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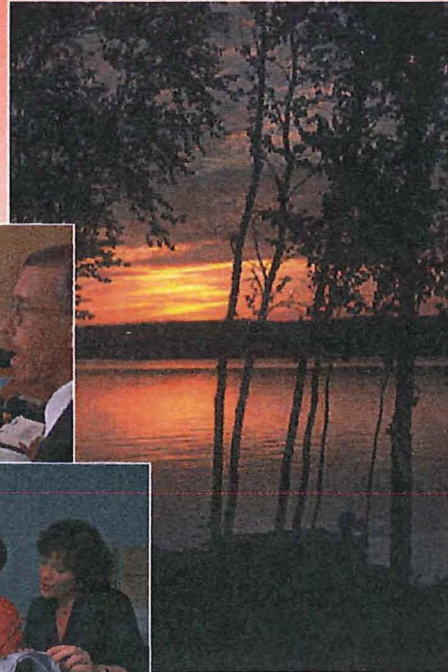
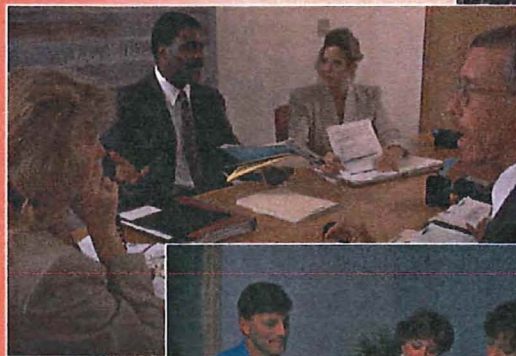
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SCHOOL GOVERNANCE

School Administrative Unit Voting Procedures



***A Report Submitted by
The State Board of Education
School Governance Committee
to
The Joint Standing Committee on
Education and Cultural Affairs***

*Pursuant to a request by the Education
Committee Chairs Dated May 10, 1999*

January 15, 2000

**SCHOOL
GOVERNANCE**
School Administrative Unit Voting Procedures

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PREFACE

While being challenged by limited financial resources during the past decade, public education in Maine has been dramatically influenced by reform and innovation. Standards are in place, providing the basis for new ways of measuring and responding to the performance of students, teachers, and schools. A variety of initiatives will focus on improving teacher quality through enhanced teacher preparation programs and on providing greater opportunities and resources for educator training at all levels to help meet the challenges of Maine's Learning Results. Many of these and other reforms based on the belief that all students can and should be expected to achieve at high levels will continue to challenge policymakers and the citizens of Maine.

This new aspiration of high academic achievement for all students has changed the focus of policymakers. There is now an unprecedented interest in the lessons to be learned from those schools that are successfully preparing students for the world that awaits them. At the same time, the focus of resource allocation by the state is shifting as well. In the past, competition for limited funds and political feasibility have dictated the funding levels. The focus is now moving from that *equity-based* system to one of *adequacy*; that is adequate to achieve a particular level of education. This is a fundamental guiding principle of the State Board of Education and the Legislatures' study of Essential Programs and Services now in progress.

A strong and growing body of evidence gathered over the last ten to fifteen years has shown that schools that are most successful educating their students have certain characteristics; including: a clear focus on academic learning with high expectations, a safe and orderly environment, high standards for teachers coupled with good professional development opportunities, strong leadership, accountability for student performance, and a partnership with parents and others in the community in support of high student achievement.

It was with a keen awareness of the importance of that community partnership that the School Governance Committee studied school administrative unit voting procedures and puts forth the recommendations contained in this report.

BACKGROUND

During the First Regular Session of the 119th Legislature, the Joint Standing Committee on Education considered a number of bills dealing with what the Committee generally termed “school governance” issues. The Committee took final action on several of the bills, but two were carried over for consideration in the Second Session. In order to aid in its deliberations and final resolution, the Committee requested that the State Board of Education establish a committee to study the two bills along with some other related issues and report back by January 15, 2000. The two carryover bills were:

- LD1346, an act to Amend the Laws Regarding the School Administrative District Budget Approval Process, which would require that subsequent votes to approve an SAD budget would be by referendum, if the SAD has adopted the alternative voting procedure, and
- LD933, An Act to Permit the Submission of Citizens’ Initiatives and Citizens’ Vetoes to School Districts, which would authorize a public petition and referenda to adopt or to repeal school board policies.

While the two bills involved specific proposals relating to school administrative units voting procedures, the Education Committee also asked the State Board committee to review a number of other issues that historically have caused friction between municipalities, local taxpayers, and schools. Specifically, the Education Committee asked the State Board, through its committee, to examine the following issues:

1. Why is the alternative SAD budget voting procedure increasingly popular? Could the standard budget approval process be improved? Should CSDs have a similar budget approval alternative?
2. Can the frequency of budget impasses in multi-municipality districts be reduced? If impasse results, how can it best be resolved?
3. In multi-municipality districts, are the ordinary voting, withdrawal or dissolution, and amendment of cost sharing formula procedures reasonably equitable?

A copy of the letter from the Education Committee to the Chair of the State Board of Education is attached as Appendix H.

In accordance with the request, the Chair of the State Board of Education established a nine member **SCHOOL GOVERNANCE COMMITTEE** comprised of representatives from the Department of Education, the State Board of Education, Maine Municipal Association (elected and appointed), Maine School Management Association (elected and appointed), the Maine Education Association, and a small business owner.

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SCHOOL GOVERNANCE

EXECUTIVE SUMMARY

Public education in Maine is administered through a number of school administrative unit configurations including, School Administrative Districts, Community School Districts, independent Municipalities, Municipalities operating within a School Union, and others. There are 250 school units currently operating in the state. Governance of that many individual units for approximately 200,000 students is cumbersome but reflective of our strong belief that the real work of learning happens in the classroom between teacher and student and should be primarily driven by local control. This Committee focused on one important component of local control; school administrative unit voting procedures for a number of processes critical to the management of schools.

The most common process requiring governing body or voter approval is the annual budget. In recent years, tensions have heightened around the process driven by limited resources and calls for more accountability. In some cases those tensions have led to requests for the alternative voting procedure in SADs, requiring a referendum vote and in some by line item. In many instances the alternative process tends to further increase tensions because they are usually accompanied by even less communication and public dialog. The recommendations that follow were developed to refocus the process on the fundamental elements of good communication; clear and informative dialog followed by an inclusive opportunity for voter approval.

The Committee spent the majority of their time on the budget approval process but also considered the voting procedures for withdrawal, dissolution, and cost sharing formula changes in an SAD. The conclusions reached and recommendations made on those voting procedures are important because heightened tensions, usually driven by limited resources, are causing an increasing number of School Administrative District member towns to seek changes or withdrawal. These situations are of particular concern because they rarely serve the long-term interests of students or taxpayers.

The final subject area assigned for the Committee's consideration was that of a citizen initiative and referendum procedure to affect school board rules, ordinances, and statements of policy. The Committee concluded that the process being proposed would be overly broad and could involve the frustration and delay of almost all aspects of the management and operation of Maine schools. In support of that conclusion, this report includes a summary of current statute petition procedures and school policies that could be subject to the proposed process.

As Maine moves toward a standards based system with high expectations for all students, the need for adequate resources in the classroom to meet those goals will require changes in state and local policy and practices that are respectful of local control. A clear, informative, and inclusive process, with ample opportunity for timely and open dialog with the community, and a strong commitment from both state and local resources will be the best way to insure that all Maine students achieve at the highest possible levels.

The Committee is hopeful that the following recommendations will assist the Joint Standing Committee on Education and Cultural Affairs in its search for fair and equitable solutions for these issues so critical to education.

SCHOOL ADMINISTRATIVE UNIT VOTING PROCEDURES

BUDGET APPROVAL

School Administrative Districts (SAD)

MUNICIPAL / COMMUNITY

DIALOG & EXCHANGE

- Planned opportunities for school / municipal / public broad discussion of issues
- Sharing of issues with potential budget impact
- Broad goals of each for public service, school program, and facilities

- Planned opportunities for clear articulation and exchange of needs not met by proposed budget that may be considered with final state revenue projections

Preliminary Budget review with Municipal Officials and Public

Final Budget Presentation to Municipal Officials and Public

November December January February March April May June

WITHIN SCHOOL UNIT

Expenditures

- Budget requests solicited from all departments to begin budget building process.

- Administration review of instruction, support, leadership, operations, & other requests etc. and development of first budget draft
- Board review and adjustments to budget draft

- Continued development of budget reflecting all areas of input and requirements
- Final program needs
- Municipal / public input
- Facilities needs
- State revenue estimates
- Year end balance estimates
- Other

Final Adjustments and Board Approval

Revenues

- Review of current year budget vs expenditures and adjustments to year end balance estimates
- State revenue estimates
 - GPA
 - Debt Service
 - Renovation Fund

DISTRICT BUDGET MEETING

- Consider budget articles presented in a *Cost Center Format* w/summary information

What the District Board proposes to spend				
Where the money will come from				

- Opportunity to approve as presented or increase/decrease each article.
- Voting on each article by show of hands or written ballot
- Approval by majority vote on each article of those present at the District meeting.

- **At local option** approved budget goes to referendum for simple up or down vote **third** business day following this district meeting. Summary of any changes made at District meeting available at voting place.

REFERENDUM

Yes

No (too high)

(too low)

RECOMMENDATIONS

The State Board of Education **SCHOOL GOVERNANCE COMMITTEE** issues the following recommendations:

- A. All School Administrative Units should develop a **COMPREHENSIVE SCHOOL BUDGET APPROVAL PROCEDURE** that follows an annual course and includes planned opportunities for dialog and exchange with municipal officials and the public. These discussions should occur in the fall (October-December) to discuss broad issues facing the schools and communities, and again in the early spring (February-March) to review the preliminary budget. The goals and objectives for those planned opportunities and a structure to implement them should be embedded in local policy so as to insure that they happen on an annual and ongoing basis. A model of such a process including all the key elements and their timing is shown on the facing page.

