

**Maine Revised Statute Title 20-A, Chapter 313:
APPLIED TECHNOLOGY EDUCATION**

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Subchapter 1: GENERAL PROVISIONS

20-A §8301. DEFINITIONS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 485, §26 (AMD). 1987, c. 98, §2 (AMD). 1991, c. 518, §1 (RP).

20-A §8301-A. DEFINITIONS

As used in this chapter, unless the context otherwise indicates, the following terms have the following meanings. [1991, c. 518, §2 (NEW).]

1. Affiliated unit. "Affiliated unit" means a school administrative unit that is affiliated with another school administrative unit that operates a center. An affiliated school administrative unit may have its secondary students served by a center operated by a school administrative unit with which it is affiliated. An affiliated school administrative unit may also operate career and technical education satellite programs.

[2003, c. 545, §1 (AMD) .]

2. Budget failure. "Budget failure" means the failure of a region, by August 1st of any fiscal year, to approve a budget for the region that is at least equal to the sum of the total allocations for career and technical education of the member school administrative units in the region.

[2003, c. 545, §1 (AMD) .]

2-A. Career and technical education. "Career and technical education" means a course or program of education designed to create or improve job-related skills that is part of a secondary school curriculum and approved by the commissioner according to this chapter. A school administrative unit shall make career and technical education available to persons residing in the school administrative unit who are eligible to receive free public secondary education.

[2003, c. 545, §1 (NEW) .]

3. Center. "Center" means an administrative entity established pursuant to this chapter that provides career and technical education to secondary students. Unless otherwise specifically provided for by this chapter, a center is governed, operated and administered by a single school administrative unit. A center shall make its programs available to serve secondary students from school administrative units with which it is affiliated. A center may include within its administrative structure career and technical education satellite programs operated by school administrative units with which it is affiliated.

[2003, c. 545, §1 (AMD) .]

4. Municipality. "Municipality" has the same meaning as in section 15672, subsection 21.

[2005, c. 2, Pt. D, §23 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

5. Parent. "Parent" means a parent, as defined in section 1, subsection 20, with legal custody of a minor child.

[1991, c. 518, §2 (NEW) .]

6. Region. "Region" means a quasi-municipal corporation established by the Legislature to provide career and technical education to secondary students that is comprised of all the school administrative units within the geographical boundaries set forth for each career and technical education region in section 8451. A region is governed by a cooperative board formed and operating in accordance with this chapter.

[2003, c. 545, §1 (AMD) .]

7. Residence. "Residence" means, with reference to a person's eligibility to receive career and technical education, the school administrative unit in which is located the legal residence of the person's parent if the person has not reached 18 years of age, the legal residence of the person after the person reaches 18 years of age or the legal residence of the person after the person becomes an emancipated minor. A federal reservation is considered part of the school administrative unit in which it is located.

[2003, c. 2, §42 (COR) .]

8. Satellite program. "Satellite program" means a program providing career and technical education to secondary students that is operated, under section 8403-A, by a school administrative unit affiliated with a center.

[2003, c. 545, §1 (AMD) .]

9. State subsidy. "State subsidy" has the same meaning as in section 15672, subsection 31-A.

[2005, c. 2, Pt. D, §23 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

10. Unit. "Unit" means a school administrative unit.

[1991, c. 518, §2 (NEW) .]

11. Vocational education.

[2003, c. 545, §1 (RP) .]

SECTION HISTORY

1991, c. 518, §2 (NEW). RR 1991, c. 2, §61 (COR). 2003, c. 545, §1 (AMD). RR 2003, c. 2, §42 (COR). 2005, c. 2, §D23 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

20-A §8302. ACCEPTANCE AND COMPLIANCE WITH FEDERAL LAW

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

20-A §8303. FEDERAL FUNDS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

20-A §8304. ROLE OF THE STATE BOARD IN FEDERAL PROGRAMS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §42 (RP).

20-A §8305. ELIGIBILITY REQUIREMENTS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §3 (RP).

20-A §8305-A. ELIGIBILITY

1. General right. A person eligible to receive free public secondary education may, consistent with this section and department rules:

A. Receive career and technical education from a center, satellite program or region that serves the person's residence; or [2003, c. 2, §43 (COR).]

B. Receive career and technical education from a center, satellite program or region outside of the geographical area that serves the person's residence, subject to the approval of the commissioner and the governing bodies of the sending unit and receiving center, satellite program or region. [2003, c. 2, §43 (COR).]

[2003, c. 2, §43 (COR).]

2. Admission standards. A region, center or satellite program shall determine, in accordance with its published admission standards, whether to admit a person to such a region, center or satellite program. Unless otherwise specifically provided for in this chapter, priority to enroll in any career and technical education course of study offered by a region, center or satellite program must be given first to persons eligible to receive a free public secondary education who are residents of municipalities served by that region, center or satellite program.

[2003, c. 2, §43 (COR).]

3. Adult participation in career and technical education courses. Persons who are 20 years of age or older and who otherwise comply with the requirements of this section may receive career and technical education in a career and technical education course if, after all other eligible persons have been enrolled in that course, space exists to accommodate participation by persons who are 20 years of age or older. A region, center or satellite program may charge reasonable fees to persons who are 20 years of age or older and who receive career and technical education pursuant to this section.

[2003, c. 2, §43 (COR).]

SECTION HISTORY

1991, c. 518, §4 (NEW). RR 1991, c. 2, §62 (COR). RR 2003, c. 2, §43 (COR).

20-A §8306. POWERS AND DUTIES OF STATE BOARD OF EDUCATION

1. State plan. The state board shall approve and update as it determines necessary a state plan for career and technical education, in compliance with the requirements of applicable state and federal laws, rules and regulations. The state plan must be prepared by the commissioner.

[2003, c. 2, §44 (COR).]

2. Center and region plans. The state board shall approve a plan for the provision of career and technical education by each center or region. The plans must be prepared by each center or region at the time of its organization or reorganization, approved by the school board or cooperative board governing each center or region respectively, and include:

A. A survey of the career and technical education needs nationally, statewide and in the geographic area served by the center or region; [2003, c. 2, §44 (COR).]

B. A survey of employment opportunities nationally, statewide and in the geographic area served by the center or region; [1991, c. 518, §5 (AMD).]

C. A description of the programs to be offered by the center or region; [1991, c. 518, §5 (AMD).]

C-1. A description of the manner in which academic courses will be used to augment trade-oriented skill courses for career and technical education students at the center or region; [2003, c. 2, §44 (COR).]

D. A description of each geographic area served by the center or region and the location of each career and technical education program to serve those areas; and [2003, c. 2, §44 (COR).]

E. A description of the manner in which the career and technical education programs offered by the center or region address the career and technical education needs in the geographic area served by the center or region and employment opportunities nationally, statewide and in the geographic area served by the center or region. [2003, c. 2, §44 (COR).]

[2003, c. 2, §44 (COR) .]

3. Plans for vocational satellite programs.

[1991, c. 518, §5 (RP) .]

4. Boundaries of centers and regions.

[1991, c. 518, §5 (RP) .]

5. Reorganizing centers and regions. The state board may, in compliance with section 8307:

A. Change existing boundaries of centers and regions; [1991, c. 518, §5 (NEW).]

B. Change the status of a center to a region or a region to a center; [1991, c. 518, §5 (NEW).]

C. Dissolve existing regions or centers; [1991, c. 518, §5 (NEW).]

D. Create new regions or centers; or [1991, c. 518, §5 (NEW).]

E. Create alternative organizational methods of delivering career and technical education. [2003, c. 2, §45 (COR).]

[2003, c. 2, §45 (COR) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §5 (AMD). RR 2003, c. 2, §§44,45 (COR).

20-A §8306-A. RULES; APPROVAL OF CAREER AND TECHNICAL EDUCATION PROGRAMS AND COURSES

The commissioner may adopt rules to establish requirements for career and technical education programs and courses in alignment with the system of learning results established in section 6209, to establish procedures for approving career and technical education programs and courses and to otherwise carry out the purposes of this chapter. [2003, c. 2, §46 (COR).]

