

MAINE STATE LEGISLATURE

The following document is provided by the
LAW AND LEGISLATIVE DIGITAL LIBRARY
at the Maine State Law and Legislative Reference Library
<http://legislature.maine.gov/lawlib>



Reproduced from scanned originals with text recognition applied
(searchable text may contain some errors and/or omissions)

N I N E T Y - E I G H T H L E G I S L A T U R E

Legislative Document

No. 1549

STATE OF MAINE

IN THE YEAR OF OUR LORD NINETEEN HUNDRED
FIFTY-SEVEN

EDUCATION BILL

(S. P. 515—L. D. 1478)

BILL AN ACT Relating to Educational Aid and Reorganization of School
Administrative Units.

as passed to be engrossed in Senate, May 1, 1957 with all amendments adopted by Senate incorporated therein. Parts of bill not effected by amendments listed only.

Printed by order of the House.

Sec. 1. R. S., c. 41, §§ 237-A - 237-H, additional. Chapter 41 of the Revised Statutes is hereby amended by adding thereto 8 new sections, to be numbered 237-A to 237-H, inclusive, to read as follows:

'Sec. 237-A. Minimum salaries for teachers. Each administrative unit operating public schools within the State shall employ only certified teachers and after July 1, 1958, shall pay such teachers, except substitute teachers as defined by the State Commissioner of Education, the minimum salaries as follows:

Years of Teaching Experience	Certified Teachers	Teachers with 3 years of Professional Study beyond High School	Teachers with 4 years of Professional Study beyond High School and with a Bachelor's Degree	Teachers with an earned Master's Degree
0	\$2,200	\$2,600	\$3,000	\$3,200
1	2,300	2,700	3,100	3,300
2	2,400	2,800	3,200	3,400
3	2,500	2,900	3,300	3,500
4	2,600	3,000	3,400	3,600
5	2,700	3,100	3,500	3,700
6	2,800	3,200	3,600	3,800

Years of Teaching Experience	Certified Teachers	Teachers with 3 years of Professional Study beyond High School	Teachers with 4 years of Professional Study beyond High School and with a Bachelor's Degree	Teachers with an earned Master's Degree
7	2,900	3,300	3,700	3,900
8	3,000	3,400	3,800	4,000
9	3,100	3,500	3,900	4,100
10	3,200	3,600	4,000	4,200

Notwithstanding the provisions of this paragraph no town shall be required to increase the salary of any teacher more than \$300 in any one school year. Any administrative unit which fails to comply with any of these conditions shall have deducted from its apportionment a sum equal to that by which it is delinquent.

After providing an opportunity for a hearing, the State Board of Education, on recommendation of the Commissioner, may adjust the state subsidy to an administrative unit when, in the opinion of the Board, the expenditures for education in such unit shows evidence of manipulation to gain an unfair advantage or are adjudged excessive.

Sec. 237-B. Reimbursement for professional credits. Whenever any certified teacher completes, within any 2-year period, 6 credit hours of additional professional work approved by the Commissioner and receives supplementary financial assistance in an amount not less than \$50 from an administrative unit, said unit shall receive reimbursement of \$50 from the State for such expenditure at the next distribution of state funds. The renewal of each teaching certificate shall be conditional on the completion of at least 6 semester hours of professional study within each period of 5 years, excepting that

I. Teachers qualifying for standard grade certificates, completing 18 semester hours of post-baccalaureate study, and teaching successfully for not less than 4 years, and

II. Certified teachers who have taught successfully for not less than 25 years may be declared eligible to a 10-year term certificate, renewal of which being conditional upon the presentation of evidence of professional improvement acceptable to the Commissioner.

If the employment of teachers under permits or other special licenses is authorized by the State Board of Education, the said Board shall have the authority to prescribe minimum salaries and other regulations for this class of teachers.

Sec. 237-C. The foundation program, defined. To help equalize educational opportunity and guarantee a minimum program of education for all children throughout the State there is hereby established a foundation program or level of education, expressed in terms of a minimum dollar cost per pupil, in which

the State will participate financially on a percentage basis rendering greater financial assistance to the less able administrative units.

Criteria for the foundation program shall be:

I. The scope of the school program shall include pre-primary or kindergarten education for 5 year old children and all grades through grade 12;

II. The cost of the foundation program shall include expenditures for teachers' salaries and board, conveyance of pupils, fuel, janitors' services, tuition, board of pupils, textbooks, reference books, school supplies for desk or laboratory use, public utility services, flags, replacement of instructional equipment, fire insurance, compensation for superintendent and his assistants, school committee, community school committee or school directors, office, attendance officers and medical inspection.