- B. The voting procedure for budget consideration in a School Administrative District (SAD) should include a **DISTRICT MEETING** approval of the budget using a **COST CENTER SUMMARY FORMAT** (Appendix A) and at local option a **REFERENDUM** validation of the approved budget three business days following the district meeting. The referendum validation, if required, would be a simple “Yes” or “No” vote on the total budget adopted at the district meeting. A failed referendum would require another district meeting followed by a referendum until the vote is affirmative. A minimum of ten business days would be required between a failed referendum and a district meeting to reconsider the budget. The primary emphasis of this procedure is to encourage thorough discussion and resolution in a public meeting format, the district meeting, and a final endorsement of the district meeting decision by referendum vote.

- C. The budget voting procedure outlined in recommendation (B), when used as an integral part of the annual budget process outlined in recommendation (A), is the committee’s preferred method of budget adoption for all school administrative units. However, it should not be imposed but rather available in statute to all SADs and CSDs and encouraged in all other types of school units. This new voting procedure should replace the current “alternative voting procedure” in statute and become the only alternative to whatever voting procedure is currently being followed in a given SAD or CSD. SADs and CSDs could implement the new procedure through either a majority vote of the school board requesting that it be placed on a warrant for vote or through the petition referendum process already in statute. Once the new voting procedure has been implemented, the requirement for the follow-up

referendum would have to be reconsidered at the end of the third year. On the first referendum of the third budget year the voters would be asked if they want to continue the referendum validation for another three budget years. A "Yes" vote would support it for an additional three years. A "No" vote would terminate that part of the process and prohibit its reconsideration for three years.

- D. The State Board of Education should be required to convene a committee to review all aspects of the new budget voting procedure (recommendation B) and its implementation (recommendation C) and report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by January 31, 2005. In the interim, the Department of Education and State Board of Education should work collaboratively with the other parties to this report to support local school unit consideration and/or implementation of the new voting procedures.

- E. The voting procedures for withdrawal from a School Administrative District (Appendix D) should be issued in a detailed and clarified format but should not be changed in their intent and requirements.

- F. The voting procedures for a cost sharing formula change in a School Administrative District are not functioning effectively and a detailed and thoughtful review of them is called for. As currently configured (Appendix E), the process often results in stimulating a town to seek to withdraw from the SAD, an effort which, whether successful or not, fails to serve the long-term interests of students and taxpayers.

The needed analysis of this problem was beyond the time and capacity of this committee. The committee recommends that the matter be referred to another group for an extended consideration and recommendations.

- G. The Education Committee should not support the language or the legislative intent proposed in LD933 and should recommend against the approval or enactment of LD933 to the full Legislature. The application of the initiative and referendum procedure called for in LD933 to any rule, ordinance, school board policy, or part thereof is overly broad and could involve the frustration and delay of almost all aspects of the management and operation of Maine schools.

DISCUSSION

INTRODUCTION

The School Governance Committee began its work of studying school administrative unit voting procedures by defining the key elements that would need to be addressed as well as any related issues that should be considered in response to the request by the Education Committee. While defining the specific procedures to be studied and the outcomes that we hoped to achieve, a central theme and guiding principle became evident: good decisions are reached through good communications. A quality voting process should include planned opportunities for inclusive and open dialog as well as in depth discussions with all concerned leading to timely resolutions.

The first course that the committee set was to study the voting procedures for budget approval, withdrawal, dissolution, and changes to the cost sharing formula for School Administrative Districts, propose improvements, and then apply what we had learned to other units where applicable. The recommendations and discussion that follows are based on the importance of uniformity and clarity in voting procedures. They are founded in good democratic process that encourages inclusion, discussion, and resolution of the annual budget and other important matters for education and each community that may require a final say by the voting public.

RECOMMENDATION A: All School Administrative Units should develop a **COMPREHENSIVE SCHOOL BUDGET APPROVAL PROCEDURE** that follows an annual course and includes planned opportunities for dialog and exchange with municipal officials and the public. These discussions should occur in the fall (October-December) to discuss broad issues facing the schools and communities, and again in the early spring (February-March) to review the preliminary budget. The goals and objectives for those planned opportunities and a structure to implement them should be embedded in local policy so as to insure that they happen on an annual and ongoing basis.

A PROCESS FOR DIALOG AND EXCHANGE

Recommendation (A) lays out an annual process that supports the elements of good communication strongly advocated by the Committee and should be followed in all types school administrative units. The model process outlined on the back of page 3 visually describes all the elements of the internal budget development and

dialog and exchange process that the Committee has modeled. According to the model, a formal discussion between municipal and school officials would be held in the fall, approximately eight months before the actual vote on the school budget. At that meeting the broad goals of the schools and communities would be addressed.

The goals of this fall meeting would be to:

- Encourage dialog between town and school officials;
- Develop a mutual understanding of the fiscal conditions of the municipalities and their ability to provide municipal services, and education programs and meet the capital improvement needs of both the towns and school system; and
- Collaborate in creating the most effective means to share those conditions and needs with the public and encourage public input.

The Objectives of the fall meeting would be to:

- Review recent history of municipal mil rates;
- Review municipal valuations and the impact on future resources;
- Discuss any substantial revenue sharing changes, including municipal revenue sharing and General Purpose Aid to Education (GPA);
- Review any substantial changes being considered in school program offerings or requirements;
- Review school enrollment projections and any potential impact; and
- Review major capital improvement needs for both municipalities and schools, including the current indebtedness for capital improvements and a projection of future debt service that may be required for additional capital construction.

The Committee's model also calls for a second, follow-up discussion in the spring, two or three months before school budget is to be voted. These meetings would involve similar sharing of more detailed information among the municipal and school officials and the general public before the budget is formally adopted by the school board. In its deliberations over this model the Committee indicated that although both the fall and spring discussions should attempt to involve the general public, the spring discussion should include an enhanced public outreach.

The Committee fully recognized that one problem with mere models is they may not become fully implemented or utilized over time. For that reason, the Committee recommends that all school administrative units adopt a policy that implements a comprehensive school budget approval procedure that includes the essential elements of the model. If adopted as a local policy, there is a better chance that the procedure will be carried out on an ongoing basis and not fall into disuse as the elected and appointed school and municipal officials change.

RECOMMENDATION B: The voting procedure for budget consideration in a School Administrative District (SAD) should include a **DISTRICT MEETING** approval of the budget using a **COST CENTER SUMMARY FORMAT** (Appendix A) and at local option a **REFERENDUM** validation of the approved budget three business days following the district meeting. The referendum validation, if required, would be a simple “Yes” or “No” vote on the total budget approved at the district meeting. A failed referendum would require another district meeting followed by a referendum until the vote is affirmative. A minimum of ten business days would be required between a failed referendum and a district meeting to reconsider the budget. The primary emphasis of this procedure is to encourage thorough discussion and resolution in a public meeting format, the district meeting, and the final endorsement of the district meeting decision by referendum vote.

Under current Maine law, School Administrative Districts have a limited number of options available to them for budget adoption. The most common process is a gross allocation budget format considered and adopted in a district meeting. If the voters want a line item budget or a referendum vote, they must petition for those alternatives. The alternative voting procedure (20-A M.R.S.A. § 1305/06) allows for any line item structure that the voters choose to adopt, as long as the statutorily required articles are included. Against this background, the second substantial element of the Committee’s package of recommendations contains two components; a new budget format and new voting procedure for the consideration and approval of school budgets.

A NEW BUDGET FORMAT

Currently, all school budgets presented to the legislative body for adoption must include at least three articles. The actual wording of those articles is specified by statute. An example of a gross allocation budget approved by referendum is shown in Appendix B. Unfortunately, the import of those three articles (foundation allocation, debt service allocation, and additional local funds) has little to do with the budget except the matching of local and state revenue, and their wording is awkward and difficult to follow. Taken together, the three statutorily required articles raise and appropriate from local taxpayers and state government a gross sum of money to operate the schools.

State law expressly allows the voters in any school administrative unit to adopt an alternative budget format, which is usually referred to as a line item or cost center budget format. As opposed to a gross allocation budget, a cost center budget breaks the expenditures down into specific sums according to functional categories. The voters in a municipal school system do not need statutory authority to adopt alternative school budget formats. As long as the statutory articles are somehow appended to the locally crafted budget format, home rule provides the authority already.

In order for a School Administrative District to move from the statutorily required gross budget format to a line item or cost center format, there has to be a willing school board or the voters in a School Administrative District have to petition for it. Of the 73 SADs in Maine, 31 have adopted the line item format or cost center format. These proposals for a line item format are typically developed in the heat of a petitioning process. There is a tremendous variety of alternative voting formats now in use, and many of them were crafted around whatever the controversial element of the school budget was at the time of the petition.

The School Governance Committee was in strong consensus that the budget articles required by statute are uninformative at best. In an effort to design a budget document that actually provides meaningful information to the voters and helps break down the budget into a more understandable format, the Committee crafted a model **COST CENTER SUMMARY FORMAT** (Appendix A) that clearly defines what the school board proposes to spend on education and where the money will come from to cover those expenses. The model format, which would be used as the warrant document for the **DISTRICT MEETING**, includes six expenditure articles: instruction, instructional support, leadership, operations, transportation, and other commitments. Along with each of the expenditure articles there is a descriptive paragraph that explains what functions are included in the article and the total appropriation for each article is subdivided into several smaller categories that show the level of funds being allocated to each function. On the revenue side, the model format includes the traditional statutory articles (with plain-English translations) and a summary article that authorizes all expenditures.

The model budget format also includes a local data summary section that describes both the dollar and percentage changes from the previous year with respect to total district budget, the state's GPA contribution, and the local share. In addition to the information included on the face of the **COST CENTER SUMMARY FORMAT** warrant document, school administrative units should be encouraged to include other important information in the body of the budget report. The format for sharing information in the budget report should be tailored to local needs but should include previous and current year comparisons of mills raised for education by the district and by individual towns in the district. A summary of Federal fund revenues and expenditures should also be included even though they do not affect local assessments.

