

MAINE STATE LEGISLATURE

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L.D. 176

Date: 4-11-22

(Filing No. H-969)

EDUCATION AND CULTURAL AFFAIRS

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
130TH LEGISLATURE
SECOND REGULAR SESSION**

COMMITTEE AMENDMENT "A" to H.P. 129, L.D. 176, "An Act To Facilitate a Grade 9 to 16 School Project"

Amend the bill by striking out everything after the enacting clause and inserting the following:

Sec. 1. Authorization. The voters of School Administrative District No. 4, School Administrative District No. 41 and School Administrative District No. 46 are authorized to form a community school district under this Act. The community school district is authorized to be formed only if the voters of each of these 3 school administrative districts approve the formation in accordance with section 4. The voters of Regional School Unit No. 64 are also authorized to participate in forming the community school district under this Act in accordance with section 4. If formed, the new community school district is authorized to construct a regional high school integrated with career and technical education and postsecondary educational opportunities that the State Board of Education has placed on the 2017-2018 approved projects list.

Sec. 2. Organization; operation; name. If the community school district authorized under this Act is approved, the community school district:

- 1. Is a school administrative unit responsible for grades 9 to 12 under this Act and the general law;
- 2. Shall operate a career and technical education center that is designated to serve the students within its geographic region and that replaces the career and technical education center operated by School Administrative District No. 46;
- 3. Is established as a body politic and corporate and a quasi-municipal corporation within the meaning and for purposes of Title 30-A, section 5701; and
- 4. Consists of School Administrative District No. 4, School Administrative District No. 41 and School Administrative District No. 46. Regional School Unit No. 64, if approved by the voters of that regional school unit, may also be a member.

COMMITTEE AMENDMENT

1 The community school district territory includes the territories of its member school
2 administrative units.

3 The initial name of the community school district is "MidMaine Community School
4 District." At the first budget meeting of the community school district, the voters may select
5 a different name under a warrant article provided for that purpose.

6 **Sec. 3. Continuity for approved regional high school.** Before the formation of
7 the community school district under this Act, School Administrative District No. 4, School
8 Administrative District No. 41 and School Administrative District No. 46 are authorized to
9 form a joint regional high school committee from their school board memberships. The
10 committee is authorized to take all necessary or appropriate steps for the regional high
11 school that the State Board of Education has placed on the 2017-2018 approved projects
12 list to receive concept approval. Notwithstanding any provision of law to the contrary, the
13 State Board of Education is authorized to accept joint applications from and grant project
14 approvals to the joint regional high school committee, including site approval and concept
15 approval, but may not give further approvals after concept approval unless the formation
16 of the community school district and the regional high school project are approved pursuant
17 to this Act. Regional School Unit No. 64 may but is not required to participate in the joint
18 regional high school committee if approved by the State Board of Education. The State
19 Board of Education shall include all school administrative units and career and technical
20 education centers and regions affected by this Act in the planning and approval process.

21 **Sec. 4. Referendum.** The community school district may be formed by favorable
22 referendum votes in School Administrative District No. 4, School Administrative District
23 No. 41 and School Administrative District No. 46 as provided in this Act. Any of the
24 school boards of those school administrative districts may decide not to hold the
25 referendum, in which case the community school district may not be formed. The referenda
26 to approve the formation of the community school district and the construction financing
27 of the new regional high school must occur:

28 1. On the same day mutually selected by the 3 required school administrative district
29 school boards; or

30 2. If a date is not mutually selected by the 3 required school administrative district
31 school boards, on the first statewide election day occurring at least 90 days following State
32 Board of Education concept approval of the regional high school project.

33 The ballot questions for the formation of the new community school district and the
34 financing of the new regional high school construction must be substantially in the
35 following forms, with such changes in form and content as the school boards of the
36 proposed member school administrative units determine the development of the project
37 requires:

38 "Do you favor [name of school administrative unit voting] joining a new
39 community school district for the operation of grades 9 through 12, and
40 accepting the provisions of "An Act to Facilitate a Grade 9 to 16 School
41 Project," enacted by the Legislature?"

42 "Do you favor authorizing the school board of the new community school
43 district to issue bonds or notes in the name of the community school district
44 in an amount not to exceed \$..... to construct and equip a

1 regional high school with programming for both regular secondary
2 education and career and technical education and with opportunities for
3 postsecondary instruction, all on a single campus to be located at
4

5 The 2nd question must be accompanied by disclosure information for school
6 construction projects required by law. Both questions may be modified or accompanied by
7 other information that the school boards provide to accurately inform the voters. Unless
8 both questions are approved by a majority of the voters voting in each of the 3 required
9 school administrative districts, the community school district may not be formed.