A program or course of career and technical education may not be offered by a region, center or affiliated unit unless approved by the commissioner in compliance with rules adopted pursuant to this chapter. [2003, c. 2, §46 (COR).]

SECTION HISTORY

1991, c. 518, §6 (NEW). 2001, c. 454, §36 (AMD). RR 2003, c. 2, §46 (COR).

20-A §8307. PROCEDURES; DEVELOPMENT OF A PLAN (REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 161, §3 (AMD). 1987, c. 737, §§C54,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 518, §7 (RP).

20-A §8307-A. REORGANIZATION PROCEDURES

The governing body of one or more units, or the commissioner, may prepare a plan for reorganizing the provision of career and technical education in or among existing regions or geographic areas served by existing centers and present the reorganization plan to the state board for its approval. A unit may prepare a reorganization plan only for a region or center that serves or is proposed to serve the unit. [2003, c. 2, §47 (COR).]

1. Contents of reorganization plan. The reorganization plan must:

- A. Describe the deficiencies in the current method of providing career and technical education in a region or geographic area served by a center that require reorganizing the provision of career and technical education in that region or geographic area; [2003, c. 2, §48 (COR).]
- B. Present an alternative organizational method of providing career and technical education in a region or geographic area served by a center; [2003, c. 2, §48 (COR).]
- C. Present a method for assigning title to and obligations for property and indebtedness respectively of any region or center affected by a reorganization plan; [1991, c. 518, §8 (NEW).]
- D. Contain the applicable plan required by section 8306; and [1991, c. 518, §8 (NEW).]
- E. Present any other information requested by the state board. [1991, c. 518, §8 (NEW).]

[2003, c. 2, §48 (COR) .]

2. Assessment by the commissioner. The commissioner shall:

- A. Assess the impact of the reorganization plan on the provision of career and technical education in any region or geographic area served by a center that is affected by the reorganization plan; [2003, c. 2, §49 (COR).]
- B. Assess the fiscal impact of the reorganization plan on the State; and [1991, c. 518, §8 (NEW).]

C. Submit a written report of findings to the state board. In the report, the commissioner may suggest revisions to the reorganization plan as submitted or the commissioner may propose an alternative reorganization plan. In the report, the commissioner shall specifically recommend approval or disapproval by the state board of the reorganization plan as submitted, as revised or in alternative form. [1991, c. 518, §8 (NEW).]

[2003, c. 2, §49 (COR) .]

3. Affected entities. For purposes of this section, the following entities are deemed affected by a reorganization plan:

A. A unit that is served, or is proposed to be served, by a region or center that is reorganized under a reorganization plan; and [1991, c. 518, §8 (NEW).]

B. A region or center that is reorganized under a reorganization plan. [1991, c. 518, §8 (NEW) .]

For purposes of this subsection a "region or center that is reorganized under a reorganization plan" means a region or center that, as a result of a reorganization plan, undergoes a change in the units served by it or a change in the organizational structure by which it serves those units.

[1991, c. 518, §8 (NEW) .]

4. Additional information requested by state board. As part of the commissioner's assessment of a reorganization plan, or as part of its own consideration of such a plan, the state board may request additional information from any region, center, unit or affiliated unit affected by such a plan.

[1991, c. 518, §8 (NEW) .]

5. State board approval. The state board may approve or disapprove the reorganization plan, based on the reorganization plan submitted to the state board, the assessment undertaken by the commissioner, any additional information requested by the state board and any public comments received by the state board in connection with that reorganization plan.

[1991, c. 518, §8 (NEW) .]

6. Local public hearings. If the reorganization plan is approved by the state board, the unit or units that prepared the reorganization plan shall hold at least one public hearing in each such unit or units and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in those units affected by the plan. If the reorganization plan is prepared by the commissioner and approved by the state board, the commissioner shall hold at least one public hearing in a unit affected by the reorganization plan and selected by the commissioner and at least one public hearing in another unit affected by the reorganization plan and selected by the governing body of each center or region affected by the reorganization plan to present the plan to the voters residing in units affected by the plan. The career and technical education director and the cooperative board of any region affected by a reorganization plan, and the career and technical education director, advisory committee and governing body of any center affected by a reorganization plan, must be invited to participate at the public hearings.

[2003, c. 2, §50 (COR) .]

7. Local referendum. After the public hearings required by subsection 6, the school board of the unit or units that prepared the reorganization plan, or the commissioner if the commissioner prepared the reorganization plan, shall submit the proposal contained in that plan to the voters of each unit affected by the

reorganization plan in accordance with the provisions for holding referendum elections under sections 1351 to 1354 and in Title 21-A and Title 30-A. The state board must approve the form of the question to be presented to the voters prior to its submission.

[1991, c. 518, §8 (NEW) .]

8. Local voter approval; issuance of certificate of approval by state board. If the referendum required by subsection 7 is approved by 2/3 or greater of the votes cast in a majority of the units affected by the reorganization plan, the state board shall issue a certificate of approval making effective the provisions of the reorganization plan. A reorganization plan that proposes creation of a new center or region must also comply with the requirements of subchapters III and IV respectively prior to receiving a certificate of approval from the state board.

[1991, c. 518, §8 (NEW) .]

SECTION HISTORY

1991, c. 518, §8 (NEW). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §§47-50 (COR).

Subchapter 2: FINANCING

20-A §8351. STATE AID FOR CAREER AND TECHNICAL EDUCATION CENTERS AND CAREER AND TECHNICAL EDUCATION REGIONS

State aid for centers and regions must be administered in accordance with chapters 606-B and 609 and Title 20, section 3457. [2005, c. 2, Pt. D, §24 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV). 2005, c. 2, §D24 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

20-A §8352. DEPARTMENT BUDGET RECOMMENDATIONS

1. Budget recommendation. Prior to December 15th of each year, the commissioner, with the approval of the state board, shall certify to the Governor and to the Bureau of the Budget the funding levels the commissioner recommends to carry out the purposes of this subchapter and subchapters III and IV. The commissioner shall include these funding levels in the department's request to the Legislature for appropriations from the General Fund to carry out the purposes of this chapter.

[1991, c. 518, §9 (AMD) .]

2. Budget limitation. This section does not apply to construction grants made under chapter 609 and Title 20, section 3460.

[1991, c. 518, §9 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD).

20-A §8353. TUITION FOR STUDENTS SENT OUT OF STATE

If a unit that serves a student's residence determines that that student would be better served by receiving career and technical education, on a tuition basis, at an out-of-state secondary level career and technical school that is located closer to that student's residence than a Maine center, satellite program or region serving that student's residence, the State shall subsidize the unit the same amount for that student as would have been incurred by such a center, satellite program or region providing the same or similar career and technical education to the student. [2003, c. 2, §51 (COR).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §9 (AMD). RR 2003, c. 2, §51 (COR).

20-A §8354. TUITION COMPUTATION FOR OUT-OF-STATE STUDENTS

The tuition charge for each out-of-state student receiving career and technical education at a center, satellite program or region is determined as follows. [2003, c. 2, §52 (COR).]

1. Primary method. The per student tuition charge is determined by:

A. Adding the amounts paid by the center, satellite program or region during the previous fiscal year for:

- (1) Teachers' salaries;
- (2) Fuel;
- (3) Janitorial services;
- (4) Textbooks;
- (5) Reference books;
- (6) School supplies for desk and laboratory use;
- (7) Public utility services;
- (8) Replacement of instructional equipment;
- (9) Insurance;
- (10) Compensation for the career and technical education director and the career and technical education director's assistants;
- (11) Employee fringe benefits; and
- (12) Electricity services provided by competitive electricity providers or other entities authorized by the Public Utilities Commission to provide electricity services; [2003, c. 2, §53 (COR).]

B. Adjusting the amounts in paragraph A by the allowable percentages set forth in section 5805, subsection 1, paragraph D; and [1981, c. 693, §§5, 8 (NEW).]

C. Dividing this sum by the average number of all regularly enrolled students at the center, satellite program or region on October 1st and April 1st of the previous fiscal year. [1991, c. 518, §10 (AMD).]

[2003, c. 2, §53 (COR) .]

2. Alternate method. When the cost of fuel, janitorial services, public utility services, electricity services or insurance for facilities used to provide career and technical education can not be separated from similar costs for other facilities not used to provide career and technical education, the costs of facilities used to provide career and technical education are determined by prorating the square footage of floor space used to provide career and technical education to the total amount of floor space at the facilities.

[2003, c. 2, §54 (COR) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §67 (AMD). 1991, c. 518, §10 (AMD). 1991, c. 716, §7 (AMD). 1999, c. 657, §§9,10 (AMD). RR 2003, c. 2, §§52-54 (COR).

Subchapter 3: APPLIED TECHNOLOGY CENTERS

20-A §8401. VOCATIONAL CENTERS

Centers shall operate at Augusta, Bath, Biddeford, School Administrative District No. 61(Bridgton), Caribou, School Administrative District No. 46(Dexter), Ellsworth, School Administrative District No. 9(Farmington), School Administrative District No. 27 (Fort Kent), Lewiston, Madawaska, Portland, School Administrative District No. 1(Presque Isle), Sanford, School Administrative District No. 54(Skowhegan), School Administrative District No. 24(Van Buren), Waterville and Westbrook. School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department are authorized to enter into a cooperative agreement to provide for the construction and operation of a center in School Administrative District No. 33. [1991, c. 518, §11 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 744, §1 (AMD). 1989, c. 540, §1 (AMD). 1991, c. 518, §11 (AMD). 1991, c. 655, §8 (AMD).

20-A §8402. PROGRAMS

A center shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a center must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or other college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A. [2007, c. 667, §12 (AMD).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §12 (AMD). 1999, c. 683, §2 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). RR 2003, c. 2, §55 (COR). 2005, c. 2, §D25 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 667, §12 (AMD).

20-A §8403. VOCATIONAL SATELLITE PROGRAMS

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 485, §§27,28 (AMD). 1991, c. 518, §13 (RP).

20-A §8403-A. SATELLITE PROGRAMS

1. Authority for career and technical education satellite programs. An affiliated unit may operate a career and technical education satellite program with the approval of the commissioner pursuant to subsection 2.

[2003, c. 2, §56 (COR) .]

2. Procedure for authorizing career and technical education satellite programs. Any affiliated unit that wishes to operate a career and technical education satellite program shall submit a written request to operate such a satellite program to the governing body of the center with which the unit is affiliated. The request must fully document the perceived need for the operation of a satellite program. The governing body of the center with which the unit is affiliated shall consider the request and forward its recommendation to the commissioner concerning whether that request should be approved. The commissioner shall act on the request pursuant to section 8306-A.

[2003, c. 2, §56 (COR) .]

3. Financial responsibility for satellite programs. A unit operating a satellite program shall assume full financial responsibility for paying the operating costs of that program and the unit is entitled to receive the state subsidy and tuition income for the program.

[1991, c. 518, §14 (NEW) .]

4. Facilities and equipment; school construction aid. A unit that operates a satellite program:

A. Shall furnish the necessary facilities and equipment for the satellite program; and [1991, c. 518, §14 (NEW).]

B. Is eligible for school construction aid if new facilities for the satellite program are required and approved. [1991, c. 518, §14 (NEW).]

[1991, c. 518, §14 (NEW) .]

5. Employment of teachers. The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center with which the unit is affiliated, employ teachers for that satellite program in accordance with the procedures established by section 13201.

[2003, c. 2, §57 (COR) .]

6. Supervision. The superintendent of a unit operating a satellite program shall, in consultation with the career and technical education director of the center with which the unit is affiliated, supervise personnel working for that satellite program.

[2003, c. 2, §57 (COR) .]

7. Part-time instructors. A unit operating a satellite program may employ part-time instructors for such a program. A part-time instructor may be employed at separate satellite programs operated by different units. Such a part-time instructor employed at separate satellite programs operated by different units may be employed separately by each unit or employed solely by one unit under a reimbursement arrangement, approved by the commissioner, involving all units where that instructor is employed.

[1991, c. 518, §14 (NEW) .]

SECTION HISTORY

1991, c. 518, §14 (NEW). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §§56,57 (COR).

20-A §8404. CENTER ADVISORY COMMITTEE

Each center must have an advisory committee responsible for advising the career and technical education director concerning the provision of career and technical education by the center. [2003, c. 2, §58 (COR).]

1. Membership. Membership on the advisory committee consists of:

- A. The superintendent of each unit governing or affiliated with the center or the superintendent's designee; [1991, c. 518, §15 (AMD).]
- B. A member of the school board for each unit governing or affiliated with the center, chosen by that school board; and [1991, c. 518, §15 (AMD).]
- C. If approved by the school board of each unit governing or affiliated with the center, representatives, on either a voting or nonvoting basis, of private secondary schools approved for tuition purposes and served by the center. [1991, c. 518, §15 (NEW).]

[1991, c. 518, §15 (AMD) .]

2. Meetings. The advisory committee shall meet at least 6 times per calendar year.

[1991, c. 518, §15 (AMD) .]

3. Duties. The advisory committee:

- A. Shall advise and assist the center and its satellite programs in the preparation and submission of an annual report on the center and satellite programs to the commissioner and to each municipality served by the center or satellite programs; [1991, c. 518, §15 (AMD).]
- B. Shall develop a cooperative agreement delineating the duties and powers of the advisory committee. A cooperative agreement or any amendment to the agreement must be ratified by the school board of each unit or affiliated unit served by the center. A cooperative agreement must be reviewed annually by the advisory committee and submitted by the center and its affiliated units to the commissioner; [1991, c. 518, §15 (AMD).]
- C. Shall, in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401 and a new career and technical education center in Maine School Administrative District No. 33 becomes operational, devise a cost sharing formula for the center established thereby pertaining to the cost of career and technical education programs that exceed expenditures made for those programs in the base year as adjusted pursuant to section 15681-A, subsection 4 and to the local share of debt service costs attributable to construction of the center in School Administrative District No. 33; [2005, c. 2, Pt. D, §26 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF).]

D. May devise a formula for sharing costs of the center among the units served by that center. Such a formula or any amendment to the formula must be ratified by the school board of each unit or affiliated unit served by the center. Any such unit may withdraw, subject to obligations incurred by the unit for any debt issued previously by or for the benefit of the center, from such a cost-sharing formula at the end of any fiscal year following one year's written notice to all other units served by the center. Following withdrawal by such a unit, the center shall, if the unit wishes, continue to serve that unit under a financial arrangement approved by the center that does not assess the unit a per pupil assessment that exceeds the per pupil assessments of the other participating units; [1999, c. 226, §2 (AMD).]

E. Shall, for the purposes of calculating program costs for state subsidy purposes for fiscal year 2000-01 for the City of Portland and the other school units affiliated with Portland Arts and Technology High School, reallocate the total career and technical education costs of Portland Arts and Technology High School for fiscal year 1998-99 among the City of Portland and those units on the basis of the average of the percentage of the number of pupils attending Portland Arts and Technology High School from the City of Portland and each of those units on October 1, 1997 and October 1, 1998; [1999, c. 226, §3 (NEW); 2003, c. 545, §4 (REV).]

F. Shall, for the purposes of calculating program costs for state subsidy purposes for fiscal year 2001-02 for the City of Portland and the other school units affiliated with Portland Arts and Technology High School, reallocate the total career and technical education costs for fiscal year 1999-00 among the City of Portland and those units on the basis of the average of the percentage of the number of pupils attending Portland Arts and Technology High School from the City of Portland and each of those units on October 1, 1998 and October 1, 1999; [1999, c. 226, §3 (NEW); 2003, c. 545, §4 (REV).]

G. Shall, for the purposes of calculating program costs for state subsidy purposes of fiscal year 2000-01 for the City of Westbrook and the other school units affiliated with Westbrook Regional Vocational Center, reallocate the total career and technical education costs of Westbrook Regional Vocational Center for fiscal year 1998-99 among the City of Westbrook and those units on the basis of the average of the percentage of the number of pupils attending Westbrook Regional Vocational Center from the City of Westbrook and each of those units on October 1, 1997 and October 1, 1998; and [1999, c. 226, §3 (NEW); 2003, c. 545, §4 (REV).]

H. Shall, for the purposes of calculating program costs for state subsidy purposes for the fiscal year 2001-02 for the City of Westbrook and the other school units affiliated with Westbrook Regional Vocational Center, reallocate the total career and technical education costs of Westbrook Regional Vocational Center for fiscal year 1999-00 among the City of Westbrook and those units on the basis of the average of the percentage of the number of pupils attending Westbrook Regional Vocational Center from the City of Westbrook and each of those units on October 1, 1998 and October 1, 1999. [1999, c. 226, §3 (NEW); 2003, c. 545, §4 (REV).]

[2005, c. 2, Pt. D, §26 (AMD); 2005, c. 2, Pt. D, §§72, 74 (AFF); 2005, c. 12, Pt. WW, §18 (AFF) .]

4. Cost-sharing agreement; amend. The commissioner may approve an amendment to the cost-sharing agreement of a career and technical education center, adopted by the participating school units, that provides that the costs of the career and technical education center must be reallocated among the participating school units for the purposes of calculating the state subsidy to those units for not more than 2 years in order to ease the transition to a new cost-sharing agreement.

[1999, c. 226, §4 (NEW); 2003, c. 545, §5 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1989, c. 414, §20 (AMD). 1989, c. 540, §§2,3 (AMD). 1989, c. 878, §A45 (AMD). 1991, c. 518, §15 (AMD). 1991, c. 716, §§6,7 (AMD). 1999, c. 226, §§1-4 (AMD). RR 2003, c. 2, §§58,59 (COR). 2003, c. 545, §§4,5 (REV). 2005, c. 2, §D26 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF).

20-A §8405. DIRECTOR

A unit operating a center shall employ a certified vocational director. [1991, c. 518, §16 (AMD).]

1. Qualifications. The vocational director must meet the qualifications prescribed by the state board.
[1991, c. 518, §16 (AMD) .]

2. Administrative status. The vocational director shall serve as chief administrative officer of the center and has the authority of a principal in the unit operating the center.

[1991, c. 518, §16 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §16 (AMD).

Subchapter 4: APPLIED TECHNOLOGY REGIONS

20-A §8451. CAREER AND TECHNICAL EDUCATION REGIONS

1. Legislative intent. It is the intent of the Legislature that each career and technical education region shall provide career and technical education in accordance with this chapter and shall function as an extension of the secondary schools located within the region's boundaries.

[2003, c. 2, §60 (COR) .]

2. Boundaries. The career and technical education regions have boundaries as follows.

A. [1985, c. 744, §§2, 6 (RP).]

B. Region 2." Headnote=" SOUTHERN AROOSTOOK COUNTY. Units located in this region include: Bancroft; Benedicta; Crystal; Dyer Brook; Hersey; Island Falls; Linneus; Ludlow; Merrill; Moro Plantation; New Limerick; Oakfield; Orient; Smyrna; School Administrative District No. 14 (Danforth and Weston); School Administrative District No. 25 (Mt. Chase Plantation, Patten, Sherman and Stacyville); School Administrative District No. 29 (Hammond Plantation, Houlton, Littleton and Monticello); and School Administrative District No. 70 (Amity, Cary Plantation, Haynesville and Hodgdon). [1991, c. 518, §17 (AMD).]

C. Region 3." Headnote=" NORTHERN PENOBSOT COUNTY. Units located in this region include: Carroll Plantation; Codyville; Drew Plantation; East Millinocket; Glenwood Plantation; Lakeville Plantation; Macwahoc Plantation; Medway; Millinocket; Reed Plantation; Topsfield; Vanceboro; Woodville; School Administrative District No. 30 (Lee, Prentiss Plantation, Springfield, Webster Plantation and Winn); School Administrative District No. 31 (Burlington, Edinburg, Enfield, Howland, Lowell, Maxfield, Passadumkeag and Seboeis Plantation); and School Administrative District No. 67 (Chester, Lincoln and Mattawamkeag). [1991, c. 518, §17 (AMD).]

D. Region 4." Headnote=" SOUTHERN PENOBSOT COUNTY. Units located in this region include: Alton; Amherst; Aurora; Bangor; Bradley; Brewer; Dedham; Glenburn; Great Pond Plantation; Greenbush; Hermon; Milford; Old Town; Orono; Orrington; Osborn Plantation; Veazie; School Administrative District No. 22 (Hampden, Newburgh and Winterport); School Administrative District

No. 23 (Carmel and Levant); School Administrative District No. 38 (Dixmont and Etna); School Administrative District No. 63 (Clifton, Eddington and Holden); and School Administrative District No. 64 (Bradford, Corinth, Hudson, Kenduskeag and Stetson). [1993, c. 79, §1 (AMD); 1993, c. 79, §7 (AFF).]

E. [1985, c. 565, §1 (RP).]

F. Region 7." Headnote=" WALDO COUNTY. Units located in this region include: School Administrative District No. 3 (Brooks, Freedom, Jackson, Knox, Liberty, Monroe, Montville, Thorndike, Troy, Unity and Waldo); School Administrative District No. 34 (Belfast, Belmont, Morrill, Northport, Searsmont and Swanville); and School Administrative District No. 56 (Frankfort, Searsport and Stockton Springs). [1991, c. 518, §17 (AMD).]

G. Region 8." Headnote=" KNOX COUNTY. Units located in this region include: Five Town Community School District (Appleton, Camden, Hope, Lincolnville and Rockport); Islesboro; School Administrative District No. 5 (Owls Head, Rockland and South Thomaston); School Administrative District No. 7 (North Haven); School Administrative District No. 8 (Vinalhaven); School Administrative District No. 40 (Friendship, Union, Waldoboro, Warren and Washington); and School Administrative District No. 50 (Cushing, St. George and Thomaston). [1999, c. 39, §1 (AMD).]

H. Region 9." Headnote=" NORTHERN OXFORD COUNTY. Units located in this region include: Gilead; Hanover; Peru; Upton, so long as it sends its secondary students to schools operated by administrative units within the region; School Administrative District No. 21 (Canton, Carthage and Dixfield); School Administrative District No. 43 (Byron, Mexico, Roxbury and Rumford); and School Administrative District No. 44 (Andover, Bethel, Greenwood, Newry and Woodstock). [1991, c. 518, §17 (AMD).]

I. Region 10." Headnote=" EASTERN CUMBERLAND-SAGADAHOC COUNTY. Units located in this region include: Brunswick; Freeport; and School Administrative District No. 75 (Bowdoin, Bowdoinham, Harpswell and Topsham). [1991, c. 518, §17 (AMD).]

J. Region 11." Headnote=" SOUTHERN OXFORD COUNTY. Units located in this region include: School Administrative District No. 17 (Harrison, Hebron, Norway, Otisfield, Oxford, Paris, Waterford and West Paris); and School Administrative District No. 39 (Buckfield, Hartford and Sumner). [1991, c. 518, §17 (AMD).]

[1999, c. 39, §1 (AMD); 2003, c. 545, §5 (REV) .]

3. Central Aroostook County. Central Aroostook County is also a region.

A. Public secondary schools located at: Ashland; Caribou; Easton; Fort Fairfield; Limestone; Mars Hill; Presque Isle; and Washburn are served by centers located in Presque Isle and Caribou. [1991, c. 518, §17 (AMD).]

B. Notwithstanding provisions of sections 8452 to 8459, these centers are governed by the school boards of the units operating such centers, but have an advisory committee, as defined in section 8404, responsible for coordinating career and technical education for the Central Aroostook County region. [2003, c. 2, §60 (COR).]

[2003, c. 2, §60 (COR) .]

