

MAINE STATE LEGISLATURE

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128th MAINE LEGISLATURE

FIRST REGULAR SESSION-2017

Legislative Document

No. 51

H.P. 37

House of Representatives, January 10, 2017

An Act Regarding the Withdrawal of a Single Municipality from a Regional School Unit

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

A handwritten signature in cursive script that reads "Robert B. Hunt".

ROBERT B. HUNT
Clerk

Presented by Representative TURNER of Burlington.
Cosponsored by Senator MAKER of Washington and
Representatives: HANINGTON of Lincoln, HEAD of Bethel, KINNEY of Knox,
MASTRACCIO of Sanford, McCREA of Fort Fairfield, PARRY of Arundel, TUELL of East
Machias, WALLACE of Dexter.

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

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

4 A. The commissioner shall direct the municipal officers of the petitioning
5 municipality to select representatives to a withdrawal committee as follows: one
6 member from the municipal officers, one member from the general public and one
7 member from the group filing the petition. The commissioner shall also direct the
8 directors of the regional school unit board representing the petitioning municipality to
9 select one member of the regional school unit board who represents that municipality
10 to serve on the withdrawal committee. The municipal officer and the member of the
11 regional school unit board serve on the withdrawal committee only so long as they
12 hold their respective offices. Vacancies must be filled by the municipal officers and
13 the regional school unit board. The chair of the regional school unit board shall call a
14 meeting of the withdrawal committee within 30 days of the notice of the vote in
15 subsection 3. The chair of the regional school unit board shall open the meeting by
16 presiding over the election of a chair of the withdrawal committee. The
17 responsibility for the preparation of the agreement rests with the withdrawal
18 committee, subject to the approval of the commissioner. If the withdrawal committee
19 submits a proposed agreement to the directors of the regional school unit board, the
20 directors shall respond to the withdrawal committee within 30 days of receipt of the
21 proposed agreement. The withdrawal committee may request the commissioner to
22 provide assistance to the withdrawal committee and the directors of the regional
23 school unit board in any negotiations that may occur between the withdrawal
24 committee and the directors of the regional school unit board relating to the
25 agreement. If requested, the commissioner shall provide that assistance. The
26 withdrawal committee may draw upon the resources of the department for
27 information not readily available at the local level and employ competent advisors
28 within the fiscal limit authorized by the voters. The agreement must be submitted to
29 the commissioner within 90 days after the withdrawal committee is formed.
30 Extensions of time may be granted by the commissioner upon the request of the
31 withdrawal committee.

32 (1) The agreement must contain provisions to provide educational services for all
33 students of the petitioning municipality within the regional school unit. The
34 agreement must provide that during the first year following the withdrawal
35 students may attend the school they would have attended if the petitioning
36 municipality had not withdrawn. The allowable tuition rate for students sent from
37 one municipality to another in the former regional school unit must be
38 determined under section 5805, subsection 1, except that it is not subject to the
39 state per pupil average limitation in section 5805, subsection 2.

40 (2) The agreement must establish that the withdrawal takes effect at the end of
41 the regional school unit's fiscal year.

42 (3) The agreement must establish that the withdrawal will not cause a need
43 within 5 years from the effective date of withdrawal for school construction
44 projects that would be eligible for state funds. This limitation does not apply

1 when a need for school construction existed prior to the effective date of the
2 withdrawal or when a need for school construction would have arisen even if the
3 municipality had not withdrawn.

4 (4) The agreement must establish how transportation services will be provided.

5 (5) The agreement must provide for administration of the new administrative
6 unit, which should not include the creation of new supervisory units if at all
7 possible.

8 (6) The agreement must make provision for the distribution of financial
9 commitments arising from outstanding bonds, notes and any other contractual
10 obligations that extend beyond the proposed date of withdrawal.

11 (7) The agreement must provide appropriately for the distribution of any
12 outstanding financial commitments to the superintendent of the regional school
13 unit.

14 (8) The agreement must provide for the continuation and assignment of
15 collective bargaining agreements as they apply to the new or reorganized regional
16 school unit for the duration of those agreements and must provide for the
17 continuation of representational rights.

18 (9) The agreement must provide for the continuation of continuing contract
19 rights under section 13201.

20 (10) The agreement must provide for the disposition of all real and personal
21 property and other monetary assets.

22 (11) The agreement must provide for the transition of administration and
23 governance of the schools to properly elected governing bodies of the newly
24 created administrative unit and must provide that the governing body may not be
25 elected simultaneously with the vote on the article to withdraw unless the
26 commissioner finds there are extenuating circumstances that necessitate
27 simultaneous elections.

28 (12) The agreement must contain provisions to provide child nutrition services in
29 compliance with state and federal laws at schools operated by the petitioning
30 municipality.

31 (13) The agreement must include an anticipated budget for the petitioning
32 municipality for the first year of operation of schools operated by the petitioning
33 municipality. The budget must include an estimate of all revenues and
34 expenditures in accordance with the cost center summary budget format pursuant
35 to section 1485.

36 SUMMARY

37 This bill adds requirements to an agreement for withdrawal of a single municipality
38 from a regional school unit. The additional requirements are a plan for providing child
39 nutrition services and an anticipated budget for the first year of operation of schools
40 operated by the petitioning municipality. The bill requires the directors of a regional
41 school unit board to respond to a proposed agreement of a withdrawing municipality

1 within 30 days. It also authorizes a withdrawing municipality to request the
2 Commissioner of Education to provide assistance to the withdrawing municipality and
3 the directors of the regional school unit board in negotiations relating to the withdrawal
4 agreement.