The Committee also recommends a built in authority for the school board by majority vote to transfer up to 5% of any cost center's total appropriation to another cost center in recognition of the contingencies that the school might encounter. Such a transfer would not increase the authorized budget, but it would allow for a reasonable amount of flexibility for school boards to transfer between cost centers.

In addition to the improved communication to the voter, the model budget format has other advantages. The more a budget format of this kind is implemented at the local level, the more consistent the data gathered by the Department of Education

and the greater the ability to measure and evaluate the costs of education. There is also confluence between this type of budget structure and the efforts that are being made to rethink the school funding formula with a focus on essential programs and services.

A NEW VOTING PROCEDURE

The district meeting following a good dialog and exchange during the development of the budget is clearly the best way for information to be communicated to the voting public and it is the most efficient way for the public to respond to and adopt the budget. With that foundation, the new voting procedure would require that the budget be considered first at a **DISTRICT MEETING** using the **COST CENTER SUMMARY FORMAT** as the warrant document. The voting procedures at that meeting would not be changed; that is, the various budget cost centers could be adopted as proposed, increased or decreased by the voters either through open voting or written ballot. With respect to the written ballot opportunity, existing school district law should be clarified or underscored to make sure that district meeting moderators would clearly inform the assembly at the beginning of the meeting how the written ballot process on any cost center article could be implemented. Current law compels a written ballot process at the district meeting if 10% or more of the voters assembled elect to decide a question by written ballot. The committee urges the creation of a single, uniform process and assurance that it be clearly explained to the voters.

In order to respond to the concern that the district meeting may not be convenient or accessible to a broad enough segment of the voting public, the new voting procedure would allow for a follow-up referendum validation of the approved budget three business days following the district meeting. The follow-up referendum vote would simply be an up or down vote on the total budget adopted at the district meeting. The referendum vote would not focus on specific articles of the budget but, rather, on the total budget adopted at the district meeting. The district would be able to schedule the referendum vote well in advance and pre-print the simple yes-or-no ballot. The referendum would be held three business days after the district meeting. The short time between the district meeting and the referendum authorization is critical and intended to encourage discussion, debate, and resolution in the district meeting with the referendum allowing a more inclusive opportunity for voters to confirm the results. Printed information would be available at the voting place that lists the proposed appropriation for each cost center article alongside the actual appropriation adopted at the district meeting (Appendix C). The ballot itself would ask only for a yes-or-no vote on the total budget. At local option the ballot document may ask one supplemental question, whether the voters consider the budget too high or too low.

Because the referendum validation is essentially an extension of the district meeting, absentee ballots would not be consistent with nor available for this new voting procedure.

If the follow-up referendum rejects the budget that had been adopted at the district meeting the budget would go back to the school board for reconsideration. The board would submit the second proposed budget to the voters at a district meeting for adoption followed by another referendum. The process would be repeated until a adopted budget is validated by referendum.

The new budget voting format and associated new voting procedure introduces a valuable communication model and preserves the best parts of the district meeting and of the referendum process. The dialog and exchange process will inform and prepare the community for the decisions it has to make. This new comprehensive process is how school budgets should be developed, presented, and approved in the future.

RECOMMENDATION C: The budget voting procedure outlined in recommendation (B), when used as an integral part of the annual budget process outlined in recommendation (A), is the Committee's preferred method of budget adoption for all school administrative units. However, it should not be imposed but rather available in statute to all SADs and CSDs and encouraged in all other types of school units. The new voting procedure should replace the current "alternative voting procedure" in statute and become the only alternative to whatever voting procedure is currently being followed in a given SAD or CSD. SADs and CSDs could implement the new procedure through either a majority vote of the school board requesting that it be placed on a warrant for vote or through the petition and referendum process already in statute. Once the new voting procedure has been implemented, the requirement for the follow-up referendum would have to be reconsidered at the end of the third year. On the first referendum of the third budget year the voters would be asked if they want to continue the referendum validation for another three years. A "Yes" vote would support it for an additional three years. A "No" vote would terminate that part of the process and prohibit its reconsideration for three years.

The new budget format and voting procedure should not be imposed on any school administrative unit. The Committee is recommends that it be laid out in statute as the only alternative to current voting procedures for school budget approval for SADs and CSDs and encouraged in all other types of school units. After careful study and consideration and dialog with municipal and school officials and the public a school unit could choose to implement the **COST CENTER SUMMARY FORMAT** for budget presentation and if desired vote to include the referendum validation. Good community understanding and support will be critical to a successful implementation of these new budget approval procedures by a school unit.

The Committee sought to design a process that would encourage stability in the voting process but also allow some flexibility for changing conditions in the district and community. Under current law, once a district has adopted the referendum process for budget approval (which is always done by petition) it becomes effectively permanent. The school board is permitted by law to put forward a referendum question to repeal the referendum process after three years of use, but it is rarely done.

In the Committee's package of recommendations the referendum validation requirement is a local option when implementing the new process and would be automatically reconsidered after three years of use. On the first budget referendum of the third year the voters would be asked if they want to continue the follow-up referendum for another three years. A "Yes" vote would continue the process for another three budget years. A "No" vote would remove it from the process for three years and require a board vote or petition/referendum to re-institute after that period. The **COST CENTER SUMMARY FORMAT** budget document considered in a district meeting would continue whether or not the referendum validation is included.

RECOMMENDATION D. The State Board of Education should be required to convene a committee to review all aspects of the budget voting format and procedures (recommendation B) and its implementation (recommendation C) and report its findings and recommendations to the Joint Standing Committee on Education and Cultural Affairs by January 31, 2005. In the interim, the Department of Education and State Board of Education should work collaboratively with the other parties to this report to support local school unit consideration and/or implementation of the new voting procedures.

The new voting format and procedures could have some elements that may not function exactly as intended when actually put in practice. Local issues that are difficult to predict will influence outcomes and success. The Committee struggled with many of those unanswered questions and concluded that a period of evaluation and assistance is called for. The implementation of and experience with the new format and procedures should be monitored closely over the next five years. An annual summary of progress should be produced by the Department of Education and provided to the Education Committee which would include:

- A. The total number and types of school administrative units
- B. The budget voting procedures used by each unit
 - District meeting (gross budget or line item)
 - Alternative voting procedure (gross budget or line item)
 - District meeting with new voting format and procedures
- C. Results for each unit including final budget adoption date and any repeat votes required
- D. Any concerns with the new voting format and procedures that should be addressed prior to the five-year review

Also during that five-year period, the Maine School Management Association (MSMA) and the Maine Municipal Association (MMA) should work collaboratively with the Department of Education and the State Board of Education to develop a resource/assistance team that could be available to assist districts that are struggling with the new budget voting procedures or the traditional voting methods that are now in place.

At the end of the five-year period the State Board of Education should be required to convene a committee to review all aspects of the new budget format and voting procedures and their implementation. That study should also include a review of the other traditional voting procedures and recommendations for changes and improvements.

RECOMMENDATION E. The voting procedures for withdrawal from a School Administrative District should be issued in a detailed and clarified format but should not be changed in their intent and requirements.

The Committee believes that the procedures, including the voting procedures (Appendix D), for withdrawal from an SAD, should not be changed. They have been purposefully designed to assure equity to both district and withdrawing town and, of even more importance, to assure that all the students in the original district continue to have a well thought-out and appropriate education. However, the process of withdrawal, while it should not be less rigorous, should be one which citizens can readily understand. There should be appropriate documentation to enable those seeking withdrawal to undertake and to understand what is necessarily a complex process.

To that end, the Committee recommends that the Department of Education conduct a review of the materials distributed to towns seeking or inquiring about withdrawal and that it make revisions or additions to those materials as needed to make them easier to comprehend. The materials should enhance citizen understanding of the way the withdrawal process works and of the reasons for the various steps required for withdrawal.

RECOMMENDATION F. The voting procedures for a cost share formula change in a School Administrative District are not functioning effectively and a detailed and thoughtful review of them is called for. As currently configured (Appendix E), the process often results in stimulating a town to withdraw from the SAD, an effort which, whether successful or not, fails to serve the long-term interests of students and taxpayers. The needed analysis of this problem was beyond the time and capacity of this Committee. The Committee recommends that the matter be referred to another group for an extended consideration and recommendations.

The current procedure, established in law, for changing cost sharing formulas in Maine School Administrative Districts seems to have become counter-productive in several instances. As currently structured, it is based upon the actions, or inaction, of a committee on which each town in the district has three (3) representatives, regardless of the town's population. Under this arrangement, a high-property-value, low-pupil-population town, is vulnerable to action by the other towns to assess school taxes solely or primarily on the basis of property value. Unable to outvote the other member towns, the high-property-value town may seek to withdraw from the district.

The discontent with and pressure for changes in cost sharing formulas have been heightened in recent years by sharp changes in real estate values such as those in coastal communities. Cost sharing formulas which were satisfactory when they were established can become a source of great local unrest when the values in one town accelerate far in excess of those in other towns. As a town's share of school costs become significantly greater than its share of pupils, the call for separation from the SAD grows louder.

Developing equitable and acceptable alternatives for the current mechanism for changing formulas is a knotty problem. It will be important that any group assigned to examine the issue have sufficient resources to permit some research, both as to the extent and magnitude of problems within Maine and as to alternative approaches to cost-sharing which may be in use in other states. Among questions which should be considered are:

- Should there be cost-sharing formulas other than those now available?
- Can more flexibility or more options be provided for the process of changing the formulas?
- Should voting in the initial step of changing cost formulas be weighted?
- How can the interests of both property-rich and low-property-value towns be fairly served?
- Is there a role for mediation or arbitration?
- Are there systems in other states that offer elements that could be adapted to serve the divergent interests of Maine towns and cities?