4. Validation. Each career and technical education region authorized and organized under Public Law 1973, chapter 605, is hereby validated, confirmed, approved and declared legal in all respects, notwithstanding any defect or irregularity which may have occurred in the organization of the region or in the selection of the cooperative board of that region.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

5. Northern Aroostook County. Northern Aroostook County is also a region.

A. Public secondary schools located at Van Buren, Madawaska, St. Agatha, Fort Kent and Allagash are served by centers located in Van Buren, Madawaska and Fort Kent, provided that in the event that the school boards of School Administrative District No. 27 (Fort Kent), School Administrative District No. 33 (St. Agatha) and Madawaska enter into a cooperative agreement pursuant to section 8401, the agreement must provide that if a new center located in Maine School Administrative District No. 33 becomes operational, career and technical education students from Maine School Administrative District No. 10 (Allagash) must be allocated slots in the career and technical education programs at the center as tuition students on the same basis as students from the 3 participating units and that career and technical education students from School Administrative District No. 24 (Van Buren) must be permitted to attend that center on a tuition basis to the extent that there are unused slots available in the career and technical education programs at the center. [2003, c. 2, §60 (COR).]

B. Notwithstanding sections 8452 to 8459, these centers are governed by the school boards of the units operating the centers, but have an advisory committee, as defined in section 8404, for the Northern Aroostook County region, provided that in the event that the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, the Northern Aroostook County advisory committee must be made up of representatives of those 3 administrative units and the advisory committee has authority to review applications for employment and personnel records relating to the career and technical education director and teachers in the career and technical education programs of the center in order for the advisory committee to make employment recommendations to the Superintendent of Schools of Maine School Administrative District No. 33. [2003, c. 2, §60 (COR).]

C. In the event that School Administrative District No. 27, School Administrative District No. 33 and Madawaska School Department enter into a cooperative agreement pursuant to section 8401, not later than June 30, 1989, the school boards of the 3 participating units shall, in conjunction with the advisory committee, develop and submit a plan to the commissioner for providing secondary career and technical education within the 3 participating units. The plan must include:

- (1) A proposal for the construction of a new center in School Administrative District No. 33;
- (2) Provisions for assignment without loss of salary of all continuing contract career and technical education teachers employed by School Administrative District No. 27 and Madawaska School Department to School Administrative District No. 33 if a new center in School Administrative District No. 33 becomes operational; and
- (3) Assurances that all 3 participating administrative units, and School Administrative District No. 10 on a tuition basis, have access to programs at the new center in proportion to the number of high school students in each administrative unit. [2003, c. 2, §60 (COR).]

D. The plan developed under paragraph C must be submitted to the commissioner for approval. The commissioner may make necessary recommendations to the participating units to assist in the implementation of the plan for the school year 1991-92. [1991, c. 518, §17 (AMD).]

E. If the school boards of School Administrative District No. 27, School Administrative District No. 33 and Madawaska enter into a cooperative agreement pursuant to section 8401 and if a plan developed under paragraph C is approved by the commissioner, School Administrative District No. 33 has the authority to undertake school construction projects for career and technical education in accordance with the provisions of chapter 609 and to borrow money and issue bonds and notes of the district for school construction projects in accordance with section 1311 and sections 1351 to 1354. [1991, c. 716, §5 (AMD); 2003, c. 545, §4 (REV).]

F. Section 8301-A, subsection 6 and sections 8452 to 8467 do not apply to the region established for Northern Aroostook County under this section. [1991, c. 518, §17 (AMD).]

[2003, c. 2, §60 (COR) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 640, §1 (AMD). 1985, c. 565, §§1,3 (AMD). 1985, c. 744, §§2,3,6 (AMD). 1989, c. 540, §4 (AMD). 1989, c. 700, §A57 (AMD). 1991, c. 518, §17 (AMD). 1991, c. 548, §A13 (AMD). 1991, c. 716, §§5-7 (AMD). 1993, c. 79, §1 (AMD). 1993, c. 349, §48 (AMD). 1993, c. 79, §7 (AFF). 1999, c. 39, §1 (AMD). RR 2003, c. 2, §60 (COR). 2003, c. 545, §§4,5 (REV).

20-A §8451-A. PROGRAMS

A region shall provide programs of career and technical education. Programs of career and technical education are eligible to receive state subsidy pursuant to chapters 606-B and 609. All programs of career and technical education offered by a region must be approved by the commissioner pursuant to section 8306-A. The programs must offer a sequence of courses that are directly related to the preparation of individuals for employment in current or emerging occupations and may include training and education in academic and business skills preparing students to further their education at the community college or college level or allowing students to use trade and occupational skills on other than an employee basis. Programs of career and technical education may also include alternative education programs and training and education in music, athletics, art and other activities approved by the commissioner pursuant to section 8306-A. [2007, c. 667, §13 (AMD).]

SECTION HISTORY

1991, c. 518, §18 (NEW). 1999, c. 683, §3 (AMD). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). RR 2003, c. 2, §61 (COR). 2005, c. 2, §D27 (AMD). 2005, c. 2, §§D72,74 (AFF). 2005, c. 12, §WW18 (AFF). 2007, c. 667, §13 (AMD).

20-A §8452. COOPERATIVE BOARD; FORMATION

Each career and technical education region is administered by a cooperative board organized as follows. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

1. Structure of cooperative board. The school boards of the units located in a region, at a joint meeting called by the commissioner, shall decide for the region by majority vote:

- A. The size of the cooperative board; [1981, c. 693, §§5, 8 (NEW).]
- B. The number of members of the cooperative board to represent each unit or group of units; [1991, c. 518, §19 (AMD).]
- C. The method of selecting members of the cooperative board to represent each unit or group of units; and [1991, c. 518, §19 (AMD).]
- D. The method of sharing costs of career and technical education among the units in the region. [2003, c. 2, §62 (COR).]
- E. [1991, c. 518, §19 (RP).]

[2003, c. 2, §62 (COR).]

2. Role of municipal officers. The municipal officers of each unit in the region must be invited to the joint meeting to present testimony on cooperative board membership and on the methods of sharing costs among the units in the region.

[1991, c. 518, §19 (AMD).]

3. Voting. The school board of each unit shall caucus with the municipal officers of that unit. Thereafter, in the joint meeting, each school board shall cast its votes on the issues identified in subsection 1 in accordance with the majority vote of the caucus of the school board and municipal officers. Each school board has one vote on each of the issues identified in subsection 1.

[1991, c. 518, §19 (AMD) .]

4. Process of appeal. Within 30 days of the date of the joint meeting, a school board may appeal to the state board any decision reached at the joint meeting on an issue identified in subsection 1. The state board decision is final and binding on the school administrative units within the region.

[1991, c. 518, §19 (AMD) .]

5. Appointment of cooperative board members. After the school boards of the units in a region have decided the issues identified in subsection 1, the superintendent of each unit in the region shall call a meeting of the school board for the unit. At that meeting the school board shall appoint its authorized number of members to the cooperative board.

[1991, c. 518, §19 (AMD) .]

6. Organization of the cooperative board. The cooperative board is organized as follows.

A. The superintendents of the units within the region shall call a meeting of the cooperative board members appointed pursuant to subsection 5. [1991, c. 518, §19 (AMD) .]

B. The cooperative board members shall:

- (1) Elect a chair and vice-chair;
- (2) Elect a secretary, who need not be a member of the cooperative board;
- (3) Adopt a constitution or bylaws; and
- (4) Elect a treasurer, who need not be a member of the cooperative board. The treasurer shall give a bond to the cooperative board with the sum and sureties established by the cooperative board. This bond must be deposited with the chair. The expense of the bond must be paid by the cooperative board. [1991, c. 518, §19 (AMD) .]

[1991, c. 518, §19 (AMD) .]

7. Filing return with state board. The secretary of the cooperative board shall immediately file a return with the state board identifying the names of the members and officers of the cooperative board and certifying that the cooperative board has been properly organized.

[1991, c. 518, §19 (AMD) .]

8. Issuance of certificate of approval. In response to a return filed pursuant to subsection 7, the state board shall issue a certificate of approval for the organization of the region. The issuance of the certificate is conclusive evidence of the lawful organization of the region. The original certificate must be kept on file with the secretary of the region, and copies must be placed on file in the office of the commissioner.

[1991, c. 518, §19 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §19 (AMD). 1991, c. 716, §6 (AMD). RR 2003, c. 2, §62 (COR). 2003, c. 545, §5 (REV).

20-A §8453. MEMBERSHIP ON COOPERATIVE BOARD

(REPEALED)

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 80, (AMD). 1991, c. 518, §20 (RP).

20-A §8453-A. MEMBERSHIP ON COOPERATIVE BOARD

1. Requirements. Each member of a cooperative board must:

A. Represent a unit or group of units within the region; [1991, c. 518, §21 (NEW).]

B. Represent a unit in which the member resides; and [1991, c. 518, §21 (NEW).]

C. Represent approximately the same number of persons residing within the region as each other member of the cooperative board or, by means of weighted voting, cast a vote on the cooperative board that is approximately equal to the number of persons in the region represented by the member relative to the number of persons in the region as a whole. [1991, c. 518, §21 (NEW).]

[1991, c. 518, §21 (NEW) .]

2. Appointments by school boards. A person appointed to a cooperative board is not required to be a member of a school board that appoints that member to that cooperative board.

[1991, c. 518, §21 (NEW) .]

3. Conflicts of interest. A member of a cooperative board may not:

A. Hold any office the duties of which are incompatible with those of a member of the cooperative board; [1991, c. 518, §21 (NEW).]

B. During the term for which that member serves on the cooperative board and for one year thereafter, be appointed to any civil office of profit or employment position that is created or the compensation of which is increased by the action of the cooperative board during that term; or [1991, c. 518, §21 (NEW).]

C. Be employed as a full-time employee of the region governed by the cooperative board to which the member has been appointed, nor may the spouse of a member be so employed. For purposes of this subsection, "full-time employee" means a person regularly employed on a weekly basis regardless of remuneration or the number of hours worked. [1991, c. 518, §21 (NEW).]

A contract made by a cooperative board must comply with the requirements of Title 30-A, section 2605.

[1991, c. 518, §21 (NEW) .]

SECTION HISTORY

1991, c. 518, §21 (NEW).

20-A §8454. OATH OF OFFICE

1. Oath. Before taking any official action, a newly appointed member of a cooperative board shall take the following oath or affirmation before a dedimus justice or notary public.

"I (name) do swear that I will faithfully discharge to the best of my abilities the duties incumbent on me as a member of the cooperative board of Career and Technical Education Region No. according to the Constitution of Maine and laws of this State, so help me God."

2. Certificate. A member of a cooperative board shall make a certificate documenting that the member has taken the oath or affirmation and return it to the secretary of the cooperative board who shall keep it on file at the office of the cooperative board.

[1991, c. 518, §22 (NEW) .]

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

[1991, c. 518, §22 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 716, §7 (AMD). 1991, c. 518, §22 (RPR). RR 2003, c. 2, §63 (COR). RR 2003, c. 2, §63 (COR). 2003, c. 545, §4 (REV).

20-A §8455. CAREER AND TECHNICAL EDUCATION REGION CONSIDERED A POLITICAL SUBDIVISION

A career and technical education region is a political subdivision within the meaning of Title 5, section 19002, subsection 6, and a quasi-municipal corporation within the meaning of Title 30-A, section 5701, and all the provisions of those sections apply to it. [1991, c. 2, §63 (COR); 2003, c. 545, §5 (REV).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 737, §§C55,C106 (AMD). 1989, c. 6, (AMD). 1989, c. 9, §2 (AMD). 1989, c. 104, §§C8,C10 (AMD). 1991, c. 518, §23 (AMD). RR 1991, c. 2, §63 (COR). 2003, c. 545, §5 (REV).

20-A §8456. VOTER APPROVAL OF COOPERATIVE BOARD ARTICLES

A region shall vote on articles submitted by the cooperative board using the procedures set forth in sections 1351 to 1354. For such purposes, references in those sections to "school administrative district" or "district" mean career and technical education region; references in those sections to "board of directors," "board," "school board," "school directors" or "school director" mean cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §24 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

20-A §8457. COOPERATIVE BOARD AUTHORITY

1. General powers and duties. A cooperative board has all of the powers and duties of a school board as provided in section 1001, subsections 1, 2, 4 to 7, 11-A and 12; section 1002; section 1256, subsections 1, 2 and 4 to 7; section 1257; sections 1313 to 1315; section 4801; section 13201; and section 13202. For such purposes, references in those sections to "school administrative unit," "administrative unit," "school unit," "unit," "school administrative district" or "district" mean career and technical education region; references in those sections to "school board," "school committee," "board," "board of directors" or "directors" mean

cooperative board; references in those sections to "director" mean a member of a cooperative board; and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board.

[2009, c. 154, §4 (AMD) .]

2. Cooperative agreement. The cooperative board shall adopt a cooperative agreement incorporating at a minimum each of the items listed under section 8452, subsection 1. The cooperative board, with the superintendents' advisory committee, shall annually review the cooperative agreement. The cooperative board may amend the agreement, subject to approval by a majority of the school boards of the units served by the region. A copy of the cooperative agreement and any amendments to the agreement must be filed with the commissioner.

[1991, c. 518, §25 (AMD) .]

3. Authority to borrow, expend and accept funds. A cooperative board may:

A. Borrow funds in anticipation of a member unit's payment of its share of the regional budget. Such borrowing:

(1) Must be repaid within one year; and

(2) May not at any time exceed 3/4 of the region's annual approved budget; [1991, c. 518, §25 (AMD) .]

B. Expend available funds to pay debt service, security and maintenance costs; and [1991, c. 518, §25 (AMD) .]

C. Accept and expend special grants from state and federal sources. [1981, c. 693, §§5, 8 (NEW) .]

[1991, c. 518, §25 (AMD) .]

4. Compensation. A cooperative board member may be paid up to \$10 for each meeting of the cooperative board or its subcommittees that the member attends.

[1991, c. 518, §25 (AMD) .]

5. Meetings. A cooperative board shall meet at least 6 times per calendar year.

[1991, c. 518, §25 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §43 (AMD). 1987, c. 98, §3 (AMD). 1991, c. 518, §25 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV). 2009, c. 154, §4 (AMD).

20-A §8458. CAREER AND TECHNICAL EDUCATION DIRECTOR; CHIEF ADMINISTRATIVE OFFICER

1. Employment of career and technical education director. The cooperative board shall employ a certified career and technical education director who shall administer, in compliance with this section, the provision of career and technical education in the region.

A. [1991, c. 518, §26 (RP) .]

B. [1991, c. 518, §26 (RP).]

[2003, c. 2, §64 (COR) .]

2. Duties.

[1991, c. 518, §26 (RP) .]

3. Ex officio administrative officer.

[1991, c. 518, §26 (RP) .]

4. Appointment of chief administrative officer. The cooperative board shall appoint a chief administrative officer who shall administer the region in compliance with policy set by the cooperative board, nominate teachers and other employees for employment by the region and perform such other duties as are assigned to the chief administrative officer by the cooperative board. The cooperative board shall appoint as the chief administrative officer either:

A. The career and technical education director; or [2003, c. 2, §64 (COR) .]

B. The superintendent of a unit in the region. [1991, c. 518, §26 (NEW) .]

[2003, c. 2, §64 (COR) .]

5. Appointment of treasurer and secretary. The cooperative board may appoint the career and technical education director or the chief administrative officer as treasurer or secretary, or both, of the cooperative board.

[2003, c. 2, §64 (COR) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 1991, c. 716, §7 (AMD). RR 2003, c. 2, §64 (COR).

20-A §8459. SUPERINTENDENTS' ADVISORY COMMITTEE

The superintendents of the units within each region shall serve as an advisory committee to the cooperative board. This committee: [1991, c. 518, §26 (AMD) .]

1. Right to attend cooperative board meetings. Must receive notice of and must be invited to attend all meetings of the cooperative board; and

[1991, c. 518, §26 (AMD) .]

2. Meeting with vocational director. Shall meet with the vocational director of the region at least 4 times each calendar year to review current and proposed programs, budgets and issues relating to career and technical education in the region.

[1991, c. 518, §26 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 2005, c. 397, §D3 (REV).

20-A §8460. BUDGET

Each region's budget must be prepared and approved as follows. [1991, c. 518, §26 (AMD).]

