

PLEASE NOTE: Legislative Information **cannot** perform research, provide legal advice, or interpret Maine law. For legal assistance, please contact a qualified attorney.

Amend the bill by inserting after the enacting clause and before section 1 the following:

## PART A

### Sec. .

Amend the bill by striking out all of section 1 (page 1, lines 18 to 37 and page 2, lines 1 to 5 in L.D.)

Amend the bill by inserting after section 3 the following:

**Sec. 4. 20-A MRSA §1461, sub-§3, ¶B,** as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

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

(1) The proposed regional school unit must serve not fewer than 2,500 students, except where circumstances relating to the following factors justify an exception:

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

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

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

(d) Transportation;

(e) Population density; or

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

When circumstances justify an exception to the size requirement of 2,500 students, the unit must serve as close to 2,500 students as possible and in no case, except for coastal islands and schools operated by tribal school committees, may it serve fewer than 1,200 students.

In addition to the exceptions provided in this subparagraph to the requirement that a unit serve at least 1,200 students, the commissioner must lower the 1,200-student requirement in previous education units in which the commissioner finds that a population density of less than 50 residents per square mile makes a 1,200-student unit impractical.

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

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

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

Amend the bill by inserting after section 15 the following:

‘**Sec. 16. 20-A MRSA c. 103-A, sub-c. 7** is enacted to read:

## **SUBCHAPTER 7**

### **REORGANIZATION OF REGIONAL SCHOOL UNITS**

#### **§ 1516. Dissolution of a district**

**1. Ten percent petition.** Upon receipt of a petition that seeks to dissolve a regional school unit and establishes a maximum figure for the cost of preparing a dissolution agreement signed by 10% of the number of voters in a municipality who voted at the last gubernatorial election, the municipal officers of the municipality within the regional school unit shall call and hold a special election, in the manner provided for the calling and holding of town meetings or city elections, to vote on the dissolution of the regional school unit.

A. At least 10 days before the election, a posted or otherwise advertised public hearing on the petition must be held by the municipal officers.

B. The petition must be approved by secret ballot by a 2/3 vote of the voters present and voting before it may be presented to the board of directors and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A.

**2. Form.** The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for dissolution with the directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the dissolution committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

**3. Notice of vote; finding by commissioner.** If residents of a municipality within the regional school unit vote favorably on a petition for dissolution, the clerk shall immediately give written notices, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

- A. The petition adopted by the voters, including the positive and negative votes cast; and
- B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to dissolve the regional school unit.

**4. Agreement for dissolution; notice; changes in agreement; final agreement.**  
The agreement for dissolution must comply with the following.

A. The commissioner, after consultation with the regional school unit board of directors, municipal officers of each municipality within the regional school unit and representatives of the group that filed the petition with the municipality, shall direct the municipal officers of each municipality to select representatives to a committee as follows: one member from the municipal officers, the group filing the petition; and one member from the general public; and one member from the group filing the petition if the group is represented in the municipality, otherwise an additional one member of the general public. The commissioner shall also direct the directors representing each municipality to select one member of the board of directors who represents that municipality to serve on the committee. The municipal officer and the member of the board of directors shall serve on the committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and board of directors. The chair of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chair of the board of directors shall open the meeting by presiding over the election of a chair of the committee. The responsibility for the preparation of the agreement rests with the committee, subject to the approval of the commissioner. The committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

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

(2) The agreement must establish the dissolution to take effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the dissolution will not cause a need within 5 years from the effective date of dissolution for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the dissolution or when a need for school construction would have arisen even if the regional school unit had not dissolved.

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

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

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

(7) The agreement must make appropriate provision for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the dissolution, each municipal school unit shall assume all of the obligations, duties, liabilities and rights of the regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned to the municipal school unit. Notwithstanding any other provision of law, the responsibilities of a municipal school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit and any successor or successors to such bargaining agents that are created as a consequence of the dissolution of the regional school unit and the division of the regional bargaining unit into municipal school unit bargaining units; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and a municipal school unit mutually agree otherwise.

(9) The agreement must provide for the transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the dissolution must be immediately transferred to and employed by a municipal school unit. Each municipal school unit shall assume all of the legal obligations and duties that the regional school unit owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employers. The municipal school units shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit that is dissolved.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the dissolution may not be transferred.

(b) Teachers and other employees who are transferred from the regional school unit to an individual municipal school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit.

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

(11) The agreement must provide for the transition of administration and governance of the schools to properly elected governing bodies of the newly created administrative units and must provide that the governing bodies may not be elected simultaneously with the vote on the article to dissolve unless the commissioner finds there are extenuating circumstances that necessitate simultaneous elections.

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the plan will provide for appropriate educational and related services to the students of the regional school unit and for the orderly transition of assets, governance and other matters related to the regional school unit.

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the board of directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of dissolution. The chair of the board of directors shall conduct the hearing.

(1) The board of directors shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner.

D. If the commissioner recommends changes, the commissioner shall:

(1) Send the agreement back to the committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C.

**5. Date of vote; notice; warrant; polling hours.** The date and time for voting is as set forth in this subsection.

A. The commissioner must determine the date upon which all municipalities must vote upon the dissolution agreement submitted to them. The election must be held as soon as practicable and the commissioner shall attempt to set the date of the vote to coincide with a statewide election.

B. At least 35 days before the date set in paragraph A, the board of directors shall give written notice by registered or certified mail to the town or city clerk of each municipality having a right to vote on the dissolution agreement.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used.

D. In the respective warrants, the municipal officers shall direct that the polls open at 10 a.m. and remain open until 8 p.m.

**6. Public hearing; voting procedures.** The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the dissolution question.

B. Except as otherwise provided in this section, the voting at the meetings held in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528.

C. The voting at the meeting held in cities must be conducted in accordance with Title 21-A.

**7. Article.** The article to be voted on must be in the following form.

"Article: Do you favor the dissolution of regional school unit (name of regional school unit) subject to the terms and conditions of the dissolution agreement dated (insert date)?

Yes No"

**8. Ballots; posting of agreement.** The dissolution agreement need not be printed on the ballot. Copies of the agreement must be posted in each participating municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

**9. Restriction on dissolution petitions.** A municipality within a regional school unit may not petition for dissolution within 2 years after the date of:

A. A municipal vote on a petition for dissolution if the petition received less than 60% of the votes cast; or

B. A regional school unit vote on a dissolution agreement if the agreement received less than 45% of the votes cast.

**10. Costs of dissolution agreements.** If the regional school unit votes to permit dissolution, then the regional school unit shall reimburse the petitioning municipality for the authorized expenses incurred by the dissolution committee. If the regional school unit votes not to permit dissolution, then the regional school unit will not be required to reimburse the petitioning municipality for those expenses.

**11. Determination of vote.** The town and city clerks shall, within 24 hours of determination of the result of the vote in their respective municipalities, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the board of directors.

**12. Determination of results; notification of commissioner; execution of agreement.** Determination of results must comply with the following.

A. Upon receipt of the results of the voting from all municipalities, the board of directors shall meet and shall compute and record the total number of votes cast in the municipalities in the affirmative and in the negative on the article.

B. The board of directors shall notify the commissioner by registered mail or by hand delivery of the results of the vote.

C. If the commissioner finds that a majority of the voters voting on the article have voted in the affirmative, the commissioner shall notify the directors of the regional school unit to take steps to dissolve the regional school unit in accordance with the terms of the agreement for dissolution.

**13. Recount; checklists and ballots; disputed ballots.** The following provisions apply to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting from all municipalities, the municipal officers of any participating municipality request to the commissioner in writing a recount of the votes in the regional school unit, the commissioner shall immediately cause the checklists and all the ballots cast in all of the participating municipalities to be collected and kept at the commissioner's office so they may be recounted by interested municipalities.

B. The town clerks of the participating municipalities are authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary.

C. The commissioner shall resolve any question with regard to disputed ballots.

**14. Execution of agreement; certified record; certificate of withdrawal.** When the agreement for dissolution has been put into effect by the directors of the regional school unit, the directors shall notify the commissioner by certified mail that the agreement of dissolution has been executed.

A. A complete certified record of the transaction involved in the dissolution must be filed with the commissioner.

B. The commissioner shall immediately issue a certificate of dissolution to be sent by certified mail for filing with the directors of the regional school unit and shall file a copy in the office of the Secretary of State.

**15. Indebtedness; indebtedness defined; indebtedness after dissolution.** The following provisions apply to outstanding indebtedness.

A. Whenever a regional school unit having outstanding indebtedness dissolves, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The dissolution agreement may provide for alternate means for retiring outstanding indebtedness.

B. For the purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval



thereof in a meeting of the regional school unit, but does not include any indebtedness of any municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

**16. General purpose aid.** When a regional school unit dissolves, the general purpose aid for the individual municipalities must be computed in accordance with chapter 606-B.

**17. Committee recall.** If the commissioner determines that the dissolution committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers and the board of directors of the regional school unit to recall their representatives and to appoint new representatives to the committee.

### **§ 1517. Withdrawal of a single municipality from a regional school unit**

**1. Petition.** The residents of a municipality within a regional school unit may petition to withdraw from the regional school unit as follows.

A. Ten percent of the number of voters in the municipality who voted at the last gubernatorial election must sign the petition to withdraw from the regional school unit.

B. At least 10 days before the special election called pursuant to this paragraph, the municipal officers of the municipality within the regional school unit shall hold a posted or otherwise advertised public hearing on the petition and shall call and hold the special election, in the manner provided for the calling and holding of town meetings or city elections to vote on the withdrawal of the regional school unit.

C. The petition to withdraw from the regional school unit must be approved by secret ballot by a majority vote of the voters present and voting before it may be presented to the board of directors and the commissioner. Voting in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528, and voting in cities must be conducted in accordance with Title 21-A.

**2. Form.** The article to be voted upon must be in substantially the following form:

"Article: Do you favor filing a petition for withdrawal with the directors of regional school unit (name of regional school unit) and with the Commissioner of Education, authorizing the withdrawal committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?

Yes No"

**3. Notice of vote; finding by commissioner.** If residents of the municipality vote favorably on a petition for withdrawal, the clerk shall immediately give written notices, by registered mail, to the secretary of the regional school unit and the commissioner that must include:

- A. The petition adopted by the voters, including the positive and negative votes cast; and
- B. An explanation by the municipal officers, stating to the best of their knowledge the reason or reasons why the municipality seeks to withdraw from the regional school unit.

**4. Agreement for withdrawal; notice; changes in agreement; final agreement.**  
The agreement for withdrawal must comply with the following.

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a committee as follows: one member from the municipal officers, the group filing the petition; and one member from the general public; and one member from the group filing the petition if the group is represented in the municipality, otherwise an additional one member of the general public. The commissioner shall also direct the directors representing the petitioning municipality to select one member of the board of directors who represents that municipality to serve on the committee. The municipal officer and the member of the board of directors serve on the committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and board of directors. The chair of the board of directors shall call a meeting of the committee within 30 days of the filing of the notice of the vote in subsection 3. The chair of the board of directors shall open the meeting by presiding over the election of a chair of the committee. The responsibility for the preparation of the agreement rests with the committee, subject to the approval of the commissioner. The committee may draw upon the resources of the department for information not readily available at the local level and employ competent advisors within the fiscal limit authorized by the voters. The agreement must be submitted to the commissioner within 90 days after the committee is formed. Extensions of time may be granted by the commissioner upon the request of the committee.

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

(2) The agreement must establish the withdrawal to take effect at the end of the regional school unit's fiscal year.

(3) The agreement must establish that the withdrawal will not cause a need within 5 years from the effective date of withdrawal for school construction projects that would be eligible for state funds. This limitation does not apply when a need for school construction existed prior to the effective date of the withdrawal or when a need for school construction would have arisen even if the municipality had not withdrawn.

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

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

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

(7) The agreement must make appropriate provision for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.

(8) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the withdrawal, the municipal school unit shall assume all of the obligations, duties, liabilities and rights of the regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned to the municipal school unit. Notwithstanding any other provision of law, the responsibilities of the municipal school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit and any successor or successors to such bargaining agents that are created as a consequence of the withdrawal of the municipality from the regional school unit and the division of the regional bargaining unit; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and the municipal school unit mutually agree otherwise.

(9) The agreement must provide for the continuation or transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the withdrawal must be either continued in employment by the regional school unit or immediately transferred to and employed by the withdrawing municipal school unit. The withdrawing municipal school unit shall assume all of the legal obligations and duties that the regional school unit owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employer. The municipal school unit shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the withdrawal may not be transferred or continued.

(b) Teachers and other employees who are transferred from the regional school unit to an individual municipal school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit.

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

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

B. Within 60 days of the receipt of the agreement, the commissioner shall either give it conditional approval or recommend changes. The changes must be based upon the standards set forth in paragraph A and the commissioner's findings of whether the contents of the plan will provide for appropriate educational and related services to the students of the municipality and the regional school unit and for the orderly transition of assets, governance and other matters related to the municipality and the regional school unit.

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the board of directors and the municipal officers by registered mail of the time and place of a public hearing at least 20 days prior to the date set for the hearing to discuss the merits of the proposed agreement of withdrawal. The chair of the board of directors shall conduct the hearing.

(1) The board of directors shall post a public notice in each municipality of the time and location of the hearing at least 10 days before the hearing.

(2) Within 30 days following the hearing, the committee shall forward the final agreement to the commissioner.

D. If the commissioner recommends changes, the commissioner shall:

(1) Send the agreement back to the committee for necessary corrections;

(2) Establish a maximum time within which to make the corrections; and

(3) Indicate that the corrected agreement must be returned to the commissioner for conditional approval before it goes to public hearing as set forth in paragraph C.

**5. Date of municipal election; notice; warrant; polling hours.** The date and time for voting is as set forth in this subsection.

A. The commissioner shall determine the date upon which the petitioning municipality must vote upon the agreement submitted to them. The election must be held as soon as practicable and the commissioner shall attempt to set the date of the vote to coincide with a statewide election.

B. At least 35 days before the date set in paragraph A, the commissioner shall give written notice by registered or certified mail to the town or city clerk of the municipality petitioning to withdraw.

C. The town or city clerk shall immediately notify the municipal officers upon receipt of the notice, and the municipal officers shall meet and immediately issue a warrant for a special town meeting or city election, as the case may be, to be held on the date designated by the commissioner. No other date may be used.

D. In the respective warrants, the municipal officers shall direct that the polls open at 10 a.m. and remain open until 8 p.m.

**6. Public hearing; voting procedures.** The following requirements apply to the voting procedures.

A. At least 10 days before the election, the municipal officers shall hold a posted or otherwise advertised public hearing on the withdrawal question.

B. Except as otherwise provided in this section, the voting at the meetings held in towns must be conducted in accordance with Title 30-A, sections 2528 and 2529, even if the towns have not accepted the provisions of Title 30-A, section 2528.

C. The voting at the meeting held in cities must be conducted in accordance with Title 21-A.

**7. Article.** The article to be voted on must be in the following form.

"Article: Do you favor the withdrawal of the (name of municipality) from the regional school unit (name of regional school unit) subject to the terms and conditions of the withdrawal agreement dated (insert date)?"

Yes No"

**8. Ballots; posting of agreement.** The withdrawal agreement need not be printed on the ballot. Copies of the agreement must be posted in the municipality in the same manner as specimen ballots are posted under Title 30-A, section 2528.

**9. Restriction on withdrawal petitions.** A municipality within a regional school unit may not petition for withdrawal within 2 years after the date of:

A. A municipal vote on a petition for withdrawal if the petition received less than 45% of the votes cast; or

B. A municipal vote on a withdrawal agreement if the agreement received less than 60% of the votes cast.

**10. Cost of advisors.** The expense of employing competent advisors by the municipality petitioning to withdraw must be borne by the municipality and the expense of employing competent advisors by the regional school unit must be borne by the regional school unit with the municipality bearing its share according to the regional school unit's cost-sharing agreement.

**11. Determination of vote.** The town and city clerks shall, within 24 hours of determination of the result of the vote in the municipality, certify the total number of votes cast in the affirmative and the total number of votes cast in the negative on the article to the commissioner.

**12. Determination of results; execution of agreement.** If the commissioner finds that a majority of the voters voting on the article have voted in the affirmative, the commissioner shall notify the municipal officers and the directors of the regional school unit to take steps for the withdrawal in accordance with the terms of the agreement for withdrawal.

**13. Recount; checklists and ballots; disputed ballots.** The following provisions apply to recounts, checklists, ballots and disputed ballots.

A. If, within 7 days of the computation and recording of the results of the voting, the municipality requests to the commissioner in writing a recount of the votes, the commissioner shall immediately cause the checklists and all the ballots cast in the municipality to be collected and kept at the commissioner's office so they may be recounted by the municipality.

B. The town or city clerk of the municipality is authorized to deliver the checklists and ballots to the commissioner, notwithstanding any other provision of law to the contrary.

C. The commissioner shall resolve any question with regard to disputed ballots.

**14. Execution of agreement; certified record; certificate of withdrawal.** When the agreement for withdrawal has been put into effect by the municipality, the municipal officers shall notify the commissioner by certified mail that the agreement of withdrawal has been executed.

**15. Indebtedness; indebtedness defined; indebtedness after withdrawal.** The following provisions apply to outstanding indebtedness.

A. Whenever a municipality withdraws from a regional school unit having outstanding indebtedness, the regional school unit remains intact for the purpose of securing and retiring the indebtedness. The withdrawal agreement may provide for alternate means for retiring outstanding indebtedness.

B. For purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a meeting of the regional school unit, but does not include any indebtedness of the municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

**16. General purpose aid.** When a municipality withdraws from a regional school unit, the general purpose aid for the municipality must be computed in accordance with chapter 606-B.

**17. Committee recall.** If the commissioner determines that the withdrawal committee has failed to comply with the requirements of this section, the commissioner may authorize the municipal officers to appoint new representatives to the committee.

**18. Commissioner recommended dissolution.** The commissioner's responsibilities to initiate dissolution proceedings are as follows.

A. If a municipality representing more than 50% of the total population in a regional school unit votes to withdraw from the district, then the commissioner shall analyze the educational impact of the withdrawal upon the regional school unit. The regional school unit's board of directors and the municipal officers from the remaining municipalities must be consulted.

B. If the commissioner finds that it is impractical for the remaining municipalities to continue as a regional school unit, then the commissioner shall initiate a dissolution process by having the regional school unit submit the following article to the voters at a regional school unit meeting.

"Article: Do you favor appointment of a dissolution committee for the dissolution of regional school unit (name of regional school unit) by the Commissioner of Education, authorizing the dissolution committee to expend \$ (insert amount) and authorizing the (municipal officers; i.e., selectmen, town council, etc.) to issue notes in the name of the (name of the municipality) or otherwise pledge the credit of the (name of the municipality) in an amount not to exceed \$ (insert amount) for this purpose?"

Yes No"

C. If the voters approve the article by a majority vote of those voting and present, then the rest of the dissolution process set forth in section 1516 applies except:

(1) A 2nd member from the general public must be selected by the municipal officers to fill the position on the dissolution committee normally held by a representative of the group that would have filed the dissolution petition; and

(2) Costs of preparing a dissolution agreement must be borne solely by the regional school unit.

**19. Transfer of property.** The board of directors may negotiate with the withdrawal committee regarding an equitable division of the regional school unit's property between the regional school unit and the municipality represented by the committee and transfer title of the property to the municipality following withdrawal. The board of directors shall determine that the regional school unit's educational program may not be disrupted solely because of the transfer of any given property before it may complete the transfer.

### **§ 1518. Transfer of a municipality from one regional school unit to another**

**1. Petition to commissioner.** The boards of directors of 2 regional school units may petition the commissioner by joint resolution to permit a municipality to transfer from one regional school unit to another, as long as that municipality is being transferred to a regional school unit contiguous to the municipality.

**2. Transfer agreement.** The boards of directors of the 2 regional school units and the municipal officers of the municipality involved shall form a committee to prepare a transfer agreement within 60 days after being notified by the commissioner to prepare the agreement. Extensions of time may be granted by the commissioner.

A. The committee shall consider the standards set forth in section 1516, subsection 4, paragraph A in preparing the agreement.

B. The approval process for the agreement must follow the steps set forth in section 1516, subsection 4 to subsection 16 except as modified in this section.



(1) The agreement must provide for the assumption and assignment of all obligations, duties, liabilities and rights related to collective bargaining as described in this section. Immediately following the transfer of the municipality, the regional school unit to which the municipality has transferred shall assume all of the obligations, duties, liabilities and rights of the former regional school unit for all purposes under Title 26, chapter 9-A with respect to the employees who are transferred and assigned from one regional school unit to another. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

(a) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by the regional school unit from which the municipality transferred and any successor or successors to such bargaining agents that are created as a consequence of the withdrawal of the municipality from the regional school unit and the division of the regional bargaining unit; and

(b) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and the regional school unit, which agreements continue in effect for the remainder of their unexpired terms unless the bargaining agent and the regional school unit mutually agree otherwise.

As early as possible after the transfer of the municipality from one regional school unit to another, all bargaining units in the regional school unit to which the municipality has been transferred must be structured on a regional school unit-wide basis. Bargaining units that existed in the municipality that has been transferred and bargaining units that exist in the regional school unit to which the municipality has transferred shall merge in accordance with the procedures and criteria in section 1464.

(2) The agreement must provide for the continuation or transfer and assignment of teachers and other school employees as described in this section. Except as limited by division (a), all teachers and school employees who are employed by the regional school unit on the effective date of the transfer of the municipality from one regional school unit to another must be either continued in employment by the regional school unit from which the municipality has transferred or immediately transferred to and employed by the regional school unit to which the municipality has transferred. The regional school unit to which the municipality has transferred shall assume all of the legal obligations and duties that the regional school unit from which the municipality has transferred owed to its employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees or the employer. The regional school unit to which the municipality has transferred shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees of the regional school unit from which the municipality has transferred.

(a) Teachers or other employees whose employment terminates by application of law or contract or by action of the regional school unit before the effective date of the transfer of the municipality may not be transferred or continued.

(b) Teachers and other employees who are transferred from one regional school unit to another regional school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the regional school unit from which the municipality has transferred.

C. The following article shall appear on the ballot when the transfer of a municipality is considered.

"Article: Do you favor permitting the (name of municipality) to transfer from regional school unit (name of regional school unit) into regional school unit (name of regional school unit) as a participating municipality of that regional school unit subject to the terms and conditions of the agreement of transfer approved by the Commissioner of Education dated (insert date)?

Yes No"

A copy of the agreement must be posted with each warrant that directs the citizens to vote upon the question.

D. The article must be approved by a majority of votes cast in both regional school units and by a majority of votes cast in the municipality to be transferred before the agreement may take effect.

E. A complete certified record of the transaction involved in the transfer must be filed with the commissioner. The commissioner shall issue immediately a certificate of transfer to the secretary of the regional school unit by registered mail to be filed with the boards of directors of the regional school units involved and shall file a copy of the certificate of transfer in the office of the Secretary of State.

**3. Outstanding indebtedness.** Whenever a municipality, or a part of a municipality, is detached from a regional school unit having outstanding indebtedness, the municipality or part of a municipality remains as part of the regional school unit from which it was detached for the purposes of paying its proper portion of the indebtedness until the indebtedness is redeemed. The municipality or part of a municipality is not part of the regional school unit from which it was detached for the purpose of any outstanding indebtedness incurred subsequent to the date of the certificate of transfer.

For purposes of this subsection, "outstanding indebtedness" means bonds or notes for school construction projects issued by the board of directors pursuant to the authorization established under chapter 609 or Title 20, sections 3457 to 3460 or obligations to the Maine School Building Authority pursuant to any contract, lease or agreement made by the board of directors pursuant to approval thereof in a meeting

of the regional school unit, but does not include any indebtedness of the municipality assumed by the regional school unit at the time of formation nor any contract, lease or agreement of the Maine School Building Authority to which by operation of law the regional school unit has become the assignee.

### **§ 1519. State board review of commissioner's decisions**

A regional school unit or other interested party may request that the state board reconsider decisions made by the commissioner under this subchapter. The state board has the authority to overturn decisions made by the commissioner. In exercising this power, the state board is limited by this subchapter.

### **§ 1520. Rules**

The state board may adopt rules to carry out this subchapter. Rules adopted pursuant to this section are routine technical rules in accordance with Title 5, chapter 375, subchapter 2-A.'

Amend the bill by striking out all of section 24 (page 12, lines 20 to 25 in L.D.)

Amend the bill by striking out all of sections 28, 29 and 30 and inserting the following:

**'Sec. 28. PL 2007, c. 240, Pt. XXXX, §36, sub-§6, ¶A** is amended to read:

A. The proposed regional school unit must serve not fewer than 2,500 students, except where circumstances relating to the following factors justify an exception:

- (1) Geography, including physical proximity and the size of the current school administrative unit;
- (2) Demographics, including student enrollment trends and the composition and nature of communities in the regional school unit;
- (3) Economics, including existing collaborations to be preserved or enhanced and opportunities to deliver commodities and services to be maximized;
- (4) Transportation;
- (5) Population density, including the rural nature of our communities;
- (6) Other unique circumstances including the need to preserve existing or developing relationships, meet the needs of students, maximize educational opportunities for students and ensure equitable access to rigorous programs for all students; or
- (7) If, after performing due diligence to develop a regional plan that meets the 2,500 students enrollment requirement, a school administrative unit is unable to achieve the enrollment goal due to the decision of geographically proximate school administrative units to participate in a different regional unit.

When circumstances justify an exception to the requirement of 2,500 students, the unit must serve at least 1,200 students, except for offshore islands and schools operated by tribal school committees, which may serve fewer than 1,200 students.

In addition to the exceptions provided in this paragraph to the requirement that a unit serve at least 1,200 students, the commissioner must lower the 1,200-student requirement for previous education units as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 20-A in which the commissioner finds that a population density of less than 50 residents per square mile makes a 1,200-student unit impractical.

Amend the bill by inserting after section 31 the following:

**‘Sec. 32. Withdrawal of municipality from proposed regional school unit.**

Notwithstanding the Maine Revised Statutes, Title 20-A, section 1517, the residents of a municipality that is part of a school administrative unit may use the procedures set forth in Title 20-A, section 1517 to withdraw from a proposed regional school unit prior to the formation of the regional school unit.’

Amend the bill in section 32 in the first line (page 15, line 27 in L.D.) by striking out the following: "Act" and inserting the following: 'Part'

Amend the bill by inserting after section 32 the following:

## **PART B**

**Sec. B-1. PL 2007, c. 240, Pt. XXXX, §36, sub-§11** is amended to read:

**11. Result of disapproval at January 2008 referendum.** A school administrative unit that rejects a proposed reorganization plan at the January 15, 2008 referendum or at a subsequent referendum on or before ~~November 4, 2008~~January 15, 2009 may restart the process to form a regional school unit with the same or other school administrative units and may seek assistance from the Department of Education to prepare another reorganization plan.

A. Subsequent reorganization plans must meet the same requirements as for reorganization plans filed prior to the January 2008 referendum, except that the timelines are adjusted to reflect a July 1, 2009 reorganization date.

B. The penalties set forth in Title 20-A, section 15696 apply to any school administrative unit that fails to approve a reorganization plan on or before ~~November 4, 2008~~January 15, 2009 and to implement that plan by July 1, 2009.

**Sec. B-2. PL 2007, c. 240, Pt. XXXX, §36, sub-§12** is amended to read:

**12. Reformulation of SAD as RSU.** Not later than ~~December 1, 2008~~February 15, 2009, the Commissioner of Education shall notify any school administrative district that has not voted to form a regional school unit on or before ~~November 4, 2008~~January 15, 2009 that the school administrative district must be recreated as a regional school unit under Title 20-A, chapter 103-A, effective July 1, 2009. Notwithstanding any other provision of law, a school administrative district may be changed to a regional school unit upon notice to the State Board of Education without dissolving the school administrative district.

**Sec. B-3. PL 2007, c. 240, Pt. XXXX, §42, first ¶** is amended to read:

**Sec. XXXX-42. Transfer of property and assets; regional school units approved after January 15, 2008.** This section applies to a regional school unit that is approved after January 15, 2008 and before ~~November 5, 2008~~ January 16, 2009.

**Sec. B-4. PL 2007, c. 240, Pt. XXXX, §43** is amended to read:

**Sec. XXXX-43. Operational date and transfer of authority.**

**1. Operational date.** A regional school unit board of directors becomes operational on the date set by the State Board of Education as provided in the Maine Revised Statutes, Title 20-A, chapter 103-A.

**2. Transfer of governing authority; regional school units approved prior to January 16, 2008.** This subsection applies to regional school units approved prior to January 16, 2008. The regional school unit board of directors, on the date established in subsection 1, shall assume responsibility for the management and control of the public schools and programs within the school administrative units in existence prior to July 1, 2008 that are within the regional school unit. Those school administrative units in existence prior to July 1, 2008, on the date established in subsection 1, have no further responsibility for the operation or control of the public schools and programs within the school administrative unit except those pursuant to section 1481.

**3. Transfer of governing authority; regional school units approved after January 15, 2008.** This subsection applies to regional school units approved after January 15, 2008 and before ~~November 5, 2008~~ January 16, 2009. The regional school unit board of directors, on the date established in subsection 1, shall assume responsibility for the management and control of the public schools and programs within the school administrative units in existence prior to July 1, 2009 that are within the regional school unit. Those school administrative units in existence prior to July 1, 2009, on the date established in subsection 1, have no further responsibility for the operation or control of the public schools and programs within the school administrative unit except those pursuant to section 1481.

**4. Transfer of school accounts.** Notwithstanding Title 20-A, section 15004 or any charter of a municipal school unit, school administrative district or community school district, the balance remaining in the school accounts of the former municipal school unit, school administrative district or community school district within the regional school unit must be paid to the treasurer of the regional school unit and verified through the annual audit process pursuant to Title 20-A, chapter 221, subchapter 2. The balance from each of the former municipal school unit, school administrative district or community school district must be used to reduce that unit's or district's local contribution to the regional school unit. Payment may be made in equal monthly installments during the implementation year.

**5. Transfer of teachers and employees.** Except as limited by paragraph A, for regional school units approved prior to January 16, 2008, all teachers and school employees who are employed by a participating school administrative unit on June 30, 2008 must be transferred to and employed by the regional school unit as of July 1, 2008. Except as limited by paragraph A, for regional school units approved after January 15, 2008 and before ~~November 5, 2008~~ January 16, 2009, all teachers and school employees who are employed by participating school administrative units on June 30, 2009 must be transferred and employed by the regional school unit as of July 1, 2009. Except as limited by paragraph B, the regional school unit shall assume all of the legal obligations and duties that the participating

school administrative units owed to their employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this Part to neither decrease nor increase the rights and benefits of transferred employees or the employer. The regional school unit shall also maintain and honor any agreements, contracts or policies regarding the rights and benefits of retirees and former employees created by a participating school administrative unit that is dissolved as a result of its inclusion within a regional school unit.

A. For regional school units approved prior to January 16, 2008, teachers or other employees whose employment terminates by application of law or contract or by action of a participating school administrative unit before July 1, 2008 may not be transferred. For regional school units approved after January 15, 2008 and before ~~November 5, 2008~~January 16, 2009, teachers or other employees whose employment terminates by application of law or contract or by action of a participating school administrative unit before July 1, 2009 may not be transferred.

B. Teachers and other employees who are transferred to the regional school unit prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the participating school administrative unit.

**6. Collective bargaining.** The following provisions apply:

A. On July 1, 2008 for regional school units approved prior to January 16, 2008 and on July 1, 2009 for regional school units approved after January 15, 2008 and before ~~November 5, 2008~~January 16, 2009, the regional school unit board of directors shall assume all of the obligations, duties, liabilities and rights of the participating school administrative units for all purposes under Title 26, chapter 9-A. The regional school unit is considered a single employer. Notwithstanding any other provision of law, the responsibilities of the regional school unit include:

- (1) Continued recognition of all bargaining agents that represented any bargaining units of employees who were employed by a participating school administrative unit, pending completion of merger proceedings described in this section;
- (2) Assumption and continued observance of all collective bargaining agreements between such bargaining agents and a participating school administrative unit, which agreements continue in effect for the remainder of their unexpired term unless the bargaining agent and regional school unit mutually agree otherwise; and
- (3) Collective bargaining for an initial or successor collective bargaining agreement in any bargaining unit in which a collective bargaining agreement is not in effect on the operational date and for any interim agreement that may be required to align expiration dates in a regional school unit-wide bargaining unit, as described in this subsection.

B. As early as possible but no later than August 31, 2011 for regional school units approved prior to January 15, 2008 and no later than August 31, 2012 for regional school units approved after January 15, 2008 and before ~~November 2, 2008~~January 16, 2009, all bargaining units must be structured on a regional school unit-wide basis. Bargaining units that existed in the participating

school administrative units shall merge in accordance with the procedures and criteria in this section. Merger into regional school unit-wide bargaining units is not subject to approval or disapproval of employees.

(1) Merger into regional school unit-wide bargaining units must be completed according to the schedule contained in this subsection, and no later than the latest expiration date of any collective bargaining agreement that was in effect on the operational date, which covered any employees in the merged unit.

(2) There must be one unit of teachers and, to the extent they are currently included in bargaining units, other certified professional employees, excluding principals and other administrators.

(3) Any additional bargaining units in a regional school unit must be structured as follows:

(a) In the initial establishment of such units, units must be structured primarily on the basis of the existing pattern of organization, maintaining the grouping of employee classifications into bargaining units that existed prior to the creation of the regional school unit and avoiding conflicts among different bargaining agents to the extent possible.

(b) In the event of a dispute regarding the classifications to be included within a regional school unit-wide bargaining unit, the current bargaining agent or agents or the regional school unit may petition the Maine Labor Relations Board to determine the appropriate unit in accordance with this section and Title 26, section 966, subsections 1 and 2.

(4) When there is the same bargaining agent in all bargaining units that will be merged into a regional school unit-wide bargaining unit, the units must be merged as of the operational date, and the regional school unit shall recognize the bargaining agent as the representative of the merged unit.

(5) When all bargaining units that will be merged into a regional school unit-wide bargaining unit are represented by separate local affiliates of the same state labor organization, the units must be merged as of the operational date. The identity of the single affiliate that will be designated the bargaining agent for the merged unit must be selected by the existing bargaining agents and the state labor organization. Upon completion of the merger and designation of the bargaining agent and notification by the state organization to the regional school unit, the regional school unit shall recognize the designated bargaining agent as the representative of employees in the merged unit. If necessary, the parties will then execute a written amendment to any collective bargaining agreement then in effect to change the name of the bargaining agent to reflect the merger.

(6) Where there are bargaining units that will be merged into a regional school unit-wide bargaining unit in which there are employees who are not represented by any bargaining agent and other employees who are represented either by the same bargaining agent or separate local affiliates of the same state labor organization, the units must be merged as of the operational date as long as a majority of employees who compose the merged unit were represented by the bargaining agent prior to the merger. The procedures for merger of separate local affiliates of the same state labor organization described in subparagraph (5) must be followed if applicable. If prior to the merger a bargaining agent did not represent a majority of employees who compose the merged unit, a bargaining agent election must be conducted by the Maine Labor Relations Board pursuant to subparagraph (8).

(7) When there are unexpired collective bargaining agreements with different expiration dates in the merged bargaining units described in subparagraphs (4), (5) and (6), all contracts must be honored to their expiration dates unless mutually agreed to otherwise by the public employer and the bargaining agent. Collective bargaining agreements must be bargained on an interim basis in any merged bargaining unit so that all collective bargaining agreements expire on the same date.

(8) When bargaining units with different bargaining agents must be merged into a single regional school unit-wide bargaining unit pursuant to this subsection, the bargaining agent of the merged bargaining unit must be selected in accordance with Title 26, section 967, except as modified in this subparagraph.

(a) A petition for an election to determine the bargaining agent must be filed with the Maine Labor Relations Board by any of the current bargaining agents or the regional school unit.

(b) The petition must be filed not more than 90 days prior to the expiration date of the agreement having the latest expiration date among the bargaining units that will be merged into the regional school unit-wide bargaining unit.

(c) The election ballot may contain only the names of the bargaining agents of bargaining units that will be merged into the regional school unit-wide bargaining unit and the choice of "no representative," but no other choices. No showing of interest is required from any such bargaining agent other than its current status as representative.

(d) The obligation to bargain with existing bargaining agents continues from the operational date until the determination of the bargaining agent of the regional school unit-wide bargaining unit under this subsection; but in no event may any collective bargaining agreement that is executed after the operational date extend beyond the expiration date of the agreement having the latest expiration date among the bargaining units that will be merged into the regional school unit-wide bargaining unit that was in effect on the operational date.

(e) The Maine Labor Relations Board shall expedite to the extent practicable all petitions for determination of the bargaining agent in the regional school unit-wide bargaining unit filed pursuant to this subsection.

(f) The bargaining units must be merged into a regional school unit-wide bargaining unit as of the date of certification of the results of the election by the Maine Labor Relations Board, or the expiration of the collective bargaining agreements in the unit, whichever occurs later.

C. After the merger of bargaining units into a regional school unit-wide bargaining unit, the bargaining agent of a regional school unit-wide bargaining unit and the regional school unit shall engage in collective bargaining for a collective bargaining agreement for the regional school unit-wide bargaining unit. In the collective bargaining agreement for each regional school unit-wide bargaining unit, the employment relations, policies, practices, salary schedules, hours and working conditions throughout the regional school unit must be made uniform and consistent as soon as practicable.

(1) In the event that the parties are unable to agree upon an initial regional school unit-wide collective bargaining agreement, they must use the dispute resolution procedures pursuant to Title 26, section 965 to resolve their differences.



**7. Superintendent contracts.** The contracts between the superintendents and school administrative units within the regional school unit are transferred to the regional school unit board of directors. The regional school unit board of directors shall determine the superintendents' duties within the regional school unit.

## PART C

**Sec. C-1. 20-A MRSA §1, sub-§16-A** is enacted to read:

**16-A. Local education unit.** "Local education unit" means a state-approved unit of school governance responsible for operating or constructing public schools, but is not responsible for administration of public schools, that is a member of a regional school union. A local education unit is a school administrative unit for all purposes except the core functions identified in section 2001 and any additional functions delegated to the regional school union committee as authorized in section 2001.

**Sec. C-2. 20-A MRSA §1, sub-§24,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**24. Public school.** "Public school" means a school that is governed by a school board of a school administrative unit or local education unit and funded primarily with public funds.

**Sec. C-3. 20-A MRSA §1, sub-§24-B,** as enacted by PL 2007, c. 240, Pt. XXXX, §3, is amended to read:

**24-B. Regional school unit.** "Regional school unit" means the state-approved unit of school administration as established pursuant to chapter 103-A.

**Sec. C-4. 20-A MRSA §1, sub-§24-D** is enacted to read:

**24-D. Regional school union.** "Regional school union" means a state-approved unit of school administration composed of local education units as established pursuant to chapter 108.

**Sec. C-5. 20-A MRSA §1, sub-§24-E** is enacted to read:

**24-E. Regional school union committee.** "Regional school union committee" means the governing body with statutory powers and duties for a regional school union.

**Sec. C-6. 20-A MRSA §1, sub-§26,** as amended by PL 2007, c. 240, Pt. XXXX, §5, is further amended to read:

**26. School administrative unit.** "School administrative unit" means the state-approved unit of school administration and includes a municipal school unit, school administrative district, community school district, regional school unit, regional school union or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except that it does not include a career and technical education region. Beginning July 1, 2009, "school administrative unit" means the state-approved unit of school administration and includes only a municipal school unit and, a regional school unit formed pursuant to chapter 103-A and a regional school union formed pursuant to chapter 108.

**Sec. C-7. 20-A MRSA §1, sub-§28,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**28. School board.** "School board" means the governing body with statutory powers and duties for a school administrative unit or a local education unit.

**Sec. C-8. 20-A MRSA §1, sub-§29,** as enacted by PL 1981, c. 693, §§5 and 8, is amended to read:

**29. School committee.** "School committee" means the governing body with statutory powers and duties for a municipal school unit or a municipal local education unit.

**Sec. C-9. 20-A MRSA c. 108** is enacted to read:

## **CHAPTER 108**

### **REGIONAL SCHOOL UNIONS**

#### **SUBCHAPTER 1**

#### **GENERAL PROVISIONS**

#### **§ 2001. Regional school union**

**1. Formation.** A regional school union composed of school administrative units may be formed pursuant to a reorganization plan. A municipal school unit, a school administrative district, a community school district or any other municipal or quasi-municipal corporation responsible for operating or constructing public schools, except a career and technical education region, may be a local education unit within a regional school union.

**2. Laws governing local education units.** Except as otherwise provided in this chapter, a local education unit that is part of a regional school union is subject to the laws set forth in this Title governing that local education unit, including but not limited to laws governing budget format and budget adoption procedures.

**3. Regional school union committee.** The governing body of a regional school union is the regional school union committee, which must be made up of representatives from the school boards of member local education units and must be apportioned in accordance with one-person, one-vote principles.

**4. Core functions.** The regional school union committee's core functions, which may not be delegated to a local education unit except as provided in this subsection, are:

A. Employment and discharge of a superintendent pursuant to section 1001, subsection 3 and chapter 101, subchapter 2;

- B. Administration of accounting, payroll, financial management, purchasing insurance and auditing;
- C. Administration of special education duties of local education units under chapter 303;
- D. Administration of transportation;
- E. Adoption of a core curriculum, standardized testing and assessment aligned with the system of learning results established in section 6209;
- F. Preparation of the regional school union budget;
- G. Reporting required by state or federal law, rule or regulation;
- H. Functioning as the employer of all employees performing the core functions and performance of any additional functions delegated to the regional school union;
- I. The establishment of a common school calendar, except that local education units may adopt local variations from the regional school union calendar;
- J. Adoption of common policies for all schools in the regional school union pursuant to section 1001, subsection 1-A, except that the local education units may adopt local variations from the regional school union policies; and
- K. Apportionment of costs of the regional school union among its local education units in accordance with a cost-sharing formula established by its approved reorganization plan and certification to the treasurer of each local education unit and to the commissioner of the amounts to be paid.

**5. Delegation of additional functions.** A reorganization plan or the legislative bodies of the local education units in a regional school union may delegate functions in addition to those set out in subsection 4 to the regional school union committee.

**6. Title to property.** A reorganization plan may provide that title to real and personal property in local education units may be either transferred to the regional school union or retained by the local education unit, as long as the plan clearly allocates the responsibilities for the management of school property under section 1001, subsection 2 between the regional school union committee and the school board of the local education unit.

## **§ 2002. Regional school union committee**

**1. Formation.** In accordance with an approved reorganization plan, the school boards of the local education units composing a regional school union shall form a regional school union committee. The school board of a local education unit in a regional school union shall designate one or more of its members to serve on the regional school union committee as provided in the reorganization plan.

**2. Term of office.** The term of office of regional school union committee members must be determined by the approved reorganization plan.

**3. Compensation.** Compensation for attendance at a regional school union committee meeting must be between \$10 and \$25 per meeting for each member. Whenever the committee members recommend increasing their compensation, they shall submit their recommendation to the voters in the regional school union for approval.

A. On notification by the regional school union committee, the municipal officers shall, at the next regular or special town meeting or city election, prepare a warrant or ballot for the purpose of voting on the proposed increase. The question must be in the following form.

"Do you favor paying a member of the regional school union committee compensation at the rate of \$..... for each meeting that member attends?"

B. An increase in compensation is not effective unless approved by a majority of the voters voting on the question set out in paragraph A.

**4. Secretary and treasurer.** The superintendent serves as secretary and treasurer of the regional school union committee and shall give a bond to the regional school union committee of a sum and with the sureties as the regional school union determines. The bond must be deposited with the chair of the regional school union committee. The expense of that bond must be paid by the regional school union. The bond premium, compensation paid committee members for attendance at meetings and expenses of the regional school union must be paid from funds of the regional school union by the treasurer on vouchers presented and certified by the superintendent and approved by a majority of the regional school union committee or a finance committee duly elected annually by that committee. Notwithstanding section 1055, a superintendent of a regional school union may designate another person with State of Maine administrative certification to perform the duties of secretary of the school board of a local education unit.

**5. Oath of office.** Before a newly elected member's first regional school union committee meeting, that member must take the following oath or affirmation before a dedimus justice or notary public.

"I ..... do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a regional school union committee member of (name of regional school union) according to the Constitution of Maine and laws of this State, so help me God."

A. A member shall take the oath or affirmation and return a certificate documenting that the oath or affirmation has been taken to the secretary of the regional school union committee to place in the regional school union committee records.

B. If a member is conscientiously scrupulous of taking an oath, the word "affirm" may be used instead of "swear" and the words "this I do under the pains and penalty of perjury" may be used instead of the words "so help me God."

6. Election of officers. The regional school union committee shall elect a chair and vice-chair and other officers as may be necessary.

### **§ 2003. Methods of apportionment**

1. Method B: weighted votes. Under the method of representation referred to as "Method B," members cast weighted votes.

A. The reapportionment committee under section 2024 shall apportion 1,000 votes among all the members of the committee. The ratio of the number of votes cast by the members representing a school administrative unit or municipality in relation to the number 1,000 must be the same ratio to the nearest whole number as the population of the school administrative unit or municipality is in relation to the population of all the school administrative units and municipalities in the regional school union, as determined by the latest Federal Decennial Census or Federal Estimated Census.

B. To ensure the use of whole numbers, the 1,000 votes apportioned among the committee members may not be increased or decreased by more than 5 votes.

C. A plan may not permit the voting power of any member to exceed by more than 5% the percentage of voting power the member would have if all 1,000 votes were apportioned equally among the members.

D. For a local education unit represented by 2 or more members, the votes cast by them must be divided equally among them.

2. Method D: other. Under the method of representation referred to as "Method D," members are selected by any method other than that set forth in subsection 1 that meets the requirements of the one-person, one-vote principle.

### **§ 2004. Appropriation for regional school union expenses**

Local education units shall appropriate for regional school union expenses their share of the costs of the regional school union in accordance with a cost-sharing formula established by its approved reorganization plan. The proportion to be paid by a local education unit must be paid out of the appropriation made for the support or maintenance of public schools.

### **§ 2005. Rules**

The state board may adopt rules to carry out this chapter. Rules adopted under this section are routine technical rules as defined in Title 5, chapter 375, subchapter 2-A.

## **SUBCHAPTER 2**

## **FORMATION OF REGIONAL SCHOOL UNION**

### **§ 2011. Formation of a regional school union; reorganization planning and approval**

The residents of 2 or more school administrative units may form a regional school union that is a body politic and corporate pursuant to this section.

**1. Notice of intent.** Each school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations with other school administrative units for the purpose of developing a reorganization plan to form a regional school union under this chapter. The commissioner shall respond to each notice of intent providing information regarding the process and whether the intended action complies with the requirements of this chapter.

**2. Reorganization planning committee.** The school administrative units that intend to engage in planning and negotiation to create a regional school union shall form a reorganization planning committee.

**A.** For each proposed regional school union, the commissioner shall provide guidelines for the formation of a reorganization planning committee including representation from the school administrative units included in the notice of intent, member municipalities and members of the general public who are residents of the proposed regional school union. The guidelines must include roles and responsibilities of the committee, timelines for submission of the plan, the format for reporting the reorganization plan and evaluation criteria for approval of the plan.

**B.** Reorganization planning committees shall hold one or more public meetings to gather input from community members and to determine the sentiment of the public.

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

**A.** A reorganization plan must include:

**(1) The local education units to be included in the proposed reorganized regional school union;**

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

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

**(4) The powers and duties of the regional school union;**

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

(6) The disposition of existing school indebtedness and lease-purchase obligations;

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

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

(9) A transition plan that addresses the development of a budget for the first school year of the regional school union and interim personnel policies;

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

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

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

(13) A method of sharing regional school union costs among its member local education units and a process of amending the cost-sharing formula; and

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

B. In order for the plan to be approved by the commissioner, the governing bodies of school administrative units must work within the parameters set out in this paragraph.

(1) The proposed regional school union must serve not fewer than 2,500 students, except when circumstances relating to the following factors justify an exception:

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

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

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

(d) Transportation;

(e) Population density; or

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

(2) When circumstances justify an exception to the size requirement of 2,500 students set forth in subparagraph (1), the regional school union must serve as close to 2,500 students as possible and, except for coastal islands and schools operated by tribal school committees, it may not serve fewer than 1,200 students, except that, the commissioner may authorize a regional school union to serve fewer than 1,200 students but not less than 1,000 students in isolated rural communities if the proposed regional school union meets one of the following criteria:

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

(b) The member local education units of the proposed regional school union are surrounded by approved regional school units and there are no other school administrative units available to join the proposed regional school union; or

(c) The member local education units of the proposed regional school union include 2 or more isolated small schools that are eligible for an isolated small school adjustment pursuant to section 15683, subsection 1, paragraph F.

In cases in which the commissioner denies the creation of a regional school union that has fewer than 1,200 but more than 1,000 students, the school administrative units may appeal to the state board.

(3) The plan must provide for a core curriculum for all students from kindergarten to grade 12 and must include at least one publicly supported secondary school.

(4) The plan must include provisions for implementing section 2002.



(5) The plan may not displace teachers or students or close any schools existing and operating during the school year immediately preceding reorganization.

**4. Review and approval of plans.** If the commissioner finds that a plan for reorganization meets the requirements of this chapter, the commissioner shall notify the municipalities and school administrative units, and they shall proceed with referendum as set out in subsections 5 and 6.

**5. Referendum on reorganization plan.** The municipal officers of each municipality in a proposed reorganized school administrative unit shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

"Article: Do you favor approving the school reorganization plan prepared by the (insert name) Reorganization Planning Committee to reorganize (insert names of affected school administrative units) into a regional school union, with an effective date of (insert date)?

Yes No"

The following statement must accompany the article:

"Explanation:

A "YES" vote means that you approve of the (municipality or school administrative unit) joining the proposed regional school union, which will be provided with the following incentives:

More favorable consideration in approval and funding of school construction projects; and

Eligibility for additional financial support for reorganization costs.

A "NO" vote means that you do not approve of the (municipality or school administrative unit) joining a regional school union, which will result in the existing (municipality or school administrative unit) receiving the following penalties:

Less favorable consideration in approval and funding of school construction projects; and

A reduction in state funding of education costs in an amount estimated to be \$..... for school year 20.... and \$..... for school year 20..., with ongoing penalties for continued failure to join an approved regional school union. Reductions in state education funding will result in an increased mill rate expectation to meet the local share of education costs."

**6. Results of referendum.** Each school administrative unit shall report the results of the referendum to the department following the referendum election.

A. A reorganization plan is approved by a kindergarten to grade 12 school administrative district or kindergarten to grade 12 community school district if the majority of votes cast in the district is in favor of approval of the plan.

B. A reorganization plan is approved by the member municipalities of a community school district that does not provide public education for the entire span of kindergarten to grade 12 if the majority of votes cast in the member municipalities is in favor of approval of the plan. Approval results in all member municipalities joining the regional school union.

C. A municipal school unit, including a municipal school unit that is a member of a school union, approves a reorganization plan if the majority of the votes cast in that municipality is in favor of approval of the plan.

If a reorganization plan is approved by all of the affected school administrative units, or by the school administrative units considered sufficient under the proposed reorganization plan, the commissioner shall file notice of approval of the regional school union with the state board.

**7. Certificate of organization.** If a plan or revised plan for reorganization has been approved by the commissioner and approved by voters at the referendum, the state board shall issue a certificate of organization to the school administrative units that are reorganized into a regional school union.

## **§ 2012. Transitional powers and duties of the regional school union committee**

Within 30 days of the issuance of a certificate of organization for the regional school union by the state board, the school boards of the local education units shall appoint members of the regional school union committee in accordance with the approved reorganization plan. As used in this section, unless the context otherwise indicates, "regional school union committee" means the initial regional school union committee appointed pursuant to section 2002. From the time of appointment of the regional school union committee to July 1st of the regional school union's first operational year, the regional school union committee shall establish interim rules of procedure and shall elect officers who shall serve until officers are elected at a meeting following the operational date of the regional school union. The regional school union committee's powers and duties during this period are governed by this section.

**1. Selection of superintendent.** The regional school union committee shall select a superintendent for the regional school union in accordance with section 1051 to carry out the duties specified in section 1055. During the interim period, the salary, office and other expenses of the superintendent, as well as the costs of the regional school union committee, including insurance, must be allocated to the local education units by the cost-sharing formula included in the reorganization plan for the regional school union.

**2. Budget preparation and approval.** The regional school union committee shall prepare the annual budget for the first operational year of the regional school union in accordance with section 2001. Specific duties may be assigned to existing personnel with the approval of the employing school

administrative unit. The regional school union committee shall complete the budget development process and approve a regional school union budget. The budget format and assessments for the regional school union's first operational year budget must be in accordance with this chapter.

**3. Authorization.** The regional school union committee is authorized to take all other actions provided under state law to prepare the regional school union to become operational on July 1st for the first operational year, including the authority to open and maintain accounts, to incur expenses to be allocated among the regional school union's member local education units in accordance with the reorganization plan for the regional school union and to file applications for school construction projects and revolving renovation fund loans and other available funding.

**4. Fiscal agent.** The regional school union committee is authorized to expend start-up funds for the regional school union. A local education unit within the regional school union may serve as a fiscal agent and may expend any start-up funds on behalf of the new regional school union prior to the regional school union's operational date without calling for a special meeting of the local legislative body.

### **§ 2013. Transfer of property and assets**

Upon the formation of a regional school union pursuant to this subchapter, the transfer of school property and assets is governed by this section.

**1. Regional school union committee.** Except as otherwise provided in a reorganization plan, a regional school union committee established in this chapter shall determine what school property of the municipal school units in existence prior to the operational date of the new regional school union and of the school administrative units in existence prior to the operational date of the new regional school union is necessary to carry out the functions of the regional school union and shall request in writing that the school board of each such school administrative unit or the municipal officers transfer title of their school property and buildings to the regional school union committee.

**2. Transfer.** The municipal officers and school boards contacted pursuant to subsection 1 shall make the transfer of property and assets notwithstanding any other provision in the charter of the school administrative unit or municipality.

### **§ 2014. Operational date and transfer of authority**

**1. Operational date.** A regional school union committee becomes operational on the date set by the state board as provided in this chapter.

**2. Transfer of governing authority.** The regional school union committee, on the date established pursuant to subsection 1, shall assume responsibility for the governance of the regional school union.

**3. Transfer employees.** Except as limited by paragraph A, all school employees who are employed by a school union whose members become local education units within the regional school union and employees of a school administrative unit performing the core functions and any delegated

functions of a regional school union as identified in the reorganization plan on the day prior to the date established pursuant to subsection 1 must be transferred to and employed by the regional school union as of the date established pursuant to subsection 1. Those employees not transferred to the regional school union continue to be employed by the local education units under the same terms and conditions under which they were employed prior to the operational date. The regional school union shall assume all of the legal obligations and duties that the participating school administrative units owed to the transferred employees, including but not limited to those obligations and duties arising under federal law, state law, collective bargaining agreements and individual employment contracts. It is the intent of this chapter to neither decrease nor increase the rights and benefits of transferred employees, the employees employed by the local education units or the employer.

A. Employees whose employment terminates by application of law or contract or by action of a participating school administrative unit before the date in subsection 1 may not be transferred.

B. Teachers and other employees who are transferred to the regional school union prior to the completion of the applicable probationary period for their position have the length of their probationary period calculated from the date of their most recent date of employment by the participating school administrative unit.

**4. Superintendent contracts.** The contracts between the superintendents and any school union whose members become local education units within the regional school union and school administrative units that become local education units within the regional school union are transferred on the date established pursuant to subsection 1 to the regional school union committee. The regional school union committee shall determine the superintendents' duties within the regional school unit.

## **§ 2015. Addition of a school administrative unit to an existing regional school union**

A school administrative unit not originally a member of a regional school union may be included in the regional school union in accordance with this section.

**1. Notice of intent.** A school administrative unit shall file with the commissioner a notice of intent to engage in planning and negotiations to join with a regional school union under this chapter. The commissioner shall respond to each notice of intent and provide information regarding the process and whether the intended action complies with the requirements of this chapter.

**2. Process to join a regional school union.** A school administrative unit may join an existing regional school union in the same manner required for the formation of a regional school union under section 2011, except that section 2011, subsections 5, 6 and 7 do not apply.

**3. Referendum for a school administrative unit to join an existing regional school union.** The municipal officers of each municipality in a school administrative unit proposing to join a regional school union shall place a warrant article substantially as follows on the ballot of a municipal referendum in accordance with the referendum procedures applicable to the school administrative unit of which the municipality is a member.

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

Yes No"

The following statement must accompany the article:

"Explanation:

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

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

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

Yes No"

The following statement must accompany the article:

"Explanation:

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

The referendum must be conducted in accordance with the referendum procedures applicable to regional school units, except that the duties of the regional school unit board must be performed by the regional school union committee.

**5. Results of referendum.** A school administrative unit shall report the results of the referendum to the department following the referendum election.

A. For a referendum conducted pursuant to subsection 3:

(1) A reorganization plan is approved by a kindergarten to grade 12 school administrative district or kindergarten to grade 12 community school district if the majority of votes cast in the district is in favor of approval of the plan;

(2) A reorganization plan is approved by a regional school union if the majority of votes cast in the regional school union is in favor of approval of the plan;

(3) A reorganization plan is approved by the member municipalities of a community school district that does not provide public education for the entire span of kindergarten to grade 12 if the majority of votes cast in the member municipalities is in favor of approval of the plan. Approval results in all member municipalities joining the regional school union; and

(4) A municipal school unit, including a municipal school unit that is a member of a school union, approves a reorganization plan if the majority of the votes cast in that municipality is in favor of approval of the plan.

B. For a referendum conducted pursuant to subsection 4, a reorganization plan is approved by a regional school union if the majority of votes cast in the regional school union is in favor of approval of the plan.

If a reorganization plan is approved by the affected school administrative unit, the commissioner shall file notice of approval with the state board.

6. **Amended certificate of organization.** If a plan for reorganization has been approved by the commissioner and approved by voters at the referendum under subsections 3 and 4, the state board shall issue an amended certificate of organization to the reorganized regional school union.

### **SUBCHAPTER 3**

#### **Regional School Union Governance**

##### **§ 2021. Powers and duties**

The regional school union committee:

1. **Regional school union name.** May select an unofficial name for the regional school union;

2. **Finance committee.** May elect a finance committee of 3 or more members, who must be regional school union committee members;

3. **Bylaws.** Shall adopt bylaws for the regulation of the affairs of the regional school union committee and the conduct of its business; and

**4. Gifts.** May accept and receive money or other property, outright or in trust, for any specified benevolent or educational purpose. The regional school union committee shall comply with this subsection in accepting gifts.

A. If the regional school union committee receives written notice from a prospective donor or a representative of the donor of a proposed gift, the regional school union committee shall submit the matter to its next regular meeting or shall call a special meeting and shall, within 10 days after the meeting, send written notice to the prospective donor or representative of its acceptance or rejection.

B. If the gift is in trust, the regional school union committee shall cause the trust funds to be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

(1) Unless prohibited by a trust instrument, the regional school union may treat any 2 or more trust funds as a single fund for the purposes of investment.

(2) After deduction for management expenses, any interest earned or capital gains realized must be prorated among the various trust funds.

(3) Property or securities included in the corpus of a trust fund must be retained where the trust instrument so provides.

(4) Unless otherwise specified in the trust instrument, only the annual income from the trust fund may be spent.

(5) If the regional school union fails to comply with the terms of the trust instrument, the trust fund is subject to reversion to the donor or the donor's heirs.

C. If the money or other property is a conditional gift for any specified benevolent or educational purpose, this paragraph applies.

(1) When the donor's part of the agreement respecting the execution of the conditional gift has been completed, the regional school union shall perpetually comply with, and may raise money to carry into effect, the conditions upon which it was made.

(2) Unless otherwise specified by its terms, a conditional gift of money must be deposited or invested according to Title 30-A, chapter 223, subchapter 3-A.

## **§ 2022. Quorum**

A majority of the regional school union committee in number and voting power constitutes a quorum.

## **§ 2023. Regional school union committee vacancies**

**1. Definition of vacancy.** A vacancy on a regional school union committee occurs:

- A. When the term of office of a regional school union committee member expires;
- B. When a regional school union committee member changes residency from the local education unit represented. Evidence that an individual is registered to vote in a municipality in a local education unit is prima facie evidence of that individual's residency;
- C. On the death of a regional school union committee member; or
- D. When a regional school union committee member resigns from the regional school union committee or from the school board of the local education unit the member represents.

In addition to paragraphs A, B, C and D, except in municipalities having a municipal charter, when a committee member is absent without excuse from 3 consecutive regular committee meetings, the regional school union committee may declare that a vacancy exists.

**2. Regional school union committee.** The regional school union committee shall notify the school board of the local education unit of a vacancy within 14 days after receiving notice of the vacancy.

**3. Filling vacancies.** A vacancy on a regional school union committee must be filled by the school board whose member vacated the regional school union committee seat within 30 days after receiving notice of the vacancy.

**§ 2024. Reapportionment**

The commissioner shall determine the necessity for reapportionment.

**1. Duties of commissioner.** The commissioner shall determine if a regional school union is apportioned in accordance with the one-person, one-vote principle if:

- A. The commissioner receives a request by the regional school union committee; or
- B. The commissioner receives a petition signed by a number of regional school union voters equal to at least 10% of the voters in the regional school union who voted in the last gubernatorial election.

In addition to a determination initiated by a request pursuant to paragraph A or a petition pursuant to paragraph B, the commissioner may, of the commissioner's own accord, determine that a regional school union is not apportioned according to the one-person, one-vote principle.

The commissioner shall make a determination under paragraph A or B within 30 days of receiving the request or the petition.



**2. Awaiting census results.** If the commissioner receives a request within 12 months before a Federal Decennial Census or Federal Estimated Census, the commissioner may wait until after the new census figures are available to make a determination under subsection 1.

**3. Findings and order.** If the commissioner finds the regional school union representation is not apportioned in accordance with the one-person, one-vote principle, the commissioner, within 7 days of that decision, shall notify the superintendent of the regional school union of the finding and order the superintendent to notify the school board in each local education unit in the regional school union and the regional school union committee to create a reapportionment committee. The superintendent's notification must include the commissioner's notification, the information provided pursuant to subsection 6 and the time and place for the first meeting of the committee, which must be held not later than 20 days after the notification.

**4. Reapportionment committee membership.** The reapportionment committee consists of 2 members from each school board, chosen by the respective school boards.

**5. Quorum.** A majority of the reapportionment committee constitutes a quorum.

**6. Duties of commissioner.** The commissioner shall provide the superintendent of the regional school union with the most recent Federal Decennial Census or Federal Estimated Census figures for each local education unit in the regional school union and at least one recommended apportionment plan.

**7. Duties of the reapportionment committee.** The reapportionment committee shall:

A. Elect a chair and secretary and may adopt suitable rules of procedure;

B. Consider and by majority vote adopt a reapportionment plan including the method of representation, total number of members and number of members representing each local education unit; and

C. Within 90 days of the first meeting, send a report of its reapportionment plan to the state board for approval. It may, within the 90-day limit, submit alternative plans for apportionment.

**8. Commissioner approval.** The commissioner shall approve or disapprove the reapportionment committee plan under subsection 7 within 30 days of receiving it.

**9. Failure to gain commissioner approval.** If a reapportionment plan has not been adopted by the reapportionment committee or approved by the commissioner within the time limits of subsection 7, the commissioner shall prepare a suitable plan.

**10. Putting the approved plan into effect.** On approval of a reapportionment plan, the commissioner shall send a certified copy to the local education units and regional school union committee. The original reapportionment plan must be retained in the department files.

A. The reapportionment plan takes effect immediately upon approval. The reapportionment committee shall determine the terms of the members to be elected at the next annual municipal elections so as to comply with this chapter.

B. If the approved reapportionment plan requires a reduction of the number of members to be elected in a municipality, the reduction must be achieved in accordance with this paragraph.

(1) If possible, the reduction must be achieved by the voluntary resignation of one or more of the members.

(2) If the reduction cannot be achieved in accordance with subparagraph (1), all of the remaining existing members representing the local education unit shall choose by lot which members' terms must terminate.

C. If the approved reapportionment plan requires that additional members be elected in a local education unit, the local school committee shall fill the vacancies by appointment. A new member serves until a successor is elected and qualified at the next annual municipal election.

D. The reapportionment committee is dissolved after the approved reapportionment plan is implemented.

**11. Duties of present members during reapportionment.** The regional school union committee, during the reapportionment of its membership, serves as the legal representative of the regional school union until the reapportionment is completed. The committee shall carry out all business of the regional school union, including the borrowing of funds that may be required during the period of reapportionment.

**12. State board review of commissioner's decisions.** A regional school union committee or interested parties may request that the state board reconsider decisions made by the commissioner under this section. The state board has the authority to overturn a decision made by the commissioner. In exercising this power, the state board is limited by this section.

## **SUBCHAPTER 4**

### **Contracts**

#### **§ 2031. Bid procedure**

**1. Written bids.** Bids must be in writing, sealed with the outside envelope or wrapper plainly marked "Bid, not to be opened until (appropriate date)" and mailed to or filed with the superintendent.

**2. Time of opening.** A member of the regional school union committee or an employee of the regional school union may not open a bid until the appointed time.

**3. Public opening.** At the time and place stated in the public notice, and open to the public, all bids must be opened by the superintendent or, in the superintendent's absence or disability, by any member of the regional school union committee designated for the purpose by the chair of the regional school union committee.

**4. Reading.** If any citizens who are not members of the regional school union committee or employees of the regional school union are present or if any representatives of the press are present, bids must at the time of opening either be made available for examination by them or must be read aloud in a manner to be heard plainly by those in attendance.

**§ 2032. Void contracts**

A contract made by the regional school union committee during the term of a member who is pecuniarily interested in that contract, either directly or indirectly, is void, unless the regional school union committee has advertised for sealed bids for that contract and that advertisement for sealed bids has been published at least 5 days prior to the date set for closing of bids in a newspaper having general circulation within the regional school union.

**SUBCHAPTER 5**

**Budget validation referendum**

**§ 2041. Budget validation referendum**

**1. Budget validation referendum.** The annual budget of a regional school union does not become final until it has been approved by the regional school union committee and validated at a budget validation referendum conducted in accordance with this section.

Every 3 years, the voters in the regional school union shall consider the continued use of the budget validation referendum process as provided in section 1486.

**2. Article.** The article to be voted on at a budget validation referendum held pursuant to subsection 1 must be in substantially the following form:

"Do you favor approving the (name of the regional school union) budget for the upcoming school year as approved by the regional school union committee and set forth below?"

<u>Member</u>	<u>Budget Share</u>
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
.....	\$.....
<u>Total (name of regional school union) Budget</u>	<u>\$.....</u>

Yes No"

The following statement must accompany the article:

"Explanation:

If this article is approved, each member will be required to pay from its approved school budget its budget share as shown above to (name of regional school union)."

**3. Procedures.** The budget validation referendum held pursuant to subsection 1 must be conducted in accordance with the following procedures.

A. If each school administrative unit that is a member of a regional school union is required to conduct a budget validation referendum on its annual budget, and if none of the warrants for those budget validation referenda has been signed at the time that the budget of the regional school union is approved by the regional school union committee, the article required in subsection 2 must be included as an additional article at each member's budget validation referendum. The voting on the budget validation article in each member school administrative unit is not required to be conducted on the same day. The return and counting of votes on the budget validation article must be conducted in the same manner as the procedures of section 1503, subsection 3.

B. If a budget validation referendum is not conducted in accordance with paragraph A, the article required by subsection 4 must be submitted to a budget validation referendum called by the regional school union committee. The budget validation referendum must be called and conducted in the same manner as the procedures of section 1486, subsections 2 and 3.

**4. Failure to validate budget.** If a majority of the voters in a regional school union does not vote in favor of validating the budget approved by the regional school union committee at a budget validation referendum, the regional school union committee shall prepare and approve a revised budget at least 10 days after the budget validation referendum. The revised budget approved by the regional school union committee must be submitted to the voters for validation at a budget validation referendum conducted in accordance with this section. The process must be repeated until a budget is approved by the regional school union committee and validated at referendum. If a budget is not approved by the regional school union committee and validated at referendum before July 1st of each year, the latest budget approved by the regional school union committee is automatically considered the budget for operational expenses for the ensuing year until a final budget is approved by the regional school union committee and validated at a budget validation referendum.

**Sec. C-10. Reorganization planning.** A regional school union, as established in the Maine Revised Statutes, Title 20-A, chapter 108, is deemed a regional school unit under Public Law 2007, chapter 240, Part XXXX, section 36 for all purposes including the goal for the number of regional units and the requirements with respect to the number of students in each regional unit. The Commissioner of Education shall apply the same criteria and shall allow the same exceptions for regional school unions as are applied to regional school units. A reorganization plan for a regional school union is also subject to the requirements of Public Law 2007, chapter 240, Part XXXX, section 36, subsection 6,

paragraph F that the reorganization plan address how administrative functions, duties and noninstructional personnel will be reorganized so that the projected expenditures for system administration, transportation, special education and facilities and maintenance will not have an adverse impact on the instructional program. A reorganization plan for a regional school union is subject to the same approval and referendum requirements as provided in Public Law 2007, chapter 240, Part XXXX, section 36, subsections 8 and 9.

**Sec. C-11. Application.** Notwithstanding any provision of law to the contrary, this Part applies to school administrative units and reorganization planning committees that, on the effective date of this Part, are engaged in or are required to be engaged in school reorganization planning pursuant to Public Law 2007, chapter 240, Part XXXX.’

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

## SUMMARY

The amendment adds a designation of Part A to the bill and makes the following changes.

1. The amendment allows a state-approved unit of school administration that was responsible for operating public schools prior to the reorganization of school administrative units pursuant to the Maine Revised Statutes, Title 20-A, chapter 103-A to serve fewer than 1,200 students if the area it serves has fewer than 50 residents per square mile and requires the Commissioner of Education to lower the 1,200-student requirement when the commissioner determines that the number is impractical.

2. The amendment enacts into law provisions regarding reorganization of regional school units.

A. The new provisions are similar to the Maine Revised Statutes, Title 20-A, former sections 1403, 1405 and 1406 and allow the dissolution of regional school units, the withdrawal from a regional school unit by a municipality and the transfer by a municipality out of one regional school unit into another. The amendment includes provisions that formerly applied in this area of law authorizing the State Board of Education to review decisions of the Commissioner of Education and to make rules concerning the reorganization of the regional school units.

B. The amendment clarifies that the procedures set forth for withdrawal from a regional school unit are available to a municipality prior to the formation of the regional school unit.

C. The amendment makes technical corrections to align the employment and collective bargaining provisions that apply in the event of dissolution of a regional school unit or withdrawal or transfer of a single municipality from a regional school unit with the employment and collective bargaining provisions enacted in Public Law 2007, chapter 240, Part XXXX and codified in the Maine Revised Statutes, Title 20-A, sections 1463 and 1464.

3. The amendment adds a provision allowing a municipality to withdraw from a proposed regional school unit prior to the formation of the regional school unit.

4. Part B of this amendment changes the deadline by which a referendum must be held to January 15, 2009 and changes dates that are linked to the referendum date by the same amount of time.

5. Part C of this amendment authorizes regional school unions as an alternative to the regional school unit method of school reorganization. A regional school union must perform certain core functions, which include employment of a superintendent, performance of all business functions, special education administration, transportation administration, adoption of a core curriculum and all state and federal reporting. A regional school union is formed in the same manner as a regional school unit by means of a reorganization plan prepared by a reorganization planning committee, with approval of the Commissioner of Education and approval at a referendum. Regional school unions are subject to the same requirements as regional school units with respect to minimum numbers of students, exceptions to minimum numbers of students, timelines for submission of reorganization plans, operational date and applicable penalties. School administrative units that form a regional school union become “local educational units” with no further responsibility for the administrative functions, which are taken over by the regional school union. This amendment also requires that budget validation referendum be conducted to approve the budget for a regional school union.

The amendment removes all references to the alternative organizational structure authorized under the bill.

**FISCAL NOTE REQUIRED**  
**(See attached)**