

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

Amend the amendment by inserting after section 2 the following:

Sec. 3. 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 and previous education units in which the population density is less than 100 residents per square mile, 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, in the commissioner's discretion, may waive the 1,200-student requirement.

(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 amendment by inserting before section 12 the following:

‘Sec. 12. 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 and previous education units as defined in the Maine Revised Statutes, Title 20-A, section 1, subsection 20-A in which the population density is less than 100 residents per square mile, 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, in the commissioner's discretion, may waive the 1,200-student requirement.

SUMMARY

This 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 100 residents per square mile. In addition to the exceptions provided by law to the requirement that a school unit serve at least 1,200 students, the amendment provides that the Commissioner of Education, in the commissioner's discretion, may waive the 1,200-student requirement.

FISCAL NOTE REQUIRED

(See attached)