1. Duties of the cooperative board. The cooperative board shall:

- A. Prepare and approve a budget for the region; [1991, c. 518, §26 (AMD).]
- B. Hold a public hearing in each of 2 separate municipalities in the region, prior to submitting the budget for approval by the region's voters in accordance with one of the methods of voting set forth in subsection 2; [1991, c. 518, §26 (AMD).]
- C. Prepare articles, or orders for municipal council meetings, in substantially the form set forth in subparagraphs (1) and (2):
 - (1) "Shall the regional career and technical education operating budget as approved by the cooperative board for the year be approved in the amount of \$?"; and
 - (2) "Shall the career and technical education region approve a budget for adult education in the amount of \$ for the year ?"; [2003, c. 2, §65 (COR).]
- D. Select the method of submitting the articles or orders for budget approval from those set forth in subsection 2; and [1991, c. 518, §26 (AMD).]
- E. Select the date of the budget vote, if the regional budget meeting method is used. [1991, c. 518, §26 (AMD).]

[2003, c. 2, §65 (COR) .]

2. Methods of budget approval. The cooperative board shall submit the budget for approval by the voters in a region as follows:

- A. The articles, or orders, for the career and technical education operating budget and adult education budget for the region must be submitted for approval by one of the following methods prior to July 1st:
 - (1) The school administrative unit method described in section 8461;
 - (2) The referendum method described in sections 1351 to 1354; or
 - (3) The regional budget meeting method described in section 8462; and [2003, c. 2, §66 (COR).]
- B. For the purpose of approving money to repay bonds issued by the region, each school administrative unit within the region shall include as part of the debt service portion of its regular school budget an amount sufficient to pay such school administrative unit's share of the region's debt service. [1991, c. 518, §26 (AMD).]

[2003, c. 2, §66 (COR) .]

3. Budget reconsideration. If the articles or orders are not approved pursuant to subsection 2, the cooperative board shall:

- A. Prepare a revised budget and budget articles; and [1981, c. 693, §§5, 8 (NEW).]
- B. Submit the revised budget articles for voter approval under the regional budget meeting method before August 1st. [1981, c. 693, §§5, 8 (NEW).]

[1991, c. 518, §26 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §26 (AMD). 1991, c. 716, §§6,7 (AMD). RR 2003, c. 2, §§65,66 (COR).

20-A §8461. SCHOOL ADMINISTRATIVE UNIT METHOD

1. Role of the school administrative unit. The legislative body of each unit in a region shall vote on the articles submitted by the cooperative board.

A. The vote on the budget articles by each unit must occur at the same time as the vote on the unit's regular school budget. [1991, c. 518, §27 (AMD).]

B. The vote on each budget article must be to accept or reject each such article as appearing in the budget warrant. No portion of a warrant may be amended. [1991, c. 518, §27 (AMD).]

C. Following the vote on the budget articles by a unit, the clerk of the unit shall notify, in writing, the member or members of the cooperative board that represent the unit of the results of the vote. [1991, c. 518, §27 (AMD).]

[1991, c. 518, §27 (AMD) .]

2. Role of the cooperative board. The role of the cooperative board is as follows.

A. Within 5 days after the last unit in the region has voted on the budget, the chair of the cooperative board shall call a meeting of the cooperative board to tally the results of the votes of the units in the region. [1991, c. 518, §27 (AMD).]

B. Each cooperative board member shall report in writing the number of units represented by the member that voted on the budget articles in the affirmative or in the negative and shall cast a vote in accordance with the vote of the majority of the school administrative units represented by that member. [1991, c. 518, §27 (AMD).]

C. The chair shall tally these votes of the cooperative board members and the cooperative board shall make a finding of fact and enter in its records the number of members that voted in the affirmative and the number of members that voted in the negative.

(1) If the number of members that voted in the affirmative exceeds the number of members that voted in the negative, the cooperative board shall declare that the region's budget has been approved.

(2) If any article fails to be approved by a majority of the members on the cooperative board, or if a special budget meeting is called to pledge the credit of the region after the cooperative board has declared that an emergency exists, the cooperative board may prepare a new budget or special budget and submit the necessary articles to a regional budget meeting called in the manner described in section 8462. [1991, c. 518, §27 (AMD).]

[1991, c. 518, §27 (AMD) .]

3. School administrative districts and community school districts. A municipality that is a member of a secondary community school district or a school administrative district in a region shall appropriate the costs of career and technical education allocable to the municipality under the approved budget for the region as part of the municipality's secondary school budget.

[1991, c. 518, §27 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1985, c. 797, §44 (AMD). 1991, c. 518, §27 (AMD). 2005, c. 397, §D3 (REV).

20-A §8462. REGIONAL BUDGET MEETING APPROVAL METHOD

1. Method of notice. A regional budget meeting must be called by a warrant. The warrant must be signed by a majority of the cooperative board. The following procedures apply to the warrant.

- A. The warrant must specify the time and place of the regional budget meeting. [1991, c. 518, §28 (AMD).]
- B. The warrant must be directed by name to any resident within the region ordering the resident to notify all voters within the region to assemble at the time and place specified for the regional budget meeting. [1991, c. 518, §28 (AMD).]
- C. The warrant must include the budget articles that the cooperative board considers necessary to place before the voters. [1991, c. 518, §28 (AMD).]
- D. An attested copy of the warrant must be posted by the person to whom it is directed in some conspicuous public place in each municipality within the region at least 7 days before the regional budget meeting. [1991, c. 518, §28 (AMD).]
- E. The person who gives notice of the regional budget meeting by posting the warrant shall complete the return on the warrant stating the manner of notice and location and time of posting in each municipality within the region. [1991, c. 518, §28 (AMD).]
- F. A detailed supportive budget document must accompany the warrant and be made available in sufficient quantities to the legislative body of each municipality in the region and to the voters present at the regional budget meeting. The supportive document must contain a summary of estimated revenues and estimated expenditures for the fiscal year that is the subject of the budget. [1991, c. 518, §28 (AMD).]

[1991, c. 518, §28 (AMD) .]

2. Procedure. The procedure at and immediately prior to a regional budget meeting must be as follows.

- A. The cooperative board shall appoint a resident of a municipality within the region to act as the registration clerk for the regional budget meeting. [1991, c. 518, §28 (AMD).]
- B. The registration clerk shall make and keep a voting list of all residents in the region eligible to vote. The clerk shall compile the voting list from the voting lists of all the municipalities within the region. [1981, c. 693, §§5, 8 (NEW).]
- C. Each municipal clerk within the region shall deliver to the registration clerk, 5 business days prior to the regional budget meeting, a certified copy of the voting list of the municipality. Additions to or deletions from the list may not be made during the 5 business days prior to the regional budget meeting. Only the persons whose names appear on the voting list may vote at the regional budget meeting on the budget articles presented by the cooperative board. [1991, c. 518, §28 (AMD).]
- D. The chair of the cooperative board or, if the chair is absent, the chair's designee, shall open the regional budget meeting by calling for the election of a moderator, by receiving and counting the votes for each person nominated to such position and by swearing in the person receiving a plurality of the votes cast. [1991, c. 518, §28 (AMD).]
- E. The moderator shall preside over the regional budget meeting. [1991, c. 518, §28 (AMD).]
- F. A career and technical education budget article may be approved only by a majority vote of those present and voting. The vote on each budget article must be to accept or reject each such article as appearing in the budget warrant, or as amended by vote of the regional budget meeting. [1991, c. 518, §28 (AMD); 2005, c. 397, Pt. D, §3 (REV).]
- G. The moderator shall appoint from those persons whose names appear on the certified voting lists as many ballot clerks as necessary for the efficient operation of the regional budget meeting. The ballot clerks must be sworn in by the moderator. [1991, c. 518, §28 (AMD).]
- H. The secretary of the cooperative board, or, if the secretary is absent, the secretary's designee, shall record accurately all the votes of the regional budget meeting. [1991, c. 518, §28 (AMD).]

I. The cooperative board shall, immediately upon the approval of a budget, compute the share to be paid by each municipality within the region and notify each unit within the region to include its share of the region's budget in the unit's annual school budget. A region's budget must be approved by the method described in this section on or before August 1st. [1991, c. 518, §28 (AMD).]

