

STATE OF MAINE

IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

H.P. 959 - L.D. 1307

An Act To Amend and Clarify Certain Education Statutes

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

Sec. 1. 20-A MRSA §1252, sub-§2, ¶C, as amended by PL 1983, c. 806, §15, is further amended to read:

C. A plan may not permit the voting power of any director to exceed by more than ~~2%~~ 5% the percentage of voting power the director would have if all 1,000 votes were apportioned equally among the directors.

Sec. 2. 20-A MRSA §1479, first ¶, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

A regional school unit shall maintain a program that includes kindergarten to grade 12 except for the school administrative districts that did not operate kindergarten to grade 12 that were reformulated into regional school units in accordance with Public Law 2007, chapter 240, Part XXXX, section 36, subsection 12, as amended by Public Law 2007, chapter 668, section 48.

Sec. 3. 20-A MRSA §1486, sub-§1, as amended by PL 2009, c. 571, Pt. QQQ, §1, is further amended to read:

1. Budget validation. Following development of the annual regional school unit budget and approval at a regional school unit budget meeting as provided in section 1485, a referendum must be held in the regional school unit as provided in this section to allow the voters to validate or reject the total budget adopted at the regional school unit budget meeting.

Every 3 years, the voters in a regional school unit shall consider continued use of the budget validation referendum process. The warrant at the budget validation referendum in the 3rd year following adoption or continuation of the referendum process must include an article by which the voters of the school administrative ~~district~~ unit may indicate whether they wish to continue the process for another 3 years. The warrant for the referendum to validate the fiscal year 2010-11 budget is deemed the 3rd-year warrant. A vote to continue retains the process for 3 additional years. A vote to discontinue the

process ends its use beginning with the following budget year and prohibits its reconsideration for at least 3 years.

An article to consider reinstatement of the budget validation referendum process may be placed on a warrant for a referendum vote by either a majority vote of the regional school unit board or a written petition filed with the regional school unit board by at least 10% of the number of voters voting in the last gubernatorial election in the municipalities in the school administrative ~~district~~ unit. The regional school unit board shall place the article on the next scheduled warrant or an earlier one if determined appropriate by the regional school unit board. If adopted by the voters, the budget validation referendum process takes effect beginning in the next budget year or the following budget year if the adoption occurs less than 90 days before the start of the next budget year. Once approved by the voters, the budget validation referendum process may not be changed for 3 years.

Sec. 4. 20-A MRSA §1511, as enacted by PL 2007, c. 240, Pt. XXXX, §13, is amended to read:

§1511. Supermajority vote to close school in the regional school unit

A school operated within the regional school unit may not be closed for lack of need unless closure of the school is approved at a regular or special meeting of the regional school unit board by an affirmative vote of 2/3 of the elected membership or voting power of the regional school unit board. A regional school unit must proceed in accordance with section 1512 for elementary schools or for secondary schools if the regional school unit has more than one secondary school. For regional school units with only one member municipality, section 1512 does not apply and the regional school unit must proceed in accordance with section 4102, subsection 4, paragraph B-1.

Sec. 5. 20-A MRSA §2953, first ¶, as amended by PL 2005, c. 153, §4, is repealed.

Sec. 6. 20-A MRSA §2953, sub-§1, as amended by PL 2005, c. 153, §4, is repealed.

Sec. 7. 20-A MRSA §4102, sub-§4, as amended by PL 2007, c. 539, Pt. C, §1 and affected by §23 and amended by PL 2007, c. 599, §1 and affected by §3, is further amended to read:

4. Voter approval. Before a school board may close a school building pursuant to subsection 3, voter approval shall be obtained as follows.

A. Elementary schools in school administrative districts, regional school units and community school districts may only be closed if approved by the voters in accordance with the procedures set out in section 1512 for regional school units.

B. Secondary schools in school administrative districts, regional school units and community school districts ~~and either elementary or secondary schools in other school administrative units may be closed without voter approval, unless the school board is presented with a written petition, within 30 days of the board's decision to close the school, by 10% of the number of voters in the school administrative unit~~

~~who voted at the last gubernatorial election, then a special referendum shall be called pursuant to: may be closed only if approved by the voters in accordance with the procedures set out in section 1512 for regional school units.~~

- ~~(1) Section 1351 for school administrative districts;~~
- ~~(2) Title 30-A, sections 2528 to 2532, for community school districts, except the school board shall issue a warrant specifying that the municipalities within the district place the petitioned article on the ballot, and shall prepare and furnish the required number of ballots for carrying out the election; and~~
- ~~(3) Title 21-A and Title 30-A, respectively, for cities and towns.~~

B-1. Elementary or secondary schools in school administrative units that are not school administrative districts, regional school units or community school districts may be closed without voter approval, unless the school board is presented with a written petition, within 30 days of the board's decision to close the school, by 10% of the number of voters in the school administrative unit who voted at the last gubernatorial election, in which case a special referendum must be called pursuant to:

- (1) Section 1351 for school administrative districts;
- (2) Title 30-A, sections 2528 to 2532, for community school districts, except the school board shall issue a warrant specifying that the municipalities within the district place the petitioned article on the ballot, and shall prepare and furnish the required number of ballots for carrying out the election; and
- (3) Title 21-A and Title 30-A, respectively, for cities and towns.

C. The article to be used shall be substantially in the following form:

"Article: Shall the school committee of (name of town) (the board of directors of School Administrative District No.) be authorized to close (name of school)?

Yes..... No.....

The additional cost of keeping the school open has been estimated by the school committee (board of directors) to be \$ "

Sec. 8. 20-A MRSA §4102, last ¶, as enacted by PL 2007, c. 240, Pt. XXXX, §23, is repealed.

Sec. 9. 20-A MRSA §6004, as amended by PL 2009, c. 508, §2, is further amended to read:

§6004. Student counts

The following provisions apply to the annual counting of students.

1. Duty of superintendent. ~~By April 15th and October 15th~~ In accordance with time schedules established by the commissioner, the superintendent of each school administrative unit and the ~~principal administrator~~ principal administrator of each private school shall inform the commissioner, in the format specified by and with the content required by the

commissioner, of the number of students attending their schools and in the case of public schools the number of students residing in their school administrative unit. This information ~~shall~~ must be supplied on forms provided by the commissioner.

2. Student count. Students ~~shall~~ must be counted as follows.

A. A student residing in the school administrative unit may be considered in attendance on October 1st and April 1st ~~only~~ if the student ~~is attending school on that date~~. A student must be counted as a resident if the student meets the residence requirement of chapter 213 and must be counted for subsidy if the student meets the definition of "subsidizable pupils" under section 15672, subsection 32.

~~(1) Attended school at least 75% of the time between October 1st and April 1st, if enrolled by October 1st; or~~

~~(2) Attended school at least 75% of the time between the date of the student's first enrollment and April 1st, if not enrolled by October 1st.~~

Excused absences and absences due to illness ~~shall~~ may not be considered absences under this subsection.

B. Students who attend school under section 5205, subsections 2, 3-A, 4, 5 and 6 must be counted in the school administrative unit in which they attend school.

D. Private schools may report privately funded students on October 1st. All publicly funded students must be reported on October 1st and April 1st in the specified format and with the specific content and in accordance with the time schedules established by the commissioner.

Sec. 10. 20-A MRSA §15917, sub-§1, as enacted by PL 1995, c. 632, §3, is repealed.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor