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An Act To Amend the Laws Governing the Process for a Single Municipality To Withdraw from a Regional School Unit

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

Sec. 1. 20-A MRSA §1466, sub-§4, as enacted by PL 2009, c. 580, §9, is amended to read:

4. Agreement for withdrawal; notice; changes in agreement; final agreement. The agreement for withdrawal must comply with this subsection.

A. The commissioner shall direct the municipal officers of the petitioning municipality to select representatives to a withdrawal committee as follows: one member from the municipal officers, one member from the general public and one member from the group filing the petition. The commissioner shall also direct the directors of the regional school unit board representing the petitioning municipality to select one member of the regional school unit board who represents that municipality to serve on the withdrawal committee. The municipal officer and the member of the regional school unit board serve on the withdrawal committee only so long as they hold their respective offices. Vacancies must be filled by the municipal officers and the regional school unit board. The chair of the regional school unit board shall call a meeting of the withdrawal committee within 30 days of the notice of the vote in subsection 3. The chair of the regional school unit board shall open the meeting by presiding over the election of a chair of the withdrawal committee. The responsibility for the preparation of the agreement rests with the withdrawal committee, subject to the approval of the commissioner. The withdrawal 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 withdrawal committee is formed. Extensions of time may be granted by the commissioner upon the request of the withdrawal committee for a period not to exceed 180 days after the withdrawal committee is formed.

The withdrawal committee by unanimous vote may request an extension from the commissioner beyond 180 days after the withdrawal committee is formed. The withdrawal committee and the commissioner shall give due consideration for the beginning of the ensuing school year when approval for an extension is sought.

If the parties fail to enter into an agreement within 180 days after the withdrawal committee is formed, the withdrawal committee by majority vote may petition the commissioner to order binding mediation between the parties, the cost of which the mediator shall assign between the parties. The agreement reached through mediation must be submitted to the commissioner for approval.

- (1) The agreement must contain provisions to provide educational services for all students of the petitioning municipality within 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 that the withdrawal takes 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 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 provide appropriately for the distribution of any outstanding financial commitments to the superintendent of the regional school unit.
- (8) The agreement must provide for the continuation and assignment of collective bargaining agreements as they apply to the new or reorganized regional school unit for the duration of those agreements and must provide for the continuation of representational rights.
- (9) The agreement must provide for the continuation of continuing contract rights under section 13201.
- (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 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.

(12) The agreement must include a plan for providing child nutrition services in compliance with state and federal laws at schools operated by the petitioning municipality.

(13) The agreement must include an anticipated budget for schools operated by the petitioning municipality for the first year of operation. The budget must include an estimate of all revenues and expenditures in accordance with the cost center summary budget format pursuant to section 1485 and is subject to the approval of the commissioner.

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 agreement will provide for appropriate educational and related services to the students of the petitioning municipality and for the orderly transition of assets, governance and other matters related to the petitioning municipality and the regional school unit.

C. If the commissioner gives conditional approval of the agreement, the commissioner shall notify the regional school unit board 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 regional school unit board shall conduct the hearing.

(1) The regional school unit board 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 under this paragraph, the withdrawal committee shall forward the final agreement to the commissioner.

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

(1) Send the agreement back to the withdrawal 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.

SUMMARY

This bill allows the withdrawal committee for a single municipality seeking to withdraw from a regional school unit to request an extension of time to submit an agreement to the Commissioner of Education for a period not to exceed 180 days after the formation of the withdrawal committee. The withdrawal committee by unanimous vote may request an extension from the commissioner beyond 180 days after the formation of the withdrawal committee.

It allows the withdrawal committee to petition the commissioner to order binding mediation between the parties if they fail to enter into an agreement within 180 days after the formation of the withdrawal committee. The agreement reached through mediation must be submitted to the commissioner for approval.

It requires the agreement for the withdrawal of a single municipality from a regional school unit to include a plan for providing child nutrition services in compliance with state and federal laws at schools operated by the withdrawing municipality and an anticipated budget for the schools operated by the withdrawing municipality for the first year of operation.