III. School administrative units shall:

A. Pay teachers in accordance with the minimum salary law;

B. Employ at least one teacher for each 30 elementary school pupils except in the pre-primary or kindergarten where the ratio shall not exceed one to 60 and at least one teacher for each 25 high school pupils;

C. Expend at least 35% of the cost of instruction on nonteaching services.

Sec. 237-D. Foundation program allowance. The foundation program allowance for each administrative unit, except community school districts which do not offer educational programs for both grades and high school pupils, shall be determined as follows:

The average of the 2 preceding years' average daily membership of the pupils attending school in the unit shall be multiplied by the applicable dollar allowance in Table I below. To this amount shall be added the average of the unit's 2 preceding years' expenditure for tuition, pupil transportation and board. The total of these items will be the total foundation program. From this total foundation program shall be subtracted the average of the 2 preceding years' tuition collections and other school maintenance incidental receipts. The net cost thus obtained represents the net foundation program allowance on which state subsidy shall be computed biennially in accordance with section 237-E and Table II.

Table I

Size of School Administrative Unit	Foundation Program Allowances Per Pupil	
	Elementary Schools	Secondary Schools
Based on Average Daily Membership		
1-25	\$4,000 (1)	\$11,000 (2)
26-50	\$4,000 / 80 per pupil (1)	\$12,000 (2)
51-100	\$164 per pupil (1)	300 p/pupil (2)
101-200	160 " " (1)	285 " (2)

**Size of School
Administrative
Unit**

Based on Average Daily Membership	Foundation Program Allowances Per Pupil			
	Elementary Schools		Secondary Schools	
201-300	154	per pupil (1)	270	pupil (2)
301-500	148	" "	260	" "
501-800	144	" "	250	" "
801 and over	140	" "	245	" "

- (1) Compute at \$142 p/pupil in ADM if within 10 miles of neighboring school by nearest suitable highway.
- (2) Compute at \$260 p/pupil in ADM if within 15 miles of neighboring school by nearest suitable highway for payments in December of 1957 and 1958. Thereafter, compute those high schools that have been classified as unnecessary by the school district commission as follows: If average daily membership is 60 or less, compute at \$225. If average daily membership is between 61 and 300, compute at \$260.

It is the intent of the Legislature that Table I of this section should be revised each biennium to reflect changes in the educational expenditures of towns. On or before October 1st of each year prior to the convening of the Legislature, it shall be the duty of the Commissioner of Education to make recommendations to the Governor for such revision which may be used as the basis for budget needs and recommendation for state school subsidies for appropriation by the subsequent session of the Legislature.

Sec. 237-E. State support of the foundation program. On the basis of information available in the office of the Commissioner of Education on September 1st for the 2 years next preceding the biennial convening of the Legislature, as provided in returns of educational statistics required by him, the Commissioner shall apportion subsidies to the school administrative units of the State for each of the next 2 years according to the following plan:

The several administrative units (cities, towns, plantations and school administrative districts) shall be divided into 21 classifications according to their valuations per resident school child being educated at public expense. The valuation shall be as determined by the Board of Equalization in the statement filed by it, as provided in section 67 of chapter 16 on December 1st, 1956, and the number of children shall be the average of the last 2 enrollment reports of resident pupils being educated at public expense on April 1st annually, except that for the years 1957-58 allocations shall be based on the Board of Equalization statement filed on December 1st, 1956.

For each classification the subsidy allocation thereafter shall be the same for each of the 2 years of the biennium and shall be the applicable percentage of the average net foundation program allowance for the preceding 2 years, as defined in section 237-D obtained from Table II below.

Table II

Class	State Valuation per Resident pupil	Percentage of State support of Foundation Program
1	\$ 3,000 and under	66%
2	3,001-3,500	64
3	3,501-4,000	62
4	4,001-4,500	60
5	4,501-5,000	58
6	5,001-5,500	55
7	5,501-6,000	52
8	6,001-6,500	49
9	6,501-7,000	46
10	7,001-7,500	44
11	7,501-8,000	41
12	8,001-8,500	38
13	8,501-9,000	36
14	9,001-9,500	34
15	9,501-10,000	32
16	10,001-10,500	30
17	10,501-11,000	28
18	11,001-11,500	26
19	11,501-12,000	24
20	12,001-12,500	21
21	12,501 and over	18

Whenever any administrative unit's average net operating cost in any biennium is less than the amount provided for in the total foundation program, its state subsidy for the next 2 years will be decreased accordingly, that is, the percentage that the net operating cost is of the net foundation program allowance will be applied to that unit's preliminary allotment to determine the final subsidy.

