



# 125th MAINE LEGISLATURE

## FIRST REGULAR SESSION-2011

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Legislative Document

No. 268

H.P. 221

House of Representatives, February 1, 2011

**An Act To Make the Consolidation of School Administrative Units  
Voluntary and To Eliminate the Penalties for Units That Choose Not  
To Consolidate**

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

A handwritten signature in cursive script that reads "Heather J.R. Priest".

HEATHER J.R. PRIEST  
Clerk

Presented by Representative MacDONALD of Boothbay.  
Cosponsored by Senator TRAHAN of Lincoln and  
Representative: McKANE of Newcastle.

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

2 **Sec. 1. 20-A MRSA §1461, sub-§1**, as enacted by PL 2007, c. 240, Pt. XXXX,  
3 §13, is amended to read:

4 **1. Notice of intent.** Each school administrative unit that chooses to join in the  
5 formation of a regional school unit shall file with the commissioner a notice of intent to  
6 engage in planning and negotiations with other school administrative units for the  
7 purpose of developing a reorganization plan to form a regional school unit under this  
8 chapter. The commissioner shall respond to each notice of intent providing information  
9 regarding the process and whether the intended action complies with the requirements of  
10 this chapter. A school administrative unit is not required to join in the formation of a  
11 regional school unit or to join a regional school unit.

12 **Sec. 2. 20-A MRSA §1461, sub-§3**, as amended by PL 2009, c. 580, §§3 and 4,  
13 is further amended to read:

14 **3. Submission of plans.** Each school administrative unit that chooses to consolidate  
15 shall submit to the commissioner its proposed reorganization plan for consolidation into a  
16 regional school unit that meets the requirements of paragraphs A and B.

17 A. A reorganization plan must include:

18 (1) The units of school administration to be included in the proposed reorganized  
19 regional school unit;

20 (2) The size, composition and apportionment of the governing body;

21 (3) The method of voting of the governing body;

22 (4) The composition, powers and duties of any local school committees to be  
23 created;

24 (5) The disposition of real and personal school property;

25 (6) The disposition of existing school indebtedness and lease-purchase  
26 obligations if the parties elect not to use the provisions of section 1506 regarding  
27 the disposition of debt obligations;

28 (7) The assignment of school personnel contracts, school collective bargaining  
29 agreements and other school contractual obligations;

30 (8) The disposition of existing school funds and existing financial obligations,  
31 including undesignated fund balances, trust funds, reserve funds and other funds  
32 appropriated for school purposes;

33 (9) A transition plan that addresses the development of a budget for the first  
34 school year of the reorganized unit and interim personnel policies;

35 (10) Documentation of the public meeting or public meetings held to prepare or  
36 review the reorganization plan;

1 (11) An explanation of how units that approve the reorganization plan will  
2 proceed if one or more of the proposed members of the regional school unit fail  
3 to approve the plan;

4 (12) An estimate of the cost savings to be achieved by the formation of a  
5 regional school unit and how these savings will be achieved; and

6 (13) Such other matters as the governing bodies of the school administrative  
7 units in existence on the effective date of this chapter may determine to be  
8 necessary.

9 B. In order for the plan to be approved by the commissioner, the governing bodies of  
10 school administrative units shall work within the following parameters.

11 (1) The proposed regional school unit must serve not fewer than 2,500 students,  
12 including, for purposes of this paragraph, students attending from the  
13 unorganized territory, except where circumstances relating to the following  
14 factors justify an exception:

15 (a) Geography, including physical proximity and the size of the current  
16 school administrative unit;

17 (b) Demographics, including student enrollment trends and the composition  
18 and nature of communities in the regional school unit;

19 (c) Economics, including existing collaborations to be preserved or enhanced  
20 and opportunities to deliver commodities and services to be maximized;

21 (d) Transportation;

22 (e) Population density; or

23 (f) Other unique circumstances including the need to preserve existing or  
24 developing relationships, meet the needs of students, maximize educational  
25 opportunities for students and ensure equitable access to rigorous programs  
26 for all students.

27 When circumstances justify an exception to the size requirement set forth in this  
28 subparagraph of 2,500 students, the unit must serve as close to 2,500 students as  
29 possible and in no case, except for coastal islands and schools operated by tribal  
30 school committees, may it serve fewer than 1,200 students, including, for  
31 purposes of this paragraph, students attending from the unorganized territory.

32 (2) The plan must provide comprehensive programming for all students from  
33 kindergarten to grade 12 and must include at least one publicly supported  
34 secondary school.

35 (3) The plan must be consistent with the policies set forth in section 1451.

36 (4) The plan may not displace teachers or students or close any schools existing  
37 and operating during the school year immediately preceding reorganization,  
38 except as permitted under section 1512.

39 (5) The plan must address how the school administrative unit will reorganize  
40 administrative functions, duties and noninstructional personnel so that the

1 projected expenditures of the reorganized school administrative unit in the first  
2 year of operation during the school year immediately following reorganization  
3 for system administration, transportation, special education and facilities and  
4 maintenance will not have an adverse impact on the instructional program.

5 C. Notwithstanding paragraph B, subparagraph (1), the commissioner may approve:

6 (1) A regional school unit to serve fewer than 1,200 students but not less than  
7 1,000 students in an isolated rural community, including, for purposes of this  
8 paragraph, students attending from the unorganized territory, if the proposed  
9 regional school unit meets at least one of the following criteria:

10 (a) The proposed regional school unit comprises 3 or more school  
11 administrative units in existence prior to July 1, 2008;

12 (b) The member municipalities of the proposed regional school unit are  
13 surrounded by approved regional school units or alternative organizational  
14 structures and there are no other school administrative units available to join  
15 the proposed regional school unit; or

16 (c) The member municipalities of the proposed regional school unit include  
17 2 or more isolated small schools that are eligible for an isolated small school  
18 adjustment pursuant to section 15683, subsection 1, paragraph F; and

19 (2) The formation of a regional school unit if the governing body or bodies of the  
20 proposed regional school unit demonstrate, in the notice of intent under  
21 subsection 1, that all reasonable and practical means of satisfying the  
22 requirements of subparagraph (1) and paragraph B, subparagraph (1) have been  
23 exhausted, and that approval is warranted based on the unique or particular  
24 circumstances of the unit or units.

25 In considering a request under this paragraph, the commissioner's decision must be  
26 based on, but is not limited to, the specific facts presented in the notice of intent and  
27 is applicable only to the specific school administrative units the decision concerns. If  
28 the commissioner denies approval of a regional school unit under this paragraph, the  
29 commissioner's decision constitutes final agency action and is not subject to appeal to  
30 the state board.

31 **Sec. 3. 20-A MRSA §1461-B, sub-§6, ¶A,** as enacted by PL 2009, c. 580, §5, is  
32 repealed.

33 **Sec. 4. 20-A MRSA §1461-B, sub-§6, ¶B,** as enacted by PL 2009, c. 580, §5, is  
34 repealed.

35 **Sec. 5. 20-A MRSA §1461-B, sub-§6, ¶C,** as enacted by PL 2009, c. 580, §5, is  
36 repealed.

37 **Sec. 6. 20-A MRSA §1465, sub-§3,** as enacted by PL 2007, c. 240, Pt. XXXX,  
38 §13, is amended to read:

39 **3. Referendum for a school administrative unit to join an existing regional**  
40 **school unit.** The municipal officers of each municipality in a proposed reorganized

1 school administrative unit shall place a warrant article substantially as follows on the  
2 ballot of a municipal referendum in accordance with the referendum procedures  
3 applicable to the school administrative unit of which the municipality is a member.

4 "Article: Do you favor approving the school reorganization plan prepared by the  
5 (insert name) Reorganization Planning Committee for school administrative unit  
6 (insert name of affected school administrative unit) to join the regional school unit  
7 (name of regional school unit), with an effective date of (insert date)?

8 Yes No"

9 ~~The following statement must accompany the article:~~

10 ~~"Explanation:~~

11 ~~A "YES" vote means that you approve of the (municipality or school~~  
12 ~~administrative unit) joining the proposed regional school unit. The financial~~  
13 ~~penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the~~  
14 ~~existing school administrative unit will no longer apply to the proposed regional~~  
15 ~~school unit."~~

16 **Sec. 7. 20-A MRSA §1465, sub-§4**, as enacted by PL 2007, c. 240, Pt. XXXX,  
17 §13, is amended to read:

18 **4. Referendum on the admission of an additional school administrative unit to**  
19 **an existing regional school unit.** If the vote to join a regional school unit under  
20 subsection 3 was in the affirmative, the existing regional school unit shall call a regional  
21 school unit referendum to vote on the following article.

22 "Article: Do you favor approving the school reorganization plan prepared by the  
23 (insert name) Reorganization Planning Committee for school administrative unit  
24 (insert name of affected school administrative unit) to join the regional school unit  
25 (name of regional school unit), with an effective date of (insert date)?

26 Yes No"

27 ~~The following statement must accompany the article:~~

28 ~~"Explanation:~~

29 ~~A "YES" vote means that you approve of the (municipality or school~~  
30 ~~administrative unit) joining the proposed regional school unit. The financial~~  
31 ~~penalties under the Maine Revised Statutes, Title 20-A, section 15696 to the~~  
32 ~~existing school administrative unit will no longer apply to the proposed regional~~  
33 ~~school unit."~~

34 **Sec. 8. 20-A MRSA §1466, sub-§20**, as enacted by PL 2009, c. 580, §9, is  
35 repealed.

36 **Sec. 9. 20-A MRSA §15696**, as amended by PL 2009, c. 455, §1, is repealed.

37 **Sec. 10. PL 2007, c. 240, Pt. XXXX, §36, sub-§11**, as amended by PL 2009, c.  
38 571, Pt. VVV, §1, is further amended to read:

