval of
17 gifted and talented education programs under this chapter.'

18 Amend the bill by inserting after Part I the following:

19 **'PART J**

20 **Sec. J-1. 20-A MRSA §1466, sub-§9,** as enacted by PL 2009, c. 580, §9, is
21 repealed and the following enacted in its place:

22 **9. Required vote.** Before the municipality may withdraw from the regional school
23 unit, the withdrawal agreement must be approved by a majority vote of those casting
24 valid votes in the municipality, and the total number of votes cast for and against
25 withdrawal at the municipal vote must equal or exceed 50% of the total number of votes
26 cast in the municipality for Governor at the last gubernatorial election.

27 This subsection is repealed January 1, 2015.

28 **Sec. J-2. 20-A MRSA §1466, sub-§9-A** is enacted to read:

29 **9-A. Required vote; exception for a municipality of a school administrative**
30 **district that was reformulated as a regional school unit.** A 2/3 vote of those casting
31 valid votes in the municipality is required before a municipality that is a member
32 municipality of a school administrative district that was reformulated as a regional school
33 unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12
34 may withdraw from the regional school unit.

35 This subsection is repealed January 1, 2015.

36 **Sec. J-3. 20-A MRSA §1466, sub-§9-B** is enacted to read:

37 **9-B. Required vote.** Beginning January 1, 2015 a 2/3 vote of those casting valid
38 votes in the municipality is required before the municipality may withdraw from the
39 regional school unit.

1 **Sec. J-4. 20-A MRSA §1466, sub-§13**, as enacted by PL 2009, c. 580, §9, is
2 amended to read:

3 **13. Determination of results; execution of agreement.** If the commissioner finds
4 that a ~~2/3~~ majority of the voters voting on the article ~~have~~ has voted in the affirmative and
5 the total number of votes cast for and against the article equal or exceed 50% of the total
6 number of votes cast in the municipality for Governor at the last gubernatorial election,
7 the commissioner shall notify the municipal officers and the regional school unit board to
8 take steps for the withdrawal in accordance with the terms of the agreement for
9 withdrawal.

10 This subsection is repealed January 1, 2015.

11 **Sec. J-5. 20-A MRSA §1466, sub-§13-A** is enacted to read:

12 **13-A. Determination of results; execution of agreement; effective date.**
13 Beginning January 1, 2015, if the commissioner finds that a 2/3 majority of the voters
14 voting on the article has voted in the affirmative, the commissioner shall notify the
15 municipal officers and the regional school unit board to take steps for the withdrawal in
16 accordance with the terms of the agreement for withdrawal.

17 **PART K**

18 **Sec. K-1. 20-A MRSA §1511**, as amended by PL 2011, c. 171, §4, is further
19 amended to read:

20 **§1511. Supermajority vote to close school in the regional school unit**

21 A school operated within the regional school unit may not be closed for lack of need
22 unless closure of the school is approved at a regular or special meeting of the regional
23 school unit board by an affirmative vote of 2/3 of the elected membership or voting
24 power of those serving on the regional school unit board at the time of the vote. A
25 regional school unit must proceed in accordance with section 1512 for elementary schools
26 or for secondary schools if the regional school unit has more than one secondary school.
27 For regional school units with only one member municipality, section 1512 does not
28 apply and the regional school unit must proceed in accordance with section 4102,
29 subsection 4, paragraph B-1.'

30 Amend the bill by relettering or renumbering any nonconsecutive Part letter or
31 section number to read consecutively.

32 **SUMMARY**

33 This amendment is the majority report of the Joint Standing Committee on Education
34 and Cultural Affairs. The amendment makes the following changes to the bill.

35 1. It provides that the required annual audit of school administrative units must
36 include a determination of whether the school administrative unit has complied with
37 unexpended balances requirements established under the Maine Revised Statutes, Title
38 20-A, section 15004.

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2. It requires that the regional school unit budget meeting occur within 45 days after the failure of a budget validation referendum. The bill requires that the regional school unit budget meeting must occur within a 30-day time period.

3. It includes a definition of "foreign exchange student," with reference to federal laws and regulations, in the laws governing who is eligible to be counted as a resident student for state subsidy purposes.

4. It provides that a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year may apply to the Commissioner of Education for a one-year waiver if full implementation of the requirement presents an undue burden.

5. It provides that the rules amended or adopted by the Department of Education must establish the provisions applicable to the Commissioner of Education's authority to grant a one-year waiver to a school administrative unit that did not operate a gifted and talented program in the 2011-2012 school year. The rules must also address the commissioner's authority to review additional extension requests on an annual basis.

6. It amends the requirement in current law that provides that a municipality may withdraw from a regional school unit only after a 2/3 vote approves a withdrawal agreement that is placed before the voters of the municipality in a municipal election. The amendment:

A. Provides that a municipality may withdraw from a regional school unit only after the withdrawal agreement is approved by a majority vote of those casting valid votes in the municipality and the total number of votes cast for and against the withdrawal agreement equals or exceeds 50% of the total number of votes cast in the municipality for Governor at the last gubernatorial election. These requirements are repealed January 1, 2015, at which time the 2/3 vote requirement will be reinstated; and

B. Provides an exception for a member municipality of a school administrative district that was reformulated as a regional school unit pursuant to Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12 by continuing to require a 2/3 vote of those casting valid votes in the municipality before the member municipality of the reformulated school administrative district may withdraw from the regional school unit. This requirement is repealed January 1, 2015.

7. It amends the supermajority vote needed to close a school within a regional school unit by providing that a school may not be closed for lack of need unless closure of the school is approved by an affirmative vote of 2/3 of the elected membership or voting power of those serving on the regional school unit board of directors at the time of the vote.

FISCAL NOTE REQUIRED
(See attached)

COMMITTEE AMENDMENT



125th MAINE LEGISLATURE

LD 1742

LR 2563(02)

An Act To Amend Education Laws

Fiscal Note for Bill as Amended by Committee Amendment "A" (H-757)

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

State Mandate - Unfunded

State Mandates

Required Activity

Requires local school administrative units to implement a gifted and talented education program.

Unit Affected

School

Local Cost

Moderate statewide

The required local activities in this bill may represent a State mandate pursuant to the Constitution of Maine. Unless General Fund appropriations are provided to fund at least 90% of the additional costs or a Mandate Preamble is amended to the bill and two-thirds of the members of each House vote to exempt this mandate from the funding requirement, municipalities may not be required to implement these changes.

Fiscal Detail and Notes

Additional costs to the Department of Education associated with rulemaking can be absorbed within existing budgeted resources.