# MAINE STATE LEGISLATURE

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## 126th MAINE LEGISLATURE

## **FIRST REGULAR SESSION-2013**

**Legislative Document** 

No. 1441

H.P. 1035

House of Representatives, April 24, 2013

An Act To Align the Formation of Governing Boards of Career and Technical Education Regions with That of Other Public Schools

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

Millient M. Macfarland MILLICENT M. MacFARLAND Clerk

Presented by Representative CHAPMAN of Brooksville. Cosponsored by Senator GRATWICK of Penobscot.

2	Sec. 1. 20-A MRSA §405, sub-§11 is enacted to read:
3 4 5 6 7 8	11. Career and technical school election procedures. The state board shall establish by rule procedures and standards for the election of members of career and technical education region cooperative boards formed under chapter 313. The procedures and standards must conform, to the maximum extent possible, to the procedures and standards established for the election of directors of school administrative districts pursuant to chapter 103, subchapter 3, including:
9	A. The methods of representation;
10	B. Procedures for the election of initial and subsequent members;
11	C. Procedures for filling of vacancies; and
12	D. The method for establishing terms of office.
13 14	Rules adopted under this subsection are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.
15 16	<b>Sec. 2. 20-A MRSA §8452, sub-§1, ¶B,</b> as amended by PL 1991, c. 518, §19, is further amended to read:
17 18 19	B. The number composition of the cooperative board or apportionment of members of the cooperative board to represent each unit or group of units in accordance with rules adopted by the state board under section 405, subsection 11; and
20 21	<b>Sec. 3. 20-A MRSA §8452, sub-§1,</b> ¶C, as amended by PL 1991, c. 518, §19, is repealed.
22 23	<b>Sec. 4. 20-A MRSA §8452, sub-§5,</b> as amended by PL 1991, c. 518, §19, is repealed.
24 25	<b>Sec. 5. 20-A MRSA §8452, sub-§6, ¶A,</b> as amended by PL 1991, c. 518, §19, is further amended to read:
26 27	A. The superintendents of the units within the region shall call a meeting of the cooperative board members appointed pursuant to subsection 5.
28 29	<b>Sec. 6. 20-A MRSA §8453-A, sub-§§1 and 2,</b> as enacted by PL 1991, c. 518, §21, are amended to read:
30 31 32	1. Requirements. Each In accordance with rules adopted by the state board under section 405, subsection 11 and the decision of the school boards of the units located in a region in accordance with section 8452, each member of a cooperative board must:
33	A. Represent a unit or group of units within the region; and
34	B. Represent a unit in which the member resides; and.

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

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- C. Represent approximately the same number of persons residing within the region as each other member of the cooperative board or, by means of weighted voting, cast a vote on the cooperative board that is approximately equal to the number of persons in the region represented by the member relative to the number of persons in the region as a whole.
  - **2. Members of school boards.** A person appointed elected to a cooperative board is not required to be a member of a school board that appoints that member to that cooperative board.

### Sec. 7. 20-A MRSA §8453-B is enacted to read:

#### §8453-B. Reapportionment

The membership of a cooperative board may be reapportioned in accordance with this section.

- 1. Duties of commissioner. Membership of cooperative boards must be apportioned in accordance with the one-person, one-vote principle. The commissioner shall determine if the membership of a cooperative board is apportioned in accordance with the one-person, one-vote principle if:
  - A. The commissioner receives a request by the cooperative board; or
- B. The commissioner receives a petition signed by a number of voters within the region equal to at least 10% of the voters who voted in the last gubernatorial election in that region.
- In addition to a determination initiated by a request pursuant to paragraph A or a petition pursuant to paragraph B, the commissioner may, of the commissioner's own accord, determine that board membership is not apportioned according to the one-person, one-vote principle.
  - The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.
    - 2. Awaiting census results. If the commissioner receives a request or petition pursuant to subsection 1 within 12 months before a Federal Decennial Census or Federal Estimated Census, the commissioner may wait until after the new census figures are available to make the determination under subsection 1.
    - 3. Findings and order. If the commissioner finds the cooperative board representation is not apportioned in accordance with the principle of one person, one vote, the commissioner, within 7 days of that decision, shall notify the cooperative board of the finding and order the cooperative board to notify the school boards of the units located in the region and the cooperative board to create a reapportionment committee. The cooperative board's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the cooperative board's notification.

1	4. Reapportionment committee membership. The reapportionment committee
2	consists of one school board member and one citizen from each unit within the region,
3	chosen by the respective school boards, and one member of the cooperative board, chosen
4	by the cooperative board. The appointments must be made prior to the first meeting of the
5	committee.
6	5. Quorum. A majority of the reapportionment committee constitutes a quorum.
7	6. Duties of commissioner. The commissioner shall provide the reapportionment
8	committee with the most recent Federal Decennial Census or Federal Estimated Census
9	figures for each unit within the region and at least one recommended apportionment plan.
10	7 Duties of the recommentionment committee. The recomment committee
10	7. Duties of the reapportionment committee. The reapportionment committee
11	<u>shall:</u>
12	A. Elect a chair and secretary and may adopt suitable rules of procedure;
13	B. Consider and by majority vote adopt a reapportionment plan including the method
14	of representation, total number of cooperative board members and number of
15	cooperative board members representing each unit or group of units; and
16	C. Within 90 days of the first meeting, send a report of the committee's
17	reapportionment plan to the commissioner for approval. The committee may, within
18	the 90-day limit, submit alternative plans for apportionment.
19	8. Commissioner approval. The commissioner shall approve or disapprove the
20	reapportionment committee's plan under subsection 7 within 30 days of receiving it.
20	reapportionment committees plan under subsection 7 widin 30 days of receiving it.
21	9. Failure to gain commissioner approval. If a reapportionment plan has not been
22	adopted by the reapportionment committee within the time limit of subsection 7 or
23	approved by the commissioner within the time limit of subsections 7 and 8, the
24	commissioner shall prepare a suitable plan.
25	10 Putting the approved plan into effect. On approved of a reapportionment plan
26	10. Putting the approved plan into effect. On approval of a reapportionment plan, the commissioner shall send a certified copy of the plan to the school boards within the
27	region and the cooperative board. The original reapportionment plan must be retained in
28	department files.
20	department mes.
29	A. The reapportionment plan takes effect immediately upon approval by the
30	commissioner. The reapportionment committee shall determine the terms of the
31	members to be elected at the next annual elections to comply with the plan.
32	B. If the reapportionment plan requires a reduction of the number of members to be
33	elected in a unit, the reduction must be achieved in accordance with this paragraph.
34	(1) If possible, the reduction must be achieved by the voluntary resignation of
35	one or more of the members.
36	(2) If the reduction cannot be achieved in accordance with subparagraph (1) and
37	the plan is approved by the commissioner and filed less than 30 days prior to the
38	annual election, the number of open positions to be filled by the election process
39	must be reduced to the number required by the approved plan.

- (3) If the reduction cannot be achieved in accordance with subparagraphs (1) and (2), the remaining existing members representing the unit shall choose by lot which members' terms must terminate.
  - C. If the reapportionment plan requires that additional members be elected in a unit, the school board shall fill the vacancies by appointment. A new member serves until a successor is elected and qualified at the next annual election.
  - <u>D.</u> The reapportionment committee is dissolved after the reapportionment plan is implemented.
- 11. Duties of present members during reapportionment. The cooperative board, during the reapportionment of its membership, serves as the legal representative of the career and technical education region until the reapportionment is completed. The board shall carry out all business of the region, including the borrowing of funds that may be required during the period of reapportionment.
- 12. State board review of commissioner's decisions. A cooperative board or an interested party may request that the state board reconsider decisions made by the commissioner under this section. The state board has the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.
- Sec. 8. Adoption of rules; transition. The State Board of Education shall adopt rules under the Maine Revised Statutes, Title 20-A, section 405, subsection 11 establishing procedures and standards for the election of members of career and technical education region cooperative boards no later than June 1, 2014. Within 12 months of the adoption of the rules, each career and technical education region must, in accordance with Title 20-A, sections 8452 and 8453-A, adopt an election procedure provided for under the state board's rules and conduct or oversee elections to elect all members of its cooperative board. Members of cooperative boards serving on the effective date of this Act continue to serve, and those boards continue to possess the full legal authority of cooperative boards under Title 20-A, chapter 313 until their successors are elected and qualified in accordance with rules adopted by the state board under Title 20-A, section 405, subsection 11. In the event of a board vacancy for any reason prior to the election and qualification of board members in accordance with this section, including but not limited to the expiration of a member's term, the school board of the unit within the region shall appoint a member to fill the vacancy in accordance with those appointment methods and standards specified in Title 20-A, section 8452, former subsection 5.

35 SUMMARY

This bill requires the members of the cooperative boards of career and technical education regions to be elected. Currently, members are appointed by the school boards of units within a region. This bill requires the State Board of Education to establish by rule election procedures and standards that the school boards of the units within each region must then choose among and adopt. The procedures and standards are required to be as similar as possible to those provided for the election of directors of school administrative districts. The bill provides for a transition period to allow for the adoption

of rules by the state board, adoption of procedures by each region and the holding of the necessary elections.