RECOMMENDATION G. The Education Committee should not support the language or the legislative intent proposed in LD933 and should recommend against the approval or enactment of LD933 to the full Legislature. The application of the initiative and referendum procedure called for in LD933 to any rule, ordinance, school board policy, or part thereof is overly broad and could involve the frustration and delay of almost all aspects of the management and operation of Maine schools.

LD933 would establish a citizen petition initiative and referendum procedure for school board rules, ordinances, statements of policy and parts thereof. The initiative procedure provides that citizens may initiate a proposed rule, ordinance, or school board policy by submitting a petition signed by 10% of the voters in the last gubernatorial election. If the school board does not adopt the proposal as written, it must be submitted to the voters at a regular or special election together with any substitute measure proposed by the school board. The voters must then choose between the petitioners' proposal, the school board's proposal, or vote against both. If neither one receives at least one third of the votes, the proposal receiving the most votes must be resubmitted to the voters at a subsequent election.

The petition referendum procedure would also apply to any rule, ordinance, school board policy, or part thereof, adopted by the school committee. If a petition signed by 10% of the voters were submitted before the board's decision went into effect, it would be suspended until a referendum vote could be conducted at the next statewide election occurring within 6 months of the date of the petition or, at a special election. Given the range of issues which school boards are called upon to address, petitions could be circulated regarding changes in wages, hours, and working conditions of staff, by students on issues relating to dress code, smoking, or grading policies; and by groups with particular points of view on controversial matters such as library book policies, evolution or health education. School board policy could be initiated by petition or suspended for up to 6 months by the filing of a petition. To underscore the broad scope of such a procedure, summaries of school board policies either recommended by the Maine School Management Association (MSMA) or required under federal, state, or Department of Education Rule are attached as Appendix G. Many of these policies are legally required and would be subject to delay through the initiative and referendum process.

Further, under current law, there are already petition mechanisms in place which apply to major aspects of school unit organization and operation. The Legislature, under Title 20-A, has established petition procedures that allow a percentage of voters, most often 10%, to petition to place articles on the warrants for annual and special school budget meetings. The voters can initiate petitions to change the budget format, to change the manner in which budgets are adopted, to reconsider the results of referenda, to prevent elementary and

secondary schools from being closed, to dissolve or allow towns to withdraw from school districts. School statutes establishing such petition procedures are listed in Appendix F. In addition, under Title 30-A M.R.S.A § 2102, 20% of the voters may petition for the creation of a municipal charter commission to prepare or revise a municipal charter. Under 30-A 2104, 20% of the voters can petition for an amendment to an existing municipal charter. Passage of LD933 would expand the reach and increase the scope of such petitions to virtually all matters of school governance. That expansion could frustrate and delay the adoption and implementation of school policies by elected school boards, and seriously disrupt the ability of Maine's school boards to carry out their statutory obligations.

ACKNOWLEDGMENTS

The **SCHOOL GOVERNANCE COMMITTEE** sought the advice and expertise of many individuals and organizations in developing the recommendations presented in this report. The group would like to thank the following individuals for their guidance and contributions to this work

Maine Attorney General's Office
Dennis Doiron, Esq., Assistant Attorney General

Maine Department of Education
J. Duke Albanese, Commissioner of Education
Greg Scott, Legislative Liaison
Suzan Cameron, School Finance Consultant
Rhonda Casey, Secretary to the State Board of Education

Maine Municipal Association
Geoff Herman, State & Federal Relations

Maine School Management Association
Dale Douglas, Executive Director Maine School Boards Assoc.
Ron Barker, Executive Director Maine School Superintendents Assoc.

Office of Policy and Legal Analysis
David Elliott, Policy Analyst for the Education Committee

There were also many individuals who attended the School Governance Committee meetings and we would like to thank them for their interest and valuable input.

Representative Joseph Brooks
Selectmen:

Richard Gardner, Cushing
Galen Larrabee, Knox
Rosanna Libby, Newburgh
Bob Willette, Sidney
Oleg Svetlichny, Frye Island
Eugene Stacey, Hiram

Superintendents:

Fred Bechard, SAD#57
Terry Despres, Winthrop
Robert Kautz, SAD#55
Rick Lyons, SAD#22
Jim Morse, SAD#47
Stan Sawyer, Westbrook

Citizens:

Dan Gouvea, Winterport
Mike Melo, Winterport
Preston Perkins,

School Board Members:

Wes Kinney, SAD#3
Jim Mitchell, SAD#55
Sam Pennington, SAD#40

Town Manager:

Dwight Dogherty, Pittsfield

EXPENDITURES

What the District Board Proposes to Spend on Education from July 1, 2000 to June 30, 2001

ARTICLE # 1
To see what sum the District will be allowed to EXPEND for
PRE K - 12 INSTRUCTION
Board of Directors Recommends
\$1,200,000.00

ARTICLE # 2
To see what sum the District will be allowed to EXPEND for
INSTRUCTIONAL SUPPORT
Board of Directors Recommends
\$1,000,000.00

ARTICLE # 3
To see what sum the District will be allowed to EXPEND for
LEADERSHIP
Board of Directors Recommends
\$550,000.00

ARTICLE # 4
To see what sum the District will be allowed to EXPEND for
OPERATIONS
Board of Directors Recommends
\$450,000.00

ARTICLE # 5
To see what sum the District will be allowed to EXPEND for
TRANSPORTATION
Board of Directors Recommends
\$450,000.00

ARTICLE # 6
To see what sum the District will be allowed to EXPEND for
OTHER COMMITMENTS
Board of Directors Recommends
\$350,000.00

The Pre-K -12 INSTRUCTION account includes expenses directly related to classroom teaching & learning such as salaries for teachers, substitutes, and paraprofessionals and classroom instructional materials and supplies.

Teaching Salaries/Benefits	
Regular Programs	646,949.
Special Education	132,150.
Substitutes	53,427.
Paraprofessionals	87,740.
Benefits & Insurance	101,560.
Classroom Instruction	
Vocational Instruction	117,195.
Pupil Use Technology	46,823.
Materials Books & Supplies	6,763.
Support Materials	7,384.
\$1,200,000.	

The INSTRUCTIONAL SUPPORT account includes expenses for direct support of classroom instruction such as guidance, library, extracurricular, student health, staff development, program development, testing, and assessments.

Pupil Support	
Guidance & Counseling	332,621.
Library & Media	182,869.
Extracurricular	131,466.
Health Services	79,546.
Teacher & Program Support	
Curriculum Development	38,432.
Staff Development	154,118.
Program Development	26,718.
Assessments & Testing	27,334.
Professional Evaluations	26,896.
\$1,000,000.	

The LEADERSHIP account includes all expenses system-wide for the direction and management of individual schools, instructional programs, the business office and the district superintendent's office.

School Management	
Principals & Assistants	132,159.
Support Staff	61,514.
Program Management	
Special Education	63,368.
Curriculum	35,323.
Applied Technology	42,115.
District Management	
Superintendent & Assistant	131,290.
Business office	70,645.
School Board & legal	13,586.
\$550,000.	

The OPERATIONS account includes expenses for food services, maintenance of physical plant and grounds, minor capital construction projects, insurance, utilities, equipment, and supplies.

Maintenance & Improvements	
Salaries & Benefits	250,012.
Purchased Equipment	32,240.
Professional Services	39,476.
Minor Capital Projects	78,201.
Lease & Lease/Purchase	9,752.
General Supplies	8,001.
Insurance	20,525.
Utilities	28,306.
Food Services	
Salaries & Benefits	5,935.
Equipment & Supplies	2,552.
\$475,000.	

The TRANSPORTATION account includes expenses for salaries & benefits of drivers & maintenance of buses, bus leases or purchases, insurance, fuel, repairs/supplies, and outside services.

Operation of Buses	
Salaries & Benefits	82,820.
Support Staff	69,068.
Contracted Services	84,569.
Insurance	27,361.
Fuels & Lubricants	21,992.
Maintenance of Fleet	
Salaries & Benefits	77,575.
Bus purchases / Leases	49,353.
Garage / Storage	15,847.
Repairs / Supplies	12,067.
Outside Services	9,348.
\$450,000.	

The OTHER COMMITMENTS account includes expenses for capital debt service obligations, dedicated out of district costs, legal obligations, and budget contingencies.

Capital debt obligations	159,972.
Out of District costs	62,272.
Legal Obligations	23,716.
Budget Contingencies	111,040.
\$350,000.	

TOTAL EXPENSES \$4,025,000

REVENUES

Where the Money Will Come From to Pay the Above Expenses

ARTICLE # 7
To see what sum the District will appropriate from the *Foundation Allocation* for school purposes and to see what sum the District will raise as the required local share of the *Foundation Allocation*

FOUNDATION ALLOCATION
Board of Directors Recommends
\$1,200,000.00

ARTICLE # 8
To see what sum the District will appropriate from the *Debt Service Allocation* and to see what sum the District will raise as the local share of the *Debt Service Allocation* to make required payments on current capital debt.

DEBT SERVICE ALLOCATION
Board of Directors Recommends
\$1,200,000.00

ARTICLE # 9
To see what sum the District will raise in *Additional Local Funds* under the provision of Maine state statute 20-A M.R.S.A. 15614

ADDITIONAL LOCAL FUNDS
Board of Directors Recommends
\$500,000.00

The Foundation Allocation is the minimum amount that must be committed locally in order to receive the Districts full state subsidy share.

State Participation	\$700,000
Required Local Share	\$500,000
\$1,200,000	

The Debt Service Allocation is the minimum amount required to honor capital debt payments and receive the Districts full debt service state subsidy share.

State Participation	\$700,000
Required Local Share	\$500,000
\$1,200,000	

This amount represents the money beyond the Foundation Allocation and other receipts that the District needs to run school programs and meet the expenses proposed above in Articles 1 through 6.