10 The school board of Regional School Unit No. 64 may call a similar referendum on the
11 same day for purposes of joining the community school district formed under this Act. If
12 the voters of that regional school unit approve both questions, Regional School Unit No.
13 64 may also be a member of the community school district. If the school board of Regional
14 School Unit No. 64 elects not to participate in the referendum, or if it participates and its
15 voters do not approve both questions, it is not a member of the community school district.

16 After the referendum, the secretary of each school administrative district, and Regional
17 School Unit No. 64, if applicable, shall file a return of voting with the Commissioner of
18 Education. The commissioner shall determine if each of the school administrative units by
19 majority vote has approved both questions and shall notify the 3 required school
20 administrative districts, and Regional School Unit No. 64, if applicable, whether the
21 community school district is formed and whether the membership also includes Regional
22 School Unit No. 64.

23 **Sec. 5. Certificate of organization; transitional period.** If the community
24 school district is formed, the Commissioner of Education shall issue to the member school
25 administrative units a dated certificate of organization for the community school district
26 setting forth the community school district's official name, listing its member school
27 administrative units and describing the composition and voting method of its school board
28 and the cost-sharing formula. The certificate of organization is conclusive evidence of the
29 community school district's lawful organization. The commissioner shall report the results
30 to the State Board of Education. The effective date of organization is the date the
31 commissioner issues the certificate, as long as the community school district's first
32 operational year begins on a July 1st that follows the date of the referendum by at least 210
33 days. The period between the date of organization and the beginning of the first operational
34 year is a transitional period as described in sections 8 and 9.

35 **Sec. 6. Governance; board composition and apportionment.** If the
36 community school district is formed, the school board of the community school district is
37 a district school committee for all purposes of and has the duties and authority of a
38 community school district board of trustees under the Maine Revised Statutes, Title 20-A,
39 chapter 105. The members of the school board must be selected by appointment from the
40 school boards of the member school administrative units, as provided by the general law
41 for a community school district that does not include kindergarten and grades one to 12.
42 The school board of the community school district consists of 12 members if Regional
43 School Unit No. 64 is a member and 9 members if it is not. Since the board is an appointed
44 board, representation and voting power are equally divided among the member school
45 administrative units. The voters of the community school district may authorize a change

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1 in the number of school board members appointed by each member school administrative
2 unit, as long as the number of board members each member school administrative unit
3 appoints and the voting power of each school board member remains equal.

4 **Sec. 7. Continued existence.** Upon the beginning of the community school district's
5 first operational year, the member school administrative units continue to exist for all
6 purposes of kindergarten and grades 1 to 8, and for prekindergarten if applicable,
7 notwithstanding the provisions of the Maine Revised Statutes, Title 20-A, sections 1258
8 and 1479. The State Board of Education shall issue the member school administrative units
9 amended certificates of organization effective July 1st of the first operational year of the
10 community school district which are conclusive evidence of their continued lawful
11 organization, as amended. The member school administrative units must continue to
12 receive all federal and state school subsidy and general purpose aid for grades 9 to 12 until
13 the beginning of the first operational year of the community school district. Beginning in
14 the first operational year of the community school district, the member school
15 administrative units must continue to receive federal and state school subsidies and general
16 purpose aid for kindergarten and grades 1 to 8, and for prekindergarten if applicable. The
17 member school administrative units as reorganized are governed by all of the applicable
18 provisions of Title 20-A to the extent not in conflict with this Act.

19 **Sec. 8. Community school district during transitional period.** Upon receipt
20 of the certificate of organization of the community school district, the school board of each
21 member school administrative unit shall appoint from its membership 3 individuals to serve
22 on the school board of the community school district. The superintendent of Alternative
23 Organizational Structure No. 94 shall call the first meeting of the school board and
24 supervise the oaths of office and the election of a board chair. The school board shall elect
25 a chair at its first meeting. The school board shall select a superintendent, who may be the
26 superintendent of one of the member school administrative units, to serve as the
27 superintendent of the community school district during the transitional period. During the
28 transitional period, the school board shall prepare and submit the community school
29 district's budget for the first operational year in accordance with this Act and the general
30 law. During the transitional period, the school board has all authority reasonably necessary
31 to prepare for the first operational year and for the design, construction and financing of
32 the new regional high school, including hiring a superintendent and other employees,
33 adopting school policies, negotiating contracts and collective bargaining agreements for
34 the first operational year and thereafter, opening accounts, contracting for services and
35 property, including a site for the new regional high school, closing on real estate for the
36 new regional high school, issuing bonds or notes for the regional high school project or for
37 other capital or working capital needs and other authority necessary for those purposes and
38 provided to school committees of fully operational community school districts by the
39 general law.