J. The school officials of each unit in the region shall place on the school warrant for payment the first of each month a sum equal to 1/12 of the unit's share of the region's budget. [1991, c. 518, §28 (AMD).]

[1991, c. 518, §28 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1983, c. 806, §§68,69 (AMD). 1983, c. 862, §61 (AMD). 1991, c. 518, §28 (AMD). 2005, c. 397, §D3 (REV).

20-A §8463. ASSESSMENT AND APPROPRIATION OF MUNICIPAL FUNDS

Municipal funds must be assessed and appropriated for a region's budget as follows. [1991, c. 518, §29 (AMD).]

1. Operating, construction and debt service costs. Each region shall, in accordance with the region's written agreement for sharing costs adopted pursuant to section 8457, assess each unit within the region that unit's share of the region's annual budget for the operating and construction costs for region programs as may be required by this subsection and sections 8460 and 8465.

[1991, c. 518, §29 (AMD) .]

2. Deduction of federal grants. Anticipated grants from federal sources to be received by the cooperative board must be deducted from the region's annual budget prior to making the assessments to the municipalities within the region pursuant to subsection 1.

[1991, c. 518, §29 (AMD) .]

3. Raising and appropriating local municipal funds. Each municipality within a region shall raise and appropriate sufficient funds to pay for its share of the region's annual budget assessed pursuant to subsection 1.

[1991, c. 518, §29 (NEW) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §29 (AMD).

20-A §8464. BUDGET FAILURE

The following applies in the event of a budget failure as defined in section 8301-A. [1991, c. 518, §29 (AMD).]

1. Submission of a contingency plan. If a budget failure exists after August 1st of any fiscal year, the cooperative board shall submit to the state board a financial statement with an operational plan indicating how the cooperative board intends to reorganize or terminate the region's career and technical education programs.

[1991, c. 518, §29 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

2. Payment of the state subsidy to the cooperative board. If a budget failure exists, the State shall pay directly to the cooperative board each unit's state subsidy for career and technical education within the region.

[1991, c. 518, §29 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

3. Expenditure of available funds. If a budget failure exists after June 30th, the cooperative board may expend balances and available revenues until the region is reorganized or terminated or until a budget is approved pursuant to this chapter.

[1991, c. 518, §29 (AMD) .]

4. Anticipatory borrowing. The cooperative board may borrow funds not to exceed 50% of the state subsidy anticipated to be received in the fiscal year by units in the region. Such borrowing must be repaid within the same fiscal year.

[1991, c. 518, §29 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §29 (AMD). 2005, c. 397, §D3 (REV).

20-A §8465. BONDING AUTHORITY

A region may issue bonds and notes for school construction purposes. For purposes of this section, school construction purposes include minor capital costs relating to maintenance of plant. The cooperative board shall decide whether the issuance of bonds or notes by the region for school construction purposes is necessary. The cooperative board shall administer the process of determining whether the issuance of bonds or notes is authorized, and, if so, it shall issue the bonds or notes and administer the proceeds of, and the payment of principal of and interest on, those bonds or notes after issuance. A region may issue bonds and notes for school construction purposes only under the following provisions. [1993, c. 742, §1 (AMD) .]

1. Regional referendum. If the cooperative board decides that issuance of bonds or notes by the region for school construction purposes is necessary:

A. The cooperative board shall call a regional referendum using the procedures set forth in sections 1351 to 1354 to authorize issuance of the bonds or notes. For such purposes, references in those sections to "school administrative district" or "district" mean career and technical education region; and references in those sections to "board of directors," "board," "school board," "school directors," or "school director" mean cooperative board and references in those sections to "they" mean either, as appropriate in the context, cooperative board or members of the cooperative board; [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

B. The results of the referendum vote in each municipality must be reported immediately to the secretary of the cooperative board; and [1991, c. 518, §30 (AMD) .]

C. The cooperative board shall meet and make the determinations and declarations of fact required by section 1353, subsection 3. [1991, c. 518, §30 (AMD) .]

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

2. Bond resolutions. If the cooperative board determines from the regional referendum vote that bonds or notes are authorized to be issued for school construction purposes, then the following applies.

A. The cooperative board shall pass a resolution stating that bonds or notes for school construction purposes have been authorized and stating the dollar amount and purposes of the bonds or notes authorized. [1991, c. 518, §30 (AMD) .]

B. Bonds or notes must be issued in the manner described in section 1311, except that any reference therein to "school administrative district" or "district" means career and technical education region, and reference therein to "board of directors" or "board" means cooperative board and any reference therein to "assistant superintendent" means secretary of the cooperative board. [1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV).]

C. Indebtedness of a region for school construction purposes may not exceed 4% of the total state valuation of all the municipalities in the region. That indebtedness is outside the debt limitations of the individual municipalities in the region. [1991, c. 518, §30 (AMD).]

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

3. Prior bonds and notes. All actions taken in connection with bonds and notes for school construction purposes by career and technical education regions and their officers prior to October 1, 1975 continue to be valid.

[1991, c. 716, §6 (AMD); 2003, c. 545, §5 (REV) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1987, c. 98, §4 (AMD). 1991, c. 518, §30 (AMD). 1991, c. 716, §6 (AMD). 1993, c. 742, §1 (AMD). 2003, c. 545, §5 (REV).

20-A §8466. TRANSFER OR LEASE OF SCHOOL PROPERTY TO A VOCATIONAL REGION

1. Authority. A unit within a region may transfer or lease unused property of the unit to the region for career and technical education purposes.

[1991, c. 518, §31 (AMD); 2005, c. 397, Pt. D, §3 (REV) .]

2. Definitions. For purposes of this section, a special school district is considered a unit.

[1991, c. 518, §31 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §31 (AMD). 2005, c. 397, §D3 (REV).

20-A §8467. SALE OF CAREER AND TECHNICAL EDUCATION REGION CAPITAL ASSETS

1. Sale of capital assets. A region may sell any of its buildings, equipment or other capital assets if the sale is in compliance with the conditions of any indebtedness issued to finance such assets and if the sale is approved by the state board.

[1991, c. 518, §31 (AMD) .]

2. Use of proceeds of sale. The proceeds of a sale authorized by subsection 1 must be used as follows:

A. The proceeds of the sale must first be used to pay or assure payment of outstanding indebtedness on the capital asset; [1991, c. 518, §31 (AMD).]

B. Any remaining proceeds must then be used to meet outstanding obligations of the region; and [1991, c. 518, §31 (AMD).]

C. Any remaining proceeds must then be paid to the department. [1991, c. 518, §31 (AMD).]

[1991, c. 518, §31 (AMD) .]

SECTION HISTORY

1981, c. 693, §§5,8 (NEW). 1991, c. 518, §31 (AMD). 1991, c. 716, §6 (AMD). 2003, c. 545, §5 (REV).

20-A §8468. RESERVE FUND

1. Establishment. A career and technical education region may establish a reserve fund for a school construction project, the acquisition or reconstruction of a specific item or type of capital improvement or the acquisition of a specific item or type of capital equipment by establishing such a reserve fund in the region budget pursuant to this chapter. The cooperative board is the trustee of such a reserve fund.

[1991, c. 2, §64 (COR); 2003, c. 545, §5 (REV) .]

2. Deposit or investment. All region funds, including reserve funds and trust funds to the extent that the terms of the instrument or vote creating the fund do not prohibit, must be deposited or invested by the treasurer of the cooperative board under the direction of the cooperative board according to the requirements for the deposit or investment of municipal funds contained in Title 30-A, section 5706.

[1991, c. 518, §32 (AMD) .]

3. Expending money from a reserve fund. The cooperative board may expend a sum in a reserve fund if permitted by the conditions of any indebtedness secured by the reserve fund and if approved in the region budget. A separate article for that purpose must be included in the region budget proposal.

[1991, c. 518, §32 (AMD) .]

SECTION HISTORY

1989, c. 132, §4 (NEW). 1991, c. 518, §32 (AMD). RR 1991, c. 2, §64 (COR). 2003, c. 545, §5 (REV).

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