Additional Local Funds	\$500,000
\$500,000	

LOCAL DATA SUMMARY

	Current FY 00	Proposed FY 01	Increase (Decrease)
Total Expenses	\$4,900,000	\$5,000,000	2.0%
State Allocation	\$1,300,000	\$1,400,000	8.3%
Local Assessment	\$1,450,000	\$1,500,000	3.4%
Total to Be Raised through local Taxes		\$1,500,000	

ARTICLE # 10
To see what sum the District will authorize the Board to expend for the fiscal year beginning July, 1 2000 and ending June 30, 2001 from the foundation allocation, debt service allocation, local allocations, unexpended balances, tuition receipts, state subsidy, and other receipts for the support of schools.

AUTHORIZATION TO EXPEND FUNDS
Board of Directors Recommends
\$4,025,000.00

This is a summary Article. It authorizes the District Board to expend the money raised and appropriated in the previous Articles as well as revenues from all other sources. This Article does not raise additional money. The following is a summary of all revenue sources:

State Allocation	\$1,400,000.
Other state revenues	\$200,000.
Balance Forward	\$300,000.
Federal/Other Revenues	\$75,000.
Tuition Receipts	\$300,000.
Other Local Revenues	\$250,000.
Local Allocation (Total) \$1,500,000.	

TOTAL REVENUES \$4,025,000

SAMPLE VOTING DOCUMENT
(GROSS BUDGET BY REFERENDUM)

- Article 1:** Shall the District *appropriate* the sum of ***\$16,615,933*** from the foundation allocation for school purposes and shall the District *raise* ***\$5,944,974*** as the local share of the foundation allocation?
- Article 2:** Shall the District *appropriate* the sum of ***\$2,776,981*** from the debt service allocation and shall the District *raise* ***\$314,000*** as the local share of the debt service?
- Article 3:** Shall the District *raise* and *appropriate* the sum of ***\$2,474,967*** in additional local funds for school purposes under the provisions of 20-a M.R.S.A. 15614?
- Article 4:** Shall the District authorize the Board of Directors to *expend* ***\$23,016,311*** for the fiscal year beginning July 1, 1999, and ending June 30, 2000, from the foundation allocation, debt service allocation, unexpended balances, tuition receipts, local appropriations, state subsidy, federal subsidy, and other receipts for the support of schools?
- Article 5:** Shall the District *appropriate* for Adult Education the sum of ***\$123,391*** and shall the District *raise* ***\$68,469*** as the local share?
- Article 6:** Shall the District voters authorize the M.S.A.D. #99 Board of Directors to *expend* such other sums as may be received from federal or state grants or programs or other sources during the 1999-2000 fiscal year for school and/or adult education purposes provided that such grants, programs or other sources do not require the expenditure of other funds not previously appropriated?

SAD #99 District Meeting (April-15-2000)

SUMMARY OF PROPOSED & APPROVED BUDGET

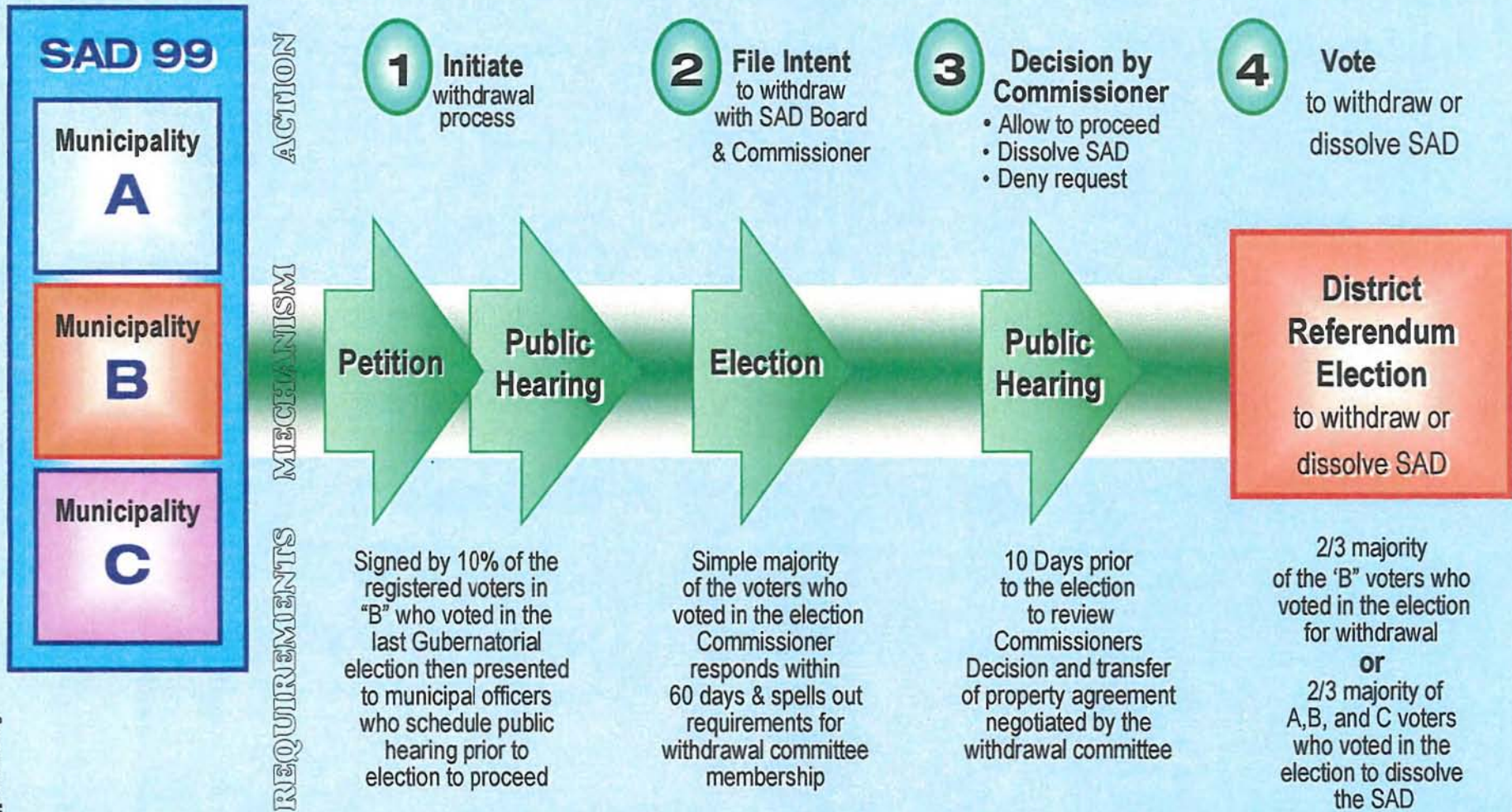
	<u>Proposed</u>	<u>Approved</u>
		<i>To be authorized by referendum vote April -18 -2000</i>
ARTICLE # 1 PRE K-12 INSTRUCTION	\$1,200,000.	\$1,200,000.
ARTICLE # 2 INSTRUCTIONAL SUPPORT	\$1,000,000.	\$1,000,000.
ARTICLE # 3 LEADERSHIP	\$550,000.	\$550,000.
ARTICLE # 4 OPERATIONS	\$475,000.	\$475,000.
ARTICLE # 5 TRANSPORTATION	\$450,000.	\$450,000.
ARTICLE # 6 OTHER COMMITMENTS	\$350,000.	\$350,000.
ARTICLE # 7 FOUNDATION ALLOCATION	\$1,200,000.	\$1,200,000.
ARTICLE # 8 DEBT SERVICE ALLOCATION	\$1,200,000.	\$1,200,000.
ARTICLE # 9 ADDITIONAL LOCAL FUNDS	\$500,000.	\$500,000.
ARTICLE # 10 AUTHORIZATION TO EXPEND FUNDS	\$4,025,000.	\$4,025,000.

SCHOOL ADMINISTRATIVE UNIT VOTING PROCEDURES

WITHDRAWAL

School Administrative District (SAD)