40 **Sec. 9. School district members during transitional period.** If the community
41 school district is formed, the member school administrative units are responsible for the
42 costs of the community school district incurred for the transitional period in an amount
43 reasonably determined by the school board of the community school district in proportion
44 to their secondary pupil counts on the state funding reports for each member school
45 administrative unit for that fiscal year. The member school administrative units shall fund
46 an account opened by the community school district for those costs. The member school

1 administrative units shall continue to operate secondary schools during the transitional
2 period.

3 **Sec. 10. Educational continuity and coordination.** If the community school
4 district is formed, the community school district and its member school administrative units
5 shall consult and work together to achieve educational continuity and coordinate the
6 transfer of responsibility for grades 9 to 12 to the community school district for its first
7 operational year and thereafter.

8 **Sec. 11. Transfer of assets; assumption of liabilities.** If the community school
9 district is formed, all real property that is currently owned or used for grades 9 to 12 must
10 remain property of the member school administrative units, for the members' use or
11 disposition. The community school district shall lease the high schools and the career and
12 technical education center from the member school administrative units from year-to-year
13 for \$1.00 annual rent plus all building costs, including insurance, utilities, maintenance and
14 repairs, together with an amount equal to the annual debt and heating, ventilation and air
15 conditioning lease payments on the high schools, if any, during the period commencing on
16 July 1st of the first operational year and ending upon the substantial completion and
17 occupancy of the new regional high school. For any buildings used by the high school
18 grades and by other grades or for other purposes, the costs must be allocated equitably for
19 purposes of this section. As of July 1st of the first operational year of the community school
20 district, the member school administrative units shall reach an equitable agreement with
21 the community school district to share transportation costs and services. When appropriate,
22 this may include transfer of title to an equitable portion of a member school administrative
23 unit's bus fleet to the community school district for its use and disposition, subject to
24 outstanding financing. The community school district shall pay the costs of outstanding
25 financing on transferred buses when or before due. As of July 1st of the first operational
26 year of the community school district, the member school administrative units shall also
27 transfer by bill of sale or other instrument ownership of all other equipment, furnishings
28 and other tangible and intangible assets, including accounts receivable but excluding cash,
29 purchased or primarily used by or attributable to high schools or the career and technical
30 education center, subject to outstanding financing. The community school district shall pay
31 the costs of outstanding financing for transferred assets when or before due. The member
32 school administrative units shall also equitably share with the community school district
33 the costs and benefits of service contracts with vendors.

34 **Sec. 12. Allocation of existing fund balances; accrued liabilities.** If the
35 community school district is formed, as of July 1st of the first operational year of the
36 community school district, and no later than that date, each member school administrative
37 unit shall transfer an estimated share of all funds, allocable in proportion to its number of
38 secondary students and the total number of students in that member school administrative
39 unit on the state funding report of the member for that year. The amount transferred may
40 be reduced if necessary so as not to be more than an amount that is equitably proportionate
41 to the amounts transferred by the other member school administrative units to the
42 community school district based on their respective numbers of secondary and total
43 students. These amounts may be adjusted by additional payments or refunds, based on
44 completed audits of the member school administrative units for the fiscal year prior to the
45 first operational year, and within 45 days of the completion of those audits. The community
46 school district shall pay the accrued summer salary and benefit liabilities of the member

1 school administrative units attributable to their secondary teachers and staff for the fiscal
 2 year prior to the first operational year of the community school district and payable in the
 3 first operational year of the community school district.

4 **Sec. 13. Transfer of teachers and employees; system administrators.** If the
 5 community school district is formed, as of July 1st of the first operational year of the
 6 community school district, the provisions of the Maine Revised Statutes, Title 20-A,
 7 section 1464, subsection 4 apply with respect to those teachers and employees of the
 8 member school administrative units that work primarily at the secondary level or on behalf
 9 of secondary students. All teachers and employees of the member school administrative
 10 units that work primarily at the elementary school level or on behalf of elementary students
 11 must retain the same employment status with the member school administrative unit
 12 employing them. It is the intent of this Act to neither decrease nor increase the rights and
 13 benefits of transferred employees or the employer. The community school district school
 14 board and the school boards of the member school administrative units shall negotiate in
 15 good faith the transfer or sharing of system administrator contracts whose terms expire after
 16 the first operational year of the community school district.

17 **Sec. 14. Collective bargaining.** If the community school district is formed, as of
 18 July 1st of the first operational year of the community school district, the provisions of the
 19 Maine Revised Statutes, Title 20-A, section 1464 apply and the school board of the
 20 community school district is the employer with respect to the teachers and employees
 21 transferred to the community school district under the provisions of this Act. Each school
 22 board of the respective member school administrative units shall continue to be the
 23 employer under its collective bargaining agreements with respect to the teachers and
 24 employees that have not transferred to the community school district under this Act.