As larger and more efficient administrative units are established throughout the State the existing inequities in state subsidy will level off. As this condition progresses it is the intent of the Legislature to revise Table II toward the ultimate end that all administrative units will be required to exert a single uniform tax effort on state valuation to support the foundation program.

In figuring subsidy to community school districts, the following shall apply.

Those community school districts offering a school program which includes sub-primary through the 12th grade shall be subsidized as a single administrative unit, and payment made directly to the community school district rather than to the participating towns. In those community school districts where only part of this program is offered, the district cannot be considered as an administrative unit for subsidy purposes but each participating town's share of the operating cost of such district shall be treated as a tuition expenditure in the subsidy tabulation for that town and its subsidy figured accordingly.

The allocation made to each such town because of its share in the allowable operating cost of the community school district shall be paid to the community

school district and credited to the town's share of the cost of operating the school with the remainder of each participating town's subsidy being paid directly to the town.

Section 1. (Sec. 237-F and 237-G)—No Change.

Sec. 237-H. State aid for school construction in reorganized districts. To provide effective incentive for the establishment of appropriate larger school administrative districts, the Commissioner shall allocate state financial assistance to school administrative districts on school construction approved subsequent to the formation of such districts in accordance with the following: On the basis of information available in the office of the Commissioner on November 1st of each year, he shall apportion, in December of that year, to school administrative districts the same percentage of said district's expenditures for capital purposes, including cash payments, interest and principal payments, that the district would be entitled to receive that year on operational cost under the provisions of section 237-E. Said apportionment shall apply similarly to payments made on contracts awarded subsequent to the effective date of this act in single municipality administrative units where the April 1st enrollment of resident pupils in Grades 9 through 12 for that year is over 700 pupils and in smaller administrative units when in the judgment of the Commission the formation of a school administrative district by consolidation is not geographically or educationally practical.

Section 1-A. — No Change.

Section 1-B (Sec. III-A to Sec. III-C) — No Change.

Section 1-B (Sec. III-D, sub-§§ I-V) — No Change.

Sec. III-D, Sub-§ VI, as follows:

VI. To further expedite this reorganization by receiving, filing, examining and approving or disapproving applications for the establishment of school administrative districts. When so approved, the Commission shall order the proposal submitted to referendum in the municipalities involved, within a period of 60 days. On receipt of satisfactory evidence of an affirmative action by a majority vote in each of the municipalities involved, the Commission is further empowered to assign to the newly created district a name and number, and make proper reports of the districts organization to the Secretary of State who shall issue to the applicant a certificate of organization. On receipt of such certificate the newly formed school administrative district is authorized to and is responsible for the operation of all public schools within the district, beginning with the opening of school for the next school year.

Whenever a majority vote in each of the municipalities involved is not obtained but a majority of the municipalities involved has approved the establishment of a school administrative district, the Commission is empowered to authorize the creation of the district to be composed of those municipalities in which a majority vote has been obtained.

Sec. III-E. Criteria for school administrative districts. The school administrative district, to be effective, must be of sufficient size and ability to offer an

efficient educational program in grades one through 12, including a kindergarten or pre-primary year. To accomplish this purpose, it must be able to maintain a minimum average daily membership of approximately 300 pupils educated at public expense in grades 9 through 12 in one secondary school attendance unit and such elementary attendance units as are needed. If this minimum size district cannot be attained without transporting high school pupils an unreasonable distance, generally considered to be over 20 miles, or if other local conditions justify a decision to the effect that a smaller district would be for the best educational interest of the pupils involved, smaller districts may be approved by the Commission.

Organization of School Administrative Districts.

Sec. III-F. School administrative districts. The inhabitants of and the territory within 2 or more municipalities may form a school administrative district which shall be a body politic and corporate, if previously approved by the School District Commission, by proceeding as follows: The School Committees and selectmen of the interested municipalities may meet for the purpose of determining a fair and equitable number of school directors to be elected by and to represent each participating municipality. When a decision on this representation can be reached by a $\frac{2}{3}$ majority vote of those present, the municipal officers in each of the several municipalities may call a meeting of the inhabitants of their respective municipalities in the manner provided by law for the calling of town meetings, and such meetings shall vote to favor or oppose similar articles in the following form:

Article : To see if the municipality will vote to join with the municipalities of (naming them) to form a school administrative district.

Article : To see if the municipality will vote to approve the allocation of representation among the municipalities on the Board of School Directors as recommended by the school committees and boards of selectmen and listed as follows.

Article : To see if the municipality will vote to authorize said school administrative district, from time to time, to borrow money to pay current operating expenses of its schools in anticipation of the receipt of assessments from the participating municipalities, and for capital outlay purposes by issuing its bonds and notes therefor in an amount not to exceed $7\frac{1}{2}\%$ of the equalized state valuation of the municipalities or parts thereof comprising the district but any such borrowing of funds for capital outlay purposes of the district shall first be approved by a majority of those qualified voters of the district voting at a regular or special election called by the directors and held under the provisions of Australian ballot law.

Article : To see if the municipality will vote to authorize the transfer of the title of all school property now in use in the municipality to the new school administrative district.

Where coterminous school districts exist or there is indebtedness outstanding for school construction in any of the municipalities concerned, the following additional article must be acted upon similarly:

Article : To see if the municipality will vote to authorize the district to assume full responsibility for amortizing the following listed indebtedness now outstanding in the municipalities and districts comprising the school administrative district under consideration. (The list must include the name of the obligated municipality or district, type of obligation, amount unpaid and the payment schedule.)

The clerk in each of the several municipalities shall file a return of such votes with the School District Commission. If a majority of those voting in each of the municipalities shall favor each of the above articles, the inhabitants of and the territory within said municipalities shall thereupon become a school administrative district, which shall, subject to the provisions hereof, bear the name and number assigned it by the School District Commission and shall have authority to acquire and hold property and to borrow money not in excess of the amount so determined upon.

Existing community school districts may become school administrative districts on approval of the School District Commission and may suspend operation as a community school district if each of the participating municipalities acts affirmatively on an article similar in form to the following, prior to accepting the other articles required in this section.

Article : To see if the municipality will vote to authorize the Community School District, of which said municipality is a part, to suspend operation as a community school district and organize and operate as a school administrative district in accordance with action on the following articles.

When affirmative action is taken in accordance with the preceding article in each of the participating municipalities and the newly proposed school administrative district is approved by the School District Commission, said district shall automatically become eligible to the benefits of sections 237-G and 237-H and become responsible for assessing in all the participating municipalities in the new school administrative district, collecting and paying over to the trustees of the Community School District each year the funds necessary to amortize all outstanding capital outlay indebtedness existing at the time when the operation of the Community School District was suspended.

Section I-B (Sec. III-G)—No Change.

Sec. III-H. School directors. All the affairs of said district shall be managed by a Board of School Directors which shall consist of not less than 5 nor more than 12 members, the exact number to be determined by the municipal officers as provided for in section III-F. Representation on the Board of School Directors shall be in accordance with the vote in the second Article of section III-F if approved by each participating municipality.

If at any time after a school administrative district has been formed, conditions appear to warrant a change in the number of school directors, petitions may be filed with the School District Commission or State Department of Education requesting such changes and the Commission or Department is authorized to make such changes when in their judgment the petitions represent the wishes of a majority of the voters and the proposed change will improve the conduct of the affairs of the administrative district.

Sec. III-I. Election of school directors. When a school administrative district has been formed, elections shall be called within 60 days by the selectmen or city government in the several municipalities for the purpose of selecting the approved number of school directors from each municipality by the legal voters of that municipality. The term of office of these school directors shall be decided by lot, $\frac{1}{3}$ for one year, $\frac{1}{3}$ for 2 years and the remaining third for 3 years, at the first meeting of the school directors of the district. Subsequent elections shall be called and held during the month of March or when a vacancy occurs, by direction of the selectmen or city government, when so requested in writing by the Board of School Directors. The provisions of section 46 shall also apply to school directors when not in conflict with the provisions of this section.

The school directors shall receive as compensation for the services \$5 for each Board meeting that each attends. The superintendent of schools who shall serve as secretary and treasurer shall give a bond to the district in such sum and with such sureties as the directors may determine, which bond shall be deposited with the chairman. The expense of such bond shall be paid by the district. The treasurer's bond premium and fees paid members for attendance at meetings and all expenses of the district shall be paid from funds of the district by the treasurer on vouchers presented and certified by the superintendent of schools and approved by a majority of the members of the Board of School Directors or a finance committee of that Board duly appointed or elected annually by that Board.

Section I-B (Sec. III-J to III-P)—No Change.

Sections 2 to 4, inclusive—No Change.

Section 5—Entire section out of Bill.

Sections 6 to 59, inclusive—No Change.

Sec. 60. R. S., c. 41, § 105, amended. Section 105 of chapter 41 of the Revised Statutes, as amended by section 1 of chapter 233 of the public laws of 1955, is hereby further amended to read as follows:

'Sec. 105. Pupils in administrative units having no free high schools. Any ~~town~~ administrative unit which does not maintain a free high school of standard grade may authorize its superintending school committee to contract for one to 5 years with and pay the superintending school committee **or school directors** of any nearby ~~town or towns~~ administrative unit, or the trustees of any academy located within such town or in any nearby town or towns, for the schooling of **all of part of the** pupils within said ~~town~~ administrative unit in the studies contemplated by section 98. **The school directors of any school administrative district may enter into similar contracts.** When such a contract exists, a joint committee may be formed, if approved by a majority vote of both the trustees and the superintending school committee **or school directors.** Such joint committee shall consist of the superintending school committee **or school directors** of said ~~town~~ administrative unit and an equal number of the trustees of the academy. Said joint committee shall be empowered to select and employ the teachers for the academy, to fix salaries, to arrange the course of study, to supervise the instruction and to formulate and enforce proper regulations pertaining to other educational activities of the school. The superintendent of schools of the

contracting ~~town~~ **administrative unit** in which the academy is located shall be secretary ex officio of the joint committee and shall be assigned such supervisory duties in connection with the school as the joint committee shall determine. When ~~a town~~ **an administrative unit** has made a contract as provided for in this section, or as provided in the act of incorporation of any such academy and amendments thereto prior to May 1st, 1907, the tuition liability of said ~~town~~ **administrative unit** shall be the same as if a free high school were maintained in accordance with section 98, and the expenditure of any ~~town~~ **administrative unit** for schooling of pupils as provided in this section shall be subject to the conditions of sections 107 and 108 for the purposes of state subsidy to the ~~municipality or community school district~~ **administrative unit** under the provisions of section 237.'

Sections 61 to 80, inclusive—No Change.

Sec. 81. R. S., c. 41, § 192, amended. Section 192 of chapter 41 of the Revised Statutes is hereby amended to read as follows:

'**Sec. 192. State aid for agriculture, industrial arts and home economics instruction.** Whenever the superintendent of schools of any ~~municipality or community school~~ **administrative unit** or the trustees of any incorporated academy shall certify to the Commissioner, on forms prescribed by him, that instruction has been provided pupils of elementary schools, high schools or academies for the year preceding, said instruction having been approved as to course content, equipment and teacher qualifications, in general agriculture, industrial arts or general home economics, the Commissioner is authorized to make apportionments of state aid as follows:

I. For municipal programs, the reimbursement payable in accordance with the provisions of ~~section 237~~ **sections 237-C, 237-D and 237-E;**

II. For academy programs, the tuition reimbursement to the sending municipality as provided in sections 107, 108 ~~and 237~~, **237-C, 237-D and 237-E.'**

Sections 82 to 89, inclusive—No Change.

Sec. 90. R. S., c. 41, § 218-A, amended. Section 218-A of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 475 of the public laws of 1955, is hereby amended to read as follows:

'**Sec. 218-A. Purpose.** The purpose of sections 218-A and 218-B is to develop the knowledge, attitudes, habits and skills necessary for the safe operation of motor vehicles, through classroom instruction and behind the wheel driving and observation in a dual control automobile, by encouraging superintending school committees **or school directors** of the several ~~municipalities~~ **administrative units** of the State to make provision for this instruction in all the public secondary schools and academies ~~under joint board or contract with the town~~ **receiving tuition students as described in section 107.'**

Sec. 91. R. S., c. 41, § 218-B, amended. Section 218-B of chapter 41 of the Revised Statutes, as enacted by section 1 of chapter 475 of the public laws of 1955, is hereby amended to read as follows:

'Sec. 218-B. Educational aid. The Commissioner of Education, with the approval of the State Board of Education, shall employ necessary personnel, subject to the terms of the Personnel Law, and establish rules and regulations to carry out the provisions of sections 218-A and 218-B, including the following:

I. Salaries and traveling expenses for a State Director of Driver Education, clerical assistance and supplementary teaching aids essential to the program;

II. Special subsidies shall be paid in September to the cities, towns, plantations and community school districts administrative units for all courses in driver education according to the following plan: \$10 for each pupil satisfactorily completing the driver education course during the school year 1955-56, and thereafter \$10 for each pupil satisfactorily completing the driver education course for the first year it is instituted in a given school. The subsidy for these continuing courses shall be with and in addition to general purpose aid and shall be computed on the annual salary of the driver education teacher by adding 25 percentage points to the maximum percentage used in computing subsidy under section 237 preceding school year. Such driver education course shall meet the approval of the Commissioner in regard to teacher qualifications, limitations as to the number of pupils and the course of study offered.'

Sections 92 to 109, inclusive—No Change.