Example: Municipality "B" seeks to withdraw from SAD# 99

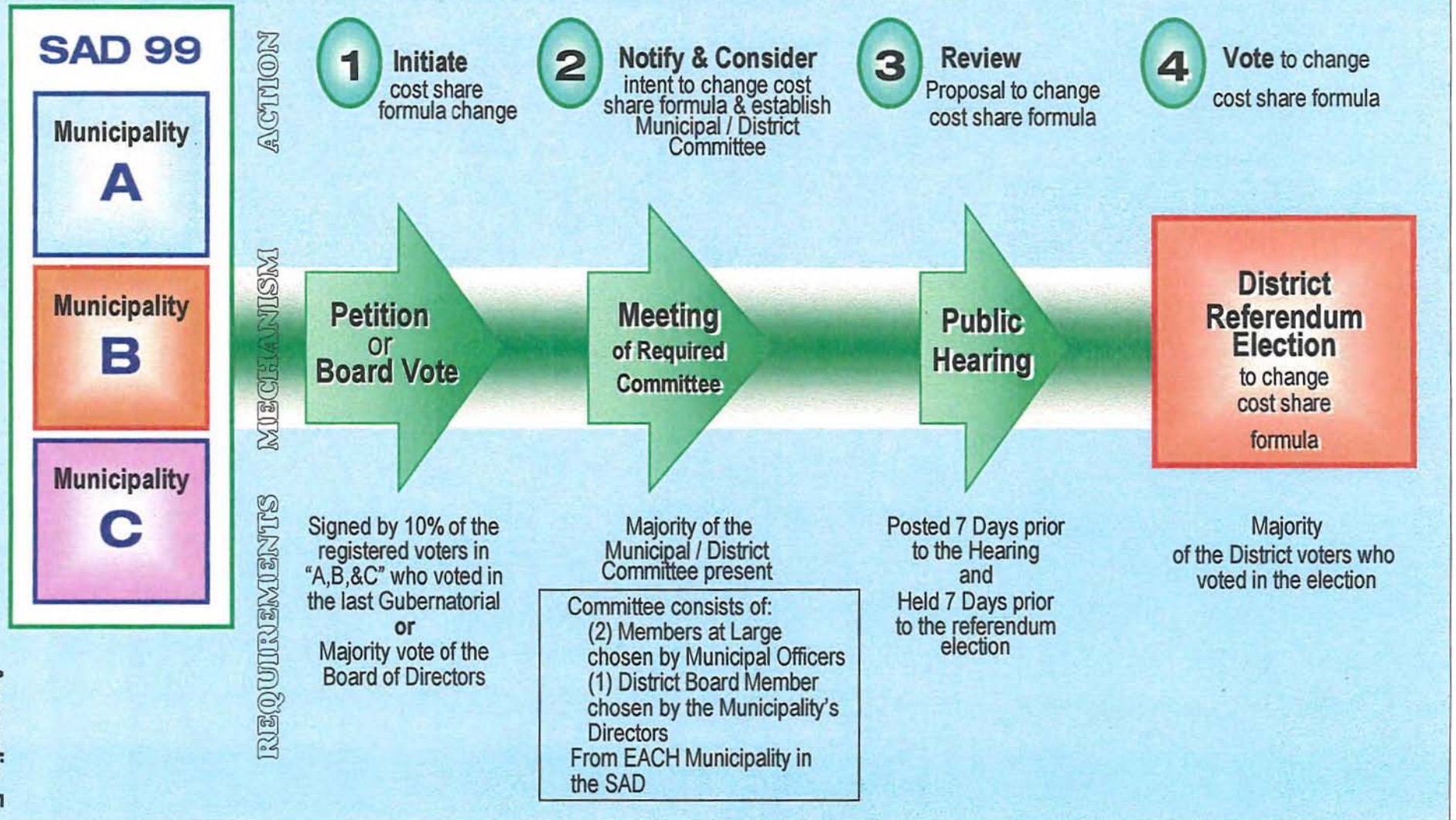


SCHOOL ADMINISTRATIVE UNIT VOTING PROCEDURES

COST SHARE

School Administrative District (SAD)

Example: A Cost Share Change is Requested for SAD# 99



SUMMARY OF SCHOOL STATUTE PETITION PROCEDURES

1. 20-A M.R.S.A. § 1303(3) permits 10% of the voters to have specific articles, not in conflict with other statutes, placed on the warrant of a school administrative district for consideration at the next budget meeting or referendum.
2. 20-A M.R.S.A. § 1301 permits 10% of the voters to petition for an amendment to the cost sharing formula of an SAD.
3. 20-A M.R.S.A. § 1305 permits 10% of the voters to petition for the use of referendum voting procedures for adoption of school budgets in SAD's.
4. 20-A M.R.S.A. § 1306 allows the voters to petition for the use of a line item budget format in an SAD.
5. 20-A M.R.S.A. § 1311(7) permits 10% of the voters to require a vote on a bond resolution adopted by the school directors authorizing the issuance of bonds in an amount less than 1% of the valuation of the district.
6. 20-A M.R.S.A. § 15618(2)(B)(1) permits 10% of the voters of a school administrative unit to petition for the reconsideration of the school budget or any part thereof.
7. 20-A M.R.S.A. § 4102 permits 10% of the voters of a school administrative unit to petition for a referendum on a proposal to close a secondary school in an SAD or CSD or an elementary or secondary school in other school administrative units for lack of need.
8. 20-A M.R.S.A. § 1403 permits 10% of the voters in a town in an SAD to petition for dissolution of the SAD and § 1404 permits a similar petition for reorganization as a CSD.
9. 20-A M.R.S.A. § 1405 permits 10% of the voters of a town to petition for withdrawal of a town from an SAD
10. 20-A M.R.S.A. § 1704 permits 10% of the voters of a CSD to petition for a change in the district's cost sharing formula.
11. 20-A M.R.S.A. § 1751 permits 10% of the voters of a CSD to petition for dissolution of or withdrawal of a town from a CSD
12. 20-A M.R.S.A. § 1751(5) permits 10% of the voters to petition for a referendum vote on the closing of an elementary school for lack of need in the same manner as an SAD
13. 20-A M.R.S.A. § 2103(1) permits 10% of the voters to petition for dissolution of a union school and § 2104 permits a similar petition for withdrawal of a town from a union school.
14. 20-A M.R.S.A. § 1351(2) permits 10% of the voters in an SAD to petition for a referendum to place a school construction article on the warrant.
15. 20-A M.R.S.A. § 1354(1) permits the voters in an SAD to petition for reconsideration of a prior referendum vote.
16. 20-A M.R.S.A. § 2522 permits 10% of the voters in a municipal school unit to petition to have an article included in the town's next warrant issued or in a warrant of a special meeting

CHECKLIST #1 — POLICIES REQUIRED BY LAW/REGULATIONS

Maine and Federal laws require local school boards to adopt certain written policies. In addition, Maine Department of Education Rules and the Code of Federal Regulations (CFR) also require the adoption of policies.

The following is a list of policies that school boards must adopt. Please note that the titles and policy codes are given with the new National Educational Policy Network (NEPN) and National School Boards Association (NSBA) classifications.

NEPN/NSBA

<u>CODE</u>	<u>NEPN/NSBA TITLE</u>
___AC	NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION— TITLES VI/IX; SEC. 504; IDEA; ADA
___AC-R	NONDISCRIMINATION/EQUAL OPPORTUNITY AND AFFIRMATIVE ACTION— COMPLAINT PROCEDURE [No MSMA sample available]
___ACAA	HARASSMENT EEOC GUIDELINES, TITLES VII, IX [MSMA has separate policies for students and employees]
___ACAA-R	HARASSMENT COMPLAINT PROCEDURE [No MSMA sample available]
___ACAD	HAZING
___AD	EDUCATIONAL PHILOSOPHY/MISSION 20-A MRSA § 4511(3)(A)
___ADA	SCHOOL SYSTEM GOALS AND OBJECTIVES 20-A MRSA § 4511(3)(A)
___ADC	TOBACCO USE AND POSSESSION 22 MRSA § 1580(A)(3); 22 MRSA § 1578-B; GOALS 2000 EDUCATE AMERICA ACT, FED P.L. 103-227
___DN	SCHOOL PROPERTIES DISPOSITION 20-A MRSA § 7
___EEAEAA	DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS
___EEAEAA-R	DRUG AND ALCOHOL TESTING OF SCHOOL BUS DRIVERS—PROCEDURES
___GBEC	DRUG-FREE WORKPLACE FED. P.L. 101-226
___GCFB	RECRUITING AND HIRING OF ADMINISTRATIVE STAFF 20-A MRSA § 1001(13)
___GCFB-R	RECRUITING AND HIRING OF ADMINISTRATIVE STAFF—PROCEDURES
___GCI	PROFESSIONAL STAFF DEVELOPMENT Maine DOE Rules, Chap. 125 §23.B.5.
___GCOA	SUPERVISION AND EVALUATION OF PROFESSIONAL STAFF 125.23,B,5,n
___GCOC	EVALUATION OF ADMINISTRATIVE STAFF 125.23,B,5,n

SPECIAL EDUCATION SERIES (in separate MADSEC packet)

___ICB	EXTENDED SCHOOL YEAR SERVICES
___IHBA	INDIVIDUAL EDUCATION PLANS (IEPS)
___IHBAA	REFERRAL/PRE-REFERRAL PROCEDURES
___IHBAC	CHILD IDENTIFICATION
___IHBAD	PERSONNEL DEVELOPMENT
___IHBAE	PARENT INVOLVEMENT
___IHBAG	PROGRAMMING IN THE LEAST RESTRICTIVE ENVIRONMENT
___IHBAI	SPECIAL EDUCATION INDEPENDENT EVALUATIONS
___IHB AJ	SPECIAL EDUCATION STUDENT OVERSIGHT AGREEMENT
___IHB AJ-E	PROGRESS REPORT FORM
___IHB AK*	LIFE-SUSTAINING EMERGENCY CARE (D.N.R.)
___IHBAL	GRIEVANCE PROCEDURE FOR PERSONS WITH DISABILITIES
___IHBGB	SPECIAL EDUCATION SERVICES FOR STUDENTS IN PRIVATE SCHOOLS OR HOME SCHOOLING
___JKF	SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES

*UNDER REVIEW

NEPN/NSBA

<u>CODE</u>	<u>NEPN/NSBA TITLE</u>	CHECKLIST #1 cont'd
___ IHBG	HOME SCHOOLING 130.2,A	
___ IHBGA	HOME SCHOOLING—PARTICIPATION IN SCHOOL PROGRAMS 130.2,A	
___ IHDA	POST-SECONDARY ENROLLMENT OPTIONS 20-A MRSA § 4771 et. seq. [if school unit has high school]	
___ IJJ	INSTRUCTIONAL & LIBRARY MATERIALS SELECTION 125.22	
___ IJJ-E	CITIZEN'S CHALLENGE OF EDUCATIONAL MEDIA (FORM)	
___ IKB	HOMEWORK 125.23,B,5,I	
___ IKE	PROMOTION, RETENTION AND ACCELERATION OF STUDENTS 125.23,B,5,I	
___ IKF	GRADUATION REQUIREMENTS 127.11,C; 127.12; 20-A MRSA § 4722	
___ ILA	TESTS/ASSESSMENT 125.15,b	
___ JEA	COMPULSORY STUDENT ATTENDANCE 125.23,B,5,I	
___ JFC	DROPOUT PREVENTION – STUDENT WITHDRAWAL FROM SCHOOL 20-A MRSA § 5103	
___ JICH	DRUG AND ALCOHOL USE BY STUDENTS P.L. 101-226	
___ JICIA	WEAPONS, VIOLENCE AND SCHOOL SAFETY FED. P.L. 103-227 [replaces former sample JICI – WEAPONS IN THE SCHOOLS]	
___ JK	STUDENT DISCIPLINE 125.23,B,5,I	
___ JLCC	COMMUNICABLE/INFECTIOUS DISEASES 20-A MRSA § 1001.11-A	
___ JRA	STUDENT RECORDS 125.19,B	
___ KBF	TITLE I – PARENT INVOLVEMENT 34 CFR Part 75,Sec,200.34	

*UNDER REVIEW

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CHECKLIST #2 — POLICY TOPICS RECOMMENDED BY
MSBA DELEGATE ASSEMBLY RESOLUTIONS

NEPN/NSBA

<u>CODES</u>	<u>NEPN/NSBA TITLES</u>
___ACA	NON-SEXIST LANGUAGE 2.A.13
___BCA	BOARD MEMBER CODE OF ETHICS 2.A.8
___BCB	BOARD MEMBER CONFLICT OF INTEREST 2.A.7, 3.A.2
___BCC	NEPOTISM 2.A.7, 3.A.2
___BG	SCHOOL BOARD POLICY PROCESS 2.A.4
___BG-R	POLICY ADOPTION PROCESS 2.A.4
___BIA	NEW BOARD MEMBER ORIENTATION 2.A.9
___BIB	BOARD MEMBER DEVELOPMENT OPPORTUNITIES 2.A.9
___CBI	EVALUATION OF SUPERINTENDENT 2.A.10 (Under Review)
___CHD	ADMINISTRATION IN THE ABSENCE OF POLICY 2.A.4
___GBB	STAFF INVOLVEMENT IN DECISION MAKING 2.A.22
___GCOA	SUPERVISION AND EVALUATION OF PROFESSIONAL STAFF 2.B.29
___ID	SCHOOL DAY 2.B.27
___IGA	CURRICULUM DEVELOPMENT 2.B.9, 10, 11, 12, 13, 14, 19, 22
___IHBAK*	DO NOT RESUSCITATE REQUESTS 2.B.42 [MADSEC sample]
___IL	EVALUATION OF INSTRUCTIONAL PROGRAMS 2.B.15
___IMDA	PATRIOTIC EXERCISES 2.B.18
___IMDB	FLAG DISPLAYS 2.B.18
___JI	STUDENT RIGHTS AND RESPONSIBILITIES 2.B.3 [No MSMA sample available]
___JICIA	WEAPONS, VIOLENCE AND SCHOOL SAFETY FED. P.L. 103-227 [replaces former sample JICI – WEAPONS IN THE SCHOOLS] 2.A.17
___JKD	SUSPENSION OF STUDENTS 2.B.3
___JKE	EXPULSION OF STUDENTS 2.B.3
___JKE-R	EXPULSION OF STUDENTS -- GUIDELINES
___JKF	SUSPENSION/EXPULSION OF STUDENTS WITH DISABILITIES 2.B.3 (MADSEC sample)
___JLF	REPORTING CHILD ABUSE/CHILD PROTECTIONS 2.A.11
___JO	EMPLOYMENT OF STUDENTS 2.A.44
___KCB	COMMUNITY INVOLVEMENT IN DECISION MAKING 2.A.46
___KHB	ADVERTISING IN SCHOOLS 2.A.14

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*Sample under review.

CHECKLIST #3 — “B” SERIES—BOARD GOVERNANCE AND OPERATIONS

EACH MAINE SCHOOL ADMINISTRATIVE DISTRICT (M.S.A.D.) IS REQUIRED BY STATE LAW TO “ADOPT BYLAWS FOR THE REGULATION OF THE AFFAIRS OF THE BOARD AND THE CONDUCT OF ITS BUSINESS”—TITLE 20-A, SECTION 1256.5.

MSMA ADVISES ALL SCHOOL UNITS TO CONSIDER HAVING A COMPREHENSIVE SERIES OF BYLAWS-TYPE POLICIES ESTABLISHING THE BOARD'S INTERNAL OPERATING PROCEDURES.

NEPN/NSBA

<u>CODES</u>	<u>NEPN/NSBA TITLES</u>
___ BB	SCHOOL BOARD LEGAL STATUS (FOR MSAD's)
___ BBA	BOARD POWERS AND RESPONSIBILITIES
___ BBAA	BOARD MEMBER AUTHORITY AND RESPONSIBILITIES
___ BBBA	BOARD MEMBER QUALIFICATIONS
___ BBBE	UNEXPIRED TERM FULFILLMENT/VACANCIES
___ BBD	BOARD-DECLARED VACANCY CAUSED BY ABSENTEEISM
___ BCA	BOARD MEMBER CODE OF ETHICS
___ BCB	BOARD MEMBER CONFLICT OF INTEREST
___ BCC	NEPOTISM
___ BDA	BOARD ORGANIZATIONAL MEETING
___ BDB	BOARD OFFICERS
___ BDD	BOARD-SUPERINTENDENT RELATIONSHIP
___ BDE	BOARD COMMITTEES
___ BDF	ADVISORY COMMITTEES TO THE BOARD
___ BDG	SCHOOL ATTORNEY/LEGAL SERVICES
___ BE	SCHOOL BOARD MEETINGS
___ BEC	EXECUTIVE SESSIONS
___ BEC-E	EXECUTIVE SESSION LAW
___ BEDA	NOTIFICATION OF BOARD MEETINGS
___ BEDB	AGENDA
___ BEDC	QUORUM
___ BEDD	RULES OF ORDER
___ BEDF	VOTING METHOD
___ BEDFA	ABSTENTIONS
___ BEDG	MINUTES
___ BEDH	PUBLIC PARTICIPATION AT BOARD MEETINGS
___ BEDI	NEWS MEDIA SERVICES AT BOARD MEETINGS
___ BEDJ	BROADCASTING/TAPING OF BOARD MEETINGS
___ BEDL	ADJOURNMENT OF BOARD MEETINGS
___ BG	SCHOOL BOARD POLICY FUNCTION
___ BG-R	POLICY ADOPTION PROCESS
___ BHC	BOARD COMMUNICATIONS WITH STAFF
___ BIA	NEW BOARD MEMBER ORIENTATION
___ BIB	BOARD MEMBER DEVELOPMENT OPPORTUNITIES
___ BID	BOARD MEMBER COMPENSATION AND EXPENSES

BOLD titles also recommended by MSBA Delegate Assembly Resolutions.

CHECKLIST #4 — OTHER POLICIES RECOMMENDED FOR CONSIDERATION
AS PRUDENT TO GOOD SCHOOL OVERSIGHT

NEPN/NSBA

CODES

NEPN/NSBA TITLES

FOUNDATIONS AND BASIC COMMITMENTS:

<input type="checkbox"/> AB	THE PEOPLE AND THEIR SCHOOL DISTRICT
<input type="checkbox"/> ACAA-R*	SEXUAL HARASSMENT -- STUDENT COMPLAINT PROCESS (no MSMA sample)
<input type="checkbox"/> AEC	ACCOMPLISHMENT REPORTING TO THE PUBLIC

SCHOOL BOARD GOVERNANCE AND OPERATIONS—see separate listing

GENERAL SCHOOL ADMINISTRATION:

<input type="checkbox"/> CA	ADMINISTRATION GOALS/PRIORITY OBJECTIVES
<input type="checkbox"/> CB	SCHOOL SUPERINTENDENT
<input type="checkbox"/> CBD	SUPERINTENDENT'S CONTRACT
<input type="checkbox"/> CC	ADMINISTRATIVE ORGANIZATION
<input type="checkbox"/> CF	SCHOOL BUILDING ADMINISTRATION
<input type="checkbox"/> CHA	DEVELOPMENT OF REGULATIONS
<input type="checkbox"/> CHCAA	STUDENT HANDBOOKS
<input type="checkbox"/> CM	SCHOOL DISTRICT ANNUAL REPORT

FISCAL MANAGEMENT:

<input type="checkbox"/> DA	FISCAL MANAGEMENT GOALS/PRIORITY OBJECTIVES
<input type="checkbox"/> DB	ANNUAL BUDGET
<input type="checkbox"/> DBG	BUDGET ADOPTION PROCESS
<input type="checkbox"/> DFA	REVENUES FROM INVESTMENTS
<input type="checkbox"/> DFF	INCOME FROM SCHOOL SALES AND SERVICES
<input type="checkbox"/> DH	BONDED EMPLOYEES AND OFFICERS
<input type="checkbox"/> DI	FISCAL ACCOUNTING AND REPORTING
<input type="checkbox"/> DID	INVENTORIES
<input type="checkbox"/> DIE	AUDITS/FINANCIAL MONITORING
<input type="checkbox"/> DJ	BIDDING/PURCHASING PROCEDURES
<input type="checkbox"/> DJC	PETTY CASH
<input type="checkbox"/> DLB	TAX SHELTERED ANNUITIES
<input type="checkbox"/> DM	CASH IN SCHOOL BUILDINGS

SUPPORT SERVICES:

<input type="checkbox"/> EA	SUPPORT SERVICES GOALS/PRIORITY OBJECTIVES
<input type="checkbox"/> EB	ENVIRONMENTAL AND SAFETY PROGRAM
<input type="checkbox"/> EBAA*	REPORTING OF HAZARDS
<input type="checkbox"/> EBCA	CRISIS RESPONSE PLAN
<input type="checkbox"/> EBCB	FIRE DRILLS
<input type="checkbox"/> EBCC	BOMB THREATS
<input type="checkbox"/> EDE	WASTE MANAGEMENT AND RECYCLING

___ EEA STUDENT TRANSPORTATION SERVICES
___ EEAEA STUDENT TRANSPORTATION DRIVER REQUIREMENTS, TRAINING AND
RESPONSIBILITIES
___ EEA EF VIDEO CAMERAS ON TRANSPORTATION VEHICLES
___ EFC FREE AND REDUCED PRICE FOOD SERVICES
___ EFCA OFFER VS. SERVE
___ EGAD COPYRIGHT COMPLIANCE

FACILITIES DEVELOPMENT:

___ FA FACILITIES DEVELOPMENT GOALS/PRIORITY OBJECTIVES
___ FB FACILITIES PLANNING
___ FC FACILITIES FUNDING AND CONSTRUCTION
___ FEA EDUCATIONAL SPECIFICATIONS FOR CONSTRUCTION

PERSONNEL:

___ GA PERSONNEL GOALS/PRIORITY OBJECTIVES
___ GAB JOB DESCRIPTIONS
___ GBEA STAFF ETHICS/CONFLICT OF INTEREST
___ GBGA STAFF HEALTH
___ GBGAA BLOODBORNE PATHOGENS
___ GBJ PERSONNEL RECORDS AND FILES
___ GBJC RETENTION OF APPLICATION MATERIALS
___ GBM EMPLOYEE REFERENCES
___ GBN FAMILY AND MEDICAL LEAVE
___ GCCAD MILITARY LEAVE
___ GCF PROFESSIONAL STAFF HIRING
___ GCGA SUBSTITUTE TEACHERS
___ GCK PROFESSIONAL STAFF ASSIGNMENTS AND TRANSFERS
___ GCQC RESIGNATIONS OF STAFF
___ GCS PROFESSIONAL RESEARCH AND PUBLISHING
___ GDA SUPPORT STAFF POSITIONS
___ GDF SUPPORT STAFF HIRING

NEGOTIATIONS:

___ HA NEGOTIATIONS GOALS/PRIORITY OBJECTIVES

INSTRUCTION:

___ IA INSTRUCTIONAL GOALS AND LEARNING OBJECTIVES
___ IE ORGANIZATION OF INSTRUCTION
___ IHAK CITIZENSHIP/VALUES EDUCATION
___ IHBB GIFTED AND TALENTED EDUCATION
___ IHBEA PROGRAM FOR LIMITED ENGLISH PROFICIENT STUDENTS
___ IHBH ALTERNATIVE SCHOOL PROGRAMS
___ IHCD ADVANCED COLLEGE PLACEMENT
___ IHD ADULT/COMMUNITY EDUCATION
___ IJOC SCHOOL VOLUNTEERS
___ IK ACADEMIC ACHIEVEMENT
___ IKAB REPORT CARDS/PROGRESS REPORTS

___ IKFA	EARLY GRADUATION
___ IKFBA	GRADUATION EXERCISES—PRAYERS
___ IKFBB	GRADUATION EXERCISES—BACCALAUREATE SERVICES
___ IKFC	HIGH SCHOOL CREDIT FOR PRE-HIGH SCHOOL STUDENTS
___ IMB	TEACHING ABOUT CONTROVERSIAL/SENSITIVE ISSUES
___ IMBAA	ALTERNATIVES TO BIOLOGICAL DISSECTION
___ IMBB*	EXEMPTIONS FROM REQUIRED INSTRUCTION
___ IMG	ANIMALS IN SCHOOLS

STUDENTS:

___ JB	EQUAL EDUCATIONAL OPPORTUNITIES (<i>if not addressed in AC</i>)
___ JFAA	ADMISSION OF RESIDENT STUDENTS
___ JFAB	ADMISSION OF NONRESIDENT STUDENTS
___ JGAA	ASSIGNMENT OF STUDENTS TO CLASSES—FIVE-YEAR-OLDS
___ JHB	TRUANCY
___ JHCB	RELEASED TIME FOR RELIGIOUS INSTRUCTION
___ JICA	STUDENT DRESS
___ JICB	CARE OF SCHOOL PROPERTY BY STUDENTS
___ JICC	STUDENT CONDUCT ON SCHOOL BUSES
___ JICE	STUDENT PUBLICATIONS
___ JID	STUDENTS OF LEGAL AGE
___ JIH	QUESTIONING AND SEARCHES OF STUDENTS
___ JII	STUDENT CONCERNS, COMPLAINTS AND GRIEVANCES
___ JJA	STUDENT ORGANIZATIONS
___ JJAB	STUDENT ORGANIZATIONS—LIMITED OPEN/CLOSED FORUM)
___ JJE	STUDENT FUND-RAISING ACTIVITIES
___ JJF	STUDENT ACTIVITIES FUNDS
___ JLCCA	STUDENTS WITH HIV/AIDS
___ JLCD	ADMINISTERING MEDICINES TO STUDENTS
___ JLCE	FIRST AID AND EMERGENCY MEDICAL CARE
___ JLCE-R	FIRST AID - PROCEDURES
___ JLD	GUIDANCE AND COUNSELING
___ JLG	ADMISSION OF HOMELESS STUDENTS
___ JLIB	STUDENT DISMISSAL PRECAUTIONS
___ JLIE	STUDENT AUTOMOBILE USE AND PARKING
___ JLIF	SUICIDE AWARENESS PROGRAM
___ JN	SCHOOL AND COMMUNITY SERVICE
___ JP	STUDENT DONATIONS AND GIFTS
___ JQ	STUDENT FEES, FINES AND CHARGES
___ JS	STUDENT ASPIRATIONS

SCHOOL-COMMUNITY RELATIONS:

___ KA	SCHOOL-COMMUNITY-HOME RELATIONS GOALS/PRIORITY OBJECTIVES
___ KCD	PUBLIC GIFTS/DONATIONS TO SCHOOLS
___ KD	PUBLIC INFORMATION AND COMMUNICATIONS
___ KDB	PUBLIC'S RIGHT TO KNOW/FREEDOM OF INFORMATION
___ KDD	MEDIA RELATIONS
___ KE	PUBLIC CONCERNS AND COMPLAINTS
___ KF	COMMUNITY USE OF SCHOOL FACILITIES

KFD USE OF SCHOOL FACILITIES BY NONSCHOOL STUDENT GROUPS
 KFE SCHOOL FACILITIES USE DURING A CIVIL EMERGENCY
 KI VISITORS TO SCHOOLS
 KLG RELATIONS WITH LAW ENFORCEMENT AUTHORITIES

EDUCATION AGENCY RELATIONS:

LD RELATIONS WITH COLLEGES AND UNIVERSITIES
 LDA STUDENT TEACHING AND INTERNSHIPS

*Under Review
f:\data\wkshp\rq-rcpol(1/99)

GEORGETTE B. BERUBE, DISTRICT 21, CHAIR
 ROBERT E. MURRAY, JR., DISTRICT 9
 MARY E. SMALL, DISTRICT 19

PHILLIP D. MCCARTHY, LEGISLATIVE ANALYST
 MERLE WORTH, COMMITTEE CLERK



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 CAROL WESTON, MONTVILLE

ONE HUNDRED AND NINETEENTH LEGISLATURE
 COMMITTEE ON EDUCATION AND CULTURAL AFFAIRS

May 10, 1999

James E. Rier, Jr.
 21 North Street
 Machias, Me 04654

RE: School governance legislation

Dear Mr. Rier:

During the First Regular Session of the 119th Legislature, the Joint Standing Committee on Education considered several bills dealing with what the committee generally termed "school governance" issues. Although the committee took final action on several of the bills, 2 others were carried over for consideration next session. Our hope is to use one or both of those bills to address remaining issues related to school governance next year.

To aid the committee in its deliberations next year, we are requesting that the State Board of Education review the 2 carry over bills:

- LD 1346, An Act to Amend the Laws Regarding the School Administrative District Budget Approval Process, which would require that subsequent votes to approve an SAD budget be by referendum, if the SAD has adopted the alternative budget voting procedure, and
- LD 933, An Act to Permit the Submission of Citizens' Initiatives and Citizens' Vetoes to School Districts, which would authorize a public petition and referenda to adopt or to repeal school board policies.

Please submit any recommendations the State Board has on these 2 bills to the Education Committee by January 15, 2000.

While the 2 carry over bills involve specific proposals involving school governance issues, these and other bills also raise larger issues for consideration. Those issues result in the periodic introduction of legislation attempting to address local concerns from one point of view or another. The Education Committee often finds it difficult during the press of the legislative session to sort out competing concerns, determine the source of the problem (if one exists) and

identify an equitable solution in every case. We are hoping to enlist the assistance of the State Board in beginning to identify and address those larger issues.

It is our understanding that the State Board has formed a standing subcommittee on "Facilitation of Learning" that includes as a component the improvement of collaborative efforts between schools and municipalities. We hope that the State Board, through its subcommittee, can begin to look at issues that historically have caused friction between municipalities, local taxpayers and their schools. Among the issues that we would like to see examined are the following:

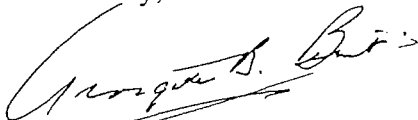
1. Why is the alternative SAD budget voting procedure increasingly popular? Could the standard budget approval process be improved? Should CSD's have a similar budget approval alternative?
2. Can the frequency of budget impasses in multi-municipality districts be reduced? If impasse results, how can it best be resolved?
3. In multi-municipality districts, are the ordinary voting, withdrawal or dissolution, and amendment of cost sharing formula procedures reasonably equitable to all parties?

If time permits, the committee requests that the State Board include in its report on our carry over bills any findings and recommendations in these areas and any additional related areas identified by the State Board during its deliberations.

Finally, during the committee's deliberations on LD 1346, several legislators and members of the public asked to be informed of the board's considerations related to the bill. We are attaching a list of those interested persons for your information.

Thank you for your attention to this matter. We look forward to your report. If you have any questions, please contact either of our Legislative Analysts, David Elliott or Phil McCarthy at 287-1670.

Sincerely,



Sen. Georgette Berube

Sincerely,



Rep. Michael Brennan

cc: Rep. Brooks
Rep. Glynn
Sen. Longley
Geoff Herman, MMA
Greg Scott, DOE