25 **Sec. 15. Dispute resolution.** If the community school district is formed, the
 26 Commissioner of Education or the commissioner's designee is authorized to settle any
 27 disputes that may arise between the community school district and its member school
 28 administrative units or between the member school administrative units under sections 9 to
 29 12 and with respect to administrator contracts under section 13. The commissioner's
 30 decision is final and binding.

31 **Sec. 16. Borrowing; lease purchasing.** The school board of the community school
 32 district has the same authority to borrow for capital project and capital equipment needs
 33 that a community school district board of trustees has under the general law in effect on the
 34 effective date of this Act to borrow for minor capital costs. Except as provided by this
 35 section, in order to issue bonds or notes for capital borrowing, the voters of the community
 36 school district must approve a warrant article authorizing the school board to issue bonds
 37 or notes at a district meeting or district referendum of the community school district called
 38 and held as provided by this Act. If the principal amount to be borrowed added to the then
 39 remaining total principal of all outstanding bonds or notes for capital project and capital
 40 equipment needs that the voters approved at a district meeting exceeds 0.25% of the
 41 adjusted state valuation of the municipalities of the member school administrative units,
 42 voter approval must be by referendum. Borrowing for school construction projects must
 43 be approved by referendum to the extent required by the general law. Bonds and notes are
 44 general obligations of the community school district secured by its full faith and credit.
 45 Bonds or notes issued during the transitional period are payable after the start of the first
 46 operational year of the community school district. The school board of the community

1 school district may borrow for operating costs and may enter into lease-purchase
2 agreements to the extent and for the purposes permitted under the general law.

3 **Sec. 17. Budget format and procedure.** The format and procedure for the
4 operating budget of the school operated by the community school district to be presented
5 to the voters of the community school district must be the cost center summary budget
6 format and the budget validation referendum procedure of the general law or as may be
7 otherwise provided by the general law. The format and procedure may be changed to the
8 extent permitted or required by the general law.

9 **Sec. 18. Cost sharing; assessment.** The community school district shall apportion
10 amounts to the municipalities of its member school administrative units for the required
11 local contribution based on the Maine Revised Statutes, Title 20-A, chapter 606-B and
12 amounts to the municipalities of its member school administrative units for additional local
13 funds based on the number of resident secondary pupils in each municipality as calculated
14 under chapter 606-B. The community school district shall:

15 1. Assess and collect school taxes from the municipalities of its member school
16 administrative units as provided by the general law; and

17 2. Follow procedure of the general law for amendment of cost sharing. The referendum
18 procedure used to form the community school district is the manner of adoption of the
19 original formula for cost sharing.

20 **Sec. 19. District meeting procedures.** The community school district shall conduct
21 budget meetings and special budget meetings in the manner provided under the general
22 law. The community school district may conduct other district meetings in the manner
23 provided for school district budget meetings under the general law.

24 **Sec. 20. District referendum procedures.** The community school district shall
25 conduct referenda for purposes described in this Act or the general law in the manner
26 provided for regional school units under the Maine Revised Statutes, Title 20-A, chapter
27 103-A.

28 **Sec. 21. Controlling law.** If any provision of this Act conflicts with the Maine
29 Revised Statutes, Title 20-A, chapter 105, the provisions of this Act control. For purposes
30 of applying a provision of Title 20-A, chapter 105 to the community school district's
31 member school administrative units, "school board" may be substituted for "municipal
32 officers" and "school administrative district" or "regional school unit" may be substituted
33 for "municipality" or "town," when the substitution is necessary to fulfill the purpose and
34 intent of that provision and does not conflict with this Act.'

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

37 **SUMMARY**

38 This amendment strikes the bill and replaces it with a private and special law. The
39 amendment authorizes the voters of School Administrative District No. 4, School
40 Administrative District No. 41 and School Administrative District No. 46 to proceed with
41 a regional high school project that the State Board of Education has placed on the approved
42 projects list, by forming a community school district for the new regional high school. The

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COMMITTEE AMENDMENT "A" to H.P. 129, L.D. 176

1 amendment also authorizes the voters of Regional School Unit No. 64 to participate and
2 join the community school district.

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FISCAL NOTE REQUIRED

4

(See attached)

COMMITTEE AMENDMENT



130th MAINE LEGISLATURE

LD 176

LR 1263(02)

An Act To Facilitate a Grade 9 to 16 School Project

Fiscal Note for Bill as Amended by Committee Amendment *A.(H-969)*

Committee: Education and Cultural Affairs

Fiscal Note Required: Yes

Fiscal Note

No state fiscal impact

Fiscal Detail and Notes

Allowing School Administrative District No. 4, School Administrative District No. 41 and School Administrative District No. 46 to form a community school district, if approved by the voters of each of the 3 school districts, will not increase the total cost of K-12 public education or the State